

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 11, 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 May 8, 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. Suggested revisions to zoning requirements for the Resort Residential and Resort Commercial Districts. The Township Administrator reported on proposed amendments to Ordinance 005-2020 affecting the Resort Residential (RR) and Resort Commercial (RC) zoning districts. He stated that the existing ordinance language has allowed construction of effectively three-story homes through provisions related to habitable ground-floor space, building height, and rooftop access structures. He then reviewed three potential courses of action and recommended Course of Action 1, which includes reducing maximum building height from 35 feet to 32 feet measured from FEMA Base Flood Elevation (BFE), eliminating language permitting “two stories above” the ground floor, and limiting rooftop access structures. After a lengthy discussion there was a general consensus to move forward with the proposed ordinance revisions.

ADJOURNMENT OF WORKSHOP MEETING

Mayor Corson adjourned the Workshop. 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 May 8, 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, Township Engineer Charles Norkis and Township Administrator James Van Zlike.

APPROVAL OF MINUTES – April 27, 2026 Workshop, Regular, and Closed Session Minutes

Motion by Victor Nappen, second by Tyler Casaccio, to approve the April 27, 2026 Workshop, Regular, and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

PRESENTATION

Lenny Desiderio, Director of the Cape May County Board of County Commissioners, presented Upper Township with a \$25,000 grant award through the “Cape May County Land of the Free – Celebration 250” program to support enhancements to the Township’s Fourth of July celebration commemorating the Nation’s 250th anniversary.

REPORT OF GOVERNING BODY MEMBERS

Sam Palombo, Committeeman, thanked Commissioner Desiderio for presenting the grant award to Upper Township to help make the Township’s Fourth of July celebration a memorable event. He then congratulated the athletes present who would be receiving recognition for their accomplishments

Tyler Casaccio, Committeeman, reported that Osprey Point will be holding a Memorial Day ceremony on May 25th at 10:00 am.

Zachary Palombo, Committeeman, reported that the Department of Public Works is continuing storm debris collection efforts and, upon completion, will address playground maintenance.

Victor Nappen, Deputy Mayor, wished all the Moms and single parents a happy Mother’s Day and stated that the baseball teams honored all the moms yesterday by wearing pink. He then thanked everyone for supporting the EMS flower sale. Next, he reported that members of Rescue Squad recently spoke to the students at OCHS on EMS services, volunteerism, and public safety. He next recognized Ocean City Police Officer Alexandra Sharp, an Upper Township resident and Tuckahoe Fire Company volunteer, for receiving a 2026 Blue Shield Award for professionalism, dedication, and service. He then reported that for Military Appreciation month the Division of EMS acknowledged Upper Township residents serving in the armed forces, including EMT Anthony Lammana and EMT Matthew Blaker. Lastly, he reported that National EMS week will be celebrated during the week of May 17th.

Curtis Corson, Mayor, reported that he and the Township Administrator recently attended the preconstruction meeting for the upcoming beach replenishment project and provided the anticipated schedule for the project.

ADMINISTRATOR OVERVIEW

James Van Zlike, Township Administrator, reported that during the upcoming beach replenishment project approximately 1,000 feet of beach will be closed at a time beginning around June 24th until completion of the beach fill. He asked for the public’s patience during the process, and stated that beach access points will be restored prior to the start of the project. He next thanked Larry Cole for his efforts in securing the Township’s \$25,000 award through the “CMC Land of the Free – Celebration 250” grant program. Next, he reported that South Jersey Gas will be working on Corson Tavern Road and Nicholas Lane through late June and advised residents to expect road closures and delays. Lastly, he reported that the Township has resubmitted a request for \$5 million in funding through the Congressionally Directed Spending Department of Homeland Security grant program for a new Emergency Operations Center and has received support from Senator Kim.

John Amenhauser, Municipal Attorney, requested Litigation – DeMarzo v. Upper Township be added to closed session.

Lt. Campolo, NJSP Station Commander, reported that the New Jersey State Police will have one dedicated trooper for traffic control in Strathmere from Memorial Day through Labor Day.

PRESENTATION

1. Designating the month of August as “Veterans and Military Appreciation Month” in the Township of Upper. **Resolution 153-2026 presented to Edward Dickson, founder of this project.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 153-2026

A RESOLUTION DESIGNATING THE MONTH OF AUGUST AS “VETERANS AND MILITARY APPRECIATION MONTH” IN THE TOWNSHIP OF UPPER

WHEREAS, the freedoms and security enjoyed by citizens of the United States are the result of the dedicated service and sacrifices of the United States Armed Forces; and

WHEREAS, it is important to promote awareness and appreciation of the ongoing contributions of the Armed Forces in upholding the Constitution and protecting our liberties; and

WHEREAS, honoring the commitment, courage, and sacrifices of service members, along with the vital support provided by their families, is essential to maintaining national pride and morale; and

WHEREAS, it is vital to instill in all citizens, especially our youth, a deep respect for the Armed Forces and the significance of their role in safeguarding freedom, humanitarian values, and peace; and

WHEREAS, maintaining a strong, well-trained, and well-equipped military is critical to the continued protection and advancement of the Nation's ideals; and

WHEREAS, the Township Committee of the Township of Upper deems it appropriate to dedicate the month of August to recognize the significant contributions of the Armed Forces to the health, safety, and well-being of the citizens of Upper Township; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that August is hereby designated as "Veterans and Military Appreciation Month" in the Upper Township.

BE IT FURTHER RESOLVED that the Township Committee encourages all citizens to recognize and honor the dedication and commitment of the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Governor Mikie Sherrill, Congressman Jeff Van Drew, Senator Michael Testa, Assemblyman Erik Simonsen, Assemblyman Antwan McClellan, the Cape May County Board of Commissioners, and to all municipalities within Cape May County, New Jersey.

2. Congratulating the Upper Township Basketball Association 3rd and 4th grade girls team on their South Shore League Championship title.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 124-2026

**RE: CONGRATULATING THE UPPER TOWNSHIP BASKETBALL ASSOCIATION
3rd AND 4th GRADE GIRLS TEAM ON THEIR
SOUTH SHORE LEAGUE CHAMPIONSHIP TITLE**

WHEREAS, the Upper Township Basketball Association 3rd and 4th Grade Girls Team had an outstanding 2026 basketball season becoming the 3rd and 4th Grade Girls 2026 Team Champions of the South Shore League Championship; and

WHEREAS, the team had an undefeated season winning 10 games straight, holding their opponents to less than 5 points on average per game; and

WHEREAS, on March 7, 2026, the Upper Township Basketball Association 3rd and 4th Grade Girls Team participated in the 2026 South Shore League Championship Game held at the Middle Township Recreation Department winning the final championship game against Lower Township with a score of 12 - 7; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Adeline Bolitho	Molly McHale
Sydney Eckert	Mairead McMahon
Kaelyn Gilchrist	Molly Persun
Abigail Hindle	Juliette Reese
Erin McHale	Sloane Williams

WHEREAS, the Township Committee also wishes to recognize and thank the coaching staff who generously donated their personal time and service to the coaching of this team, including Head Coach Paul Reese and Assistant Coach Ashley Eckert.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, that heartfelt congratulations are hereby extended to the Upper Township Basketball Association 3rd and 4th Grade Girls Team on winning the South Shore League Championship, and to each coach our heartfelt thanks and gratitude for their commitment and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of April 2026.

3. Congratulating the Upper Township Basketball Association 3rd and 4th grade boys team on their South Shore League Championship title.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 125-2026

**RE: CONGRATULATING THE UPPER TOWNSHIP BASKETBALL ASSOCIATION
3rd AND 4th GRADE BOYS TEAM ON THEIR
SOUTH SHORE LEAGUE CHAMPIONSHIP TITLE**

WHEREAS, the Upper Township Basketball Association 3rd and 4th Grade Boys Team had an outstanding 2026 basketball season becoming the 3rd and 4th Grade Boys 2026 Team Champions of the South Shore League Championship; and

WHEREAS, this inexperienced team started the season as underdogs with little anticipation for success, but their hard work and determination week after week gave them the drive to succeed and make it to the championship game; and

WHEREAS, on March 7, 2026, the Upper Township Basketball Association 3rd and 4th Grade Boys Team participated in the 2026 South Shore League Championship Game held at the Middle Township Recreation Department winning the final championship game against Dennis Township with a score of 25 - 24; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Dominck Alliano	Cruz Law
Marc Drabkoski	Cooper McClure
Joseph Freda	Cayden Scioli
Lincoln Gracia	Jonathan Thomas
Jake Grassi	Mason Wood

WHEREAS, the Township Committee also wishes to recognize and thank the coaching staff who generously donated their personal time and service to the coaching of this team, including Head Coach Andrew Wood and Assistant Coaches Kristen McClure and Devon Scioli.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee on behalf of the citizens of the Township of Upper, that heartfelt congratulations are hereby extended to the Upper Township Basketball Association 3rd and 4th Grade Boys Team on winning the South Shore League Championship, and to each coach our heartfelt thanks and gratitude for their commitment and service to the young people of this community.

GIVEN UNDER OUR HANDS, and the seal of the Township of Upper this 13th day of April 2026.

4. Congratulating the Upper Township Green Hornets Wrestling program for winning the South Jersey Youth Wrestling League Championship, 2025–2026 season.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 166-2026

**RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS WRESTLING
PROGRAM FOR WINNING THE SOUTH JERSEY YOUTH WRESTLING LEAGUE
CHAMPIONSHIP 2025–2026 SEASON**

WHEREAS, the Upper Township Green Hornets Wrestling Program had an outstanding 2025–2026 season; and

WHEREAS, the team achieved exceptional success by winning the South Jersey Youth Wrestling League Championship; and

WHEREAS, it is appropriate that the Township Committee, on behalf of the citizens of Upper Township, recognize and congratulate the athletes and coaches for their dedication, hard work, and accomplishments; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May and State of New Jersey, that it hereby extends its congratulations to the following members of the Upper Township Green Hornets Wrestling Team for their achievement as South Jersey Youth Wrestling League Champions:

52: Wyatt Gant	76: Michael Tomlin	110: Dani Schlachter
56: Tommy Tyrrell	80: Finn Wheeler	115: Asher Comeforo
56: Mylah Carney	80: Luke McHale	122: Trent Lera
60: Merrick Vaughan	85: Jax Candeloro	133: Carson Nieves
64: Gavin Burgess	90: Jack Lauer	133: Aiden McHale
64: Hannah Wojcik	90: Riley Jones	145: Landon Gracia
68: Brock Barber	95: Rocco Palombo	160: Jeff Heaton
68: Branson Shaw	100: Brynn Cunningham	160: Aiden Newcomb
72: Ethan McMahan	105: Keira Cunningham	HWT: Brayden Hinrichsen
76: Ethan Bostard		HWT: Brayden Jones

AND BE IT FURTHER RESOLVED that the Township Committee extends its sincere appreciation to Head Coach Frank Sannino, and Assistant Coaches Jerry Stroh, Joseph Cunningham, Jeremy Gant, and Tom Tyrrell for their dedication, leadership, and commitment to the youth of Upper Township.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of May, 2026.

Resolution No. 166-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

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

Barbara Leary, Seaville, inquired about item #17. An explanation of the project was provided.

CONSENT AGENDA

All Consent Agenda items listed below are routine in nature and will be enacted by one motion. If the Mayor or any Committee member wishes a particular agenda item to be considered separately, it will be removed from the consent agenda and acted on separately.

Motion by Victor Nappen, second by Zachary Palombo, to approve the consent agenda items listed below. During roll call vote all five Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

- 5. Animal Control
- 6. Clerk’s Office
- 7. Construction Code
- 8. Division of EMS
- 9. Finance Office
- 10. MUA Report
- 11. Municipal Court
- 12. Public Works
- 13. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

- 14. A Resolution urging the New Jersey State Legislature and Governor to repeal the gas tax escalator and restore accountability to fuel tax increases.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 167-2026

A RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE AND GOVERNOR TO REPEAL THE GAS TAX ESCALATOR AND RESTORE ACCOUNTABILITY TO FUEL TAX INCREASES

WHEREAS, the residents of the State of New Jersey and the Township of Upper are burdened by one of the highest overall tax structures in the United States; and

WHEREAS, in 2016, the State of New Jersey enacted legislation restructuring the Transportation Trust Fund and implementing an automatic adjustment mechanism commonly referred to as the “gas tax escalator”; and

WHEREAS, the gas tax escalator permits periodic increases in the motor fuels tax without a direct vote of the New Jersey State Legislature; and

WHEREAS, such automatic increases lack transparency and reduce accountability to taxpayers, who bear the financial burden without corresponding legislative oversight; and

WHEREAS, increases in the motor fuels tax raise the cost of commuting, goods, and services, and place additional financial strain on working families, seniors, and businesses; and

WHEREAS, these increased costs also impact municipal operations, including transportation, public works, and service delivery, thereby placing further pressure on local budgets and, ultimately, property taxpayers; and

WHEREAS, the New Jersey Property Taxpayers Coalition has called for the repeal of the gas tax escalator as part of a broader effort to restore fiscal responsibility and taxpayer protections; and

WHEREAS, local governments have a responsibility to advocate for policies that protect their residents from unnecessary and unaccountable tax increases; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that it hereby urges the New Jersey State Legislature and the Governor to:

1. Repeal the gas tax escalator; and
2. Require that any future increases in the motor fuels tax be subject to a direct vote of the Legislature; and

3. Restore transparency and accountability in the taxation process affecting New Jersey residents.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Governor of the State of New Jersey, the President of the Senate, the Speaker of the General Assembly, the members of the New Jersey Legislature representing this district, and the clerks of municipalities within Cape May County.

Resolution No. 167-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

15. Approving the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-001 from Twisties, Inc. to 5 Forks Hospitality, Inc.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 168-2026

**RE: APPROVING THE PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO. 0511-33-001
FROM TWISTIES, INC. TO 5 FORKS HOSPITALITY, INC.**

WHEREAS, 5 Forks Hospitality, Inc. has made application to the Township Committee, the issuing authority of the Township of Upper, for the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-001 heretofore issued to Twisties Inc. for premises located at 236 Bayview Drive, Strathmere, Cape May County, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business, as well as all additional financing obtained in connection with the license business; and

NOW THEREFORE BE IT RESOLVED by the Township Committee, the governing body of the Township of Upper does hereby approve, effective May 11, 2026 the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-001 to 5 Forks Hospitality, Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to 5 Forks Hospitality, Inc. effective May 11, 2026.

Resolution No. 168-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

16. Capital budget amendment.

TOWNSHIP OF UPPER
 COUNTY OF CAPE MAY
 RESOLUTION NO. 169 -2026

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2026 was adopted on the 13th day of April, 2026; and,

Whereas, it is desired to amend said adopted capital budget section,

Now, Therefore, Be it Resolved, by the Township Committee of the Township of Upper, County of Cape May, that the following attached amendment(s) to the capital budget section of 2026 be made:

RECORDED VOTE

Moved by: Nappen
 Second by: Z. Palombo

AYES

Casaccio
 Nappen
 S. Palombo
 Z. Palombo
 Corson

NAYS

ABSTAIN

ABSENT

Be it Further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 11th day of May, 2026.

Certified by me this 11th day May, 2026

 Joanne R. Herron, Township Clerk

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

WHEREAS, the Township Committee adopted the 2026 Capital Improvement Bond Ordinance 004-2026 on February 25, 2026; and

WHEREAS, the Township Committee authorized a Shared Services Agreement with the County of Cape May for funding of the project known as “Amanda’s Field Improvements” pursuant to Resolution No. 105-2026 on March 23, 2026; and

WHEREAS, the Township’s Qualified Purchasing Agent has reviewed and approved the quote for local art at the Fitness Court from National Fitness Campaign LP of San Francisco, California; and

WHEREAS, National Fitness Campaign LP has completed and submitted a Business Entity Disclosure Certification which certifies that National Fitness Campaign LP has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that their contract will prohibit National Fitness Campaign LP from making any reportable contributions through the term of their contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for these purposes from Capital Improvement Bond Ordinance No. 004-2026 and the Cape May County Open Space and Farmland Preservation Program Grant.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of local art in the amount of **\$25,000.00** from the 2026 Capital Improvement Bond the Cape May County Open Space and Farmland Preservation Program Grant.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 170-2026
Offered By: Nappen
Adopted: May 11, 2026
Roll Call Vote:

Seconded By: Z. Palombo

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

18. Authorizing a Shared Services Agreement with the County of Cape May for animal sheltering services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 171-2026

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR ANIMAL SHELTERING SERVICES**

WHEREAS, the County of Cape May has indicated a willingness to renew a Shared Services Agreement with the Township of Upper, whereby the County of Cape May will continue to provide animal sheltering services, subject to terms and conditions set forth in said agreement; and

WHEREAS, the Township Committee of the Township of Upper deems that the renewal of a Shared Services Agreement with the County of Cape May for the purposes expressed herein is in the mutual interest of both parties and also is in the public interest and that such program will promote the public health, safety and welfare; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et seq.,) the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May pertaining to animal sheltering services.

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

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose

of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to 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 the Agreement shall commence on the date set forth in said Agreement, and shall continue for a term of five (5) years.

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

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

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 171-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

19. Authorizing the Mayor and Township Clerk to sign a Jurisdictional Agreement with the New Jersey Turnpike Authority.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 172-2026

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A JURISDICTIONAL AGREEMENT WITH THE NEW JERSEY TURNPIKE AUTHORITY

WHEREAS, the New Jersey Turnpike Authority, with an address of 1 Turnpike Plaza, PO Box 5042, Woodbridge, New Jersey, 07095-5042, hereinafter referred to as “NJTA or Authority” has submitted a Jurisdictional Agreement, hereinafter referred to as “Agreement”, with regard to the Great Egg Harbor Bridge Replacement project; and

WHEREAS, the Authority has jurisdiction over the Garden State Parkway ("GSP"), including the various roadway extensions, service roads, and ramp networks of the GSP throughout New Jersey; and

WHEREAS, the Township has jurisdiction over multiple municipal roadways throughout the Township, including Harbor Road; and

WHEREAS, there is currently no Jurisdictional Map or agreement between the Authority and the Township which sets forth the respective rights and responsibilities for highway maintenance and control of the GSP and Harbor Rd.; and

WHEREAS, the Great Egg Harbor Bridge Replacement project included the replacement of GSP Bridge No. 28.0 and superstructure replacement of GSP Bridge No. 28.0N at Harbor Road, including new structures, piers and abutments; and

WHEREAS, in order to prevent future legal or maintenance issues in this area, it is necessary that the Authority and the Township apportion the jurisdiction for highway maintenance and control in an equitable manner required by N.J.S.A. 27:7-1 et seq.; and

WHEREAS, the Agreement has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute the attached Jurisdictional Agreement with the NJTA.

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. 172-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

20. Authorizing a contract with Ancero, LLC for information technology services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173-2026

**RE: AUTHORIZING A CONTRACT WITH ANCERO, LLC FOR
INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Township of Upper has a need for Information Technology services; and

WHEREAS, Ancero, LLC has submitted a proposal to the Township to provide said services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Ancero, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to

execute a contract with Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New Jersey, to provide Information Technology services.

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

4. This Contract is awarded without competitive bidding as an Extraordinary Unspecifiable Services contract in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the New Jersey Local Public Contract Law because the services provided by Ancero, LLC are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor, which is particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as an Extraordinary Unspecifiable Services contract pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) to Ancero, LLC for Information Technology services. This contract and the resolution authorizing same shall be available for public inspection in the office of the Municipal Clerk of the Township of Upper, State of New Jersey.

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

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

8. A notice of this contract award shall be 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. 173-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

Z. Palombo	X			
Corson	X			

21. Authorizing a contract with ACT Engineers, Inc. for construction management and inspection services for the Strathmere Living Shoreline project.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174–2026

**RE: AUTHORIZING A CONTRACT WITH ACT ENGINEERS, INC. FOR
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE
STRATHMERE LIVING SHORELINE PROJECT**

WHEREAS, on May 12, 2025, the Township awarded a contract to ACT Engineers, Inc. to provide professional construction management and inspection services for the living shoreline project in the Strathmere section of Upper Township; and

WHEREAS, the project and scope of services remain ongoing, and the Township desires to continue professional construction management and inspection services for the living shoreline project; and

WHEREAS, the Township wishes to authorize the award of a contract to ACT Engineers, Inc. for such continued services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, ACT Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that ACT Engineers, Inc. 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 ACT Engineers, Inc. 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. ACT Engineers, Inc. with offices at 320 S. Shore Road, Unit D, Marmora, New Jersey, is hereby appointed to provide construction management and inspection services during the construction of a rock sill living shoreline in the Strathmere section of Upper Township.

3. This contract shall have a term of one (1) year commencing upon 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 ACT Engineers, Inc. has professional knowledge which is particularly valuable to the Township Committee.

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 ACT Engineers, Inc. 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 the contract and showing the line-item appropriation of the official budget to which the 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 Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with ACT Engineers, Inc. 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. 174-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

22. Authorizing the award of a contract with Foley, Inc. for equipment rentals.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 175-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH FOLEY, INC.
FOR EQUIPMENT RENTALS**

WHEREAS, from time to time the Township of Upper has a need to rent equipment from Foley, Inc., as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Foley, Inc. for the year 2026 will exceed \$17,500; and

WHEREAS, Foley, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Foley, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Foley, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the total amount to be paid for the goods and/or services will not exceed the bid threshold of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-3) and the contract has been approved by the Township's Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2026 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Foley, Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 175-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

23. Authorizing the award of a contract with Anzelone Electric Company, LLC for electrical services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 176-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH ANZELONE ELECTRIC
COMPANY, LLC FOR ELECTRICAL SERVICES**

WHEREAS, the Township of Upper has a need for electrical services from Anzelone Electric Company, LLC, (hereinafter “Anzelone”), as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Anzelone for the year 2026 will exceed \$17,500; and

WHEREAS, Anzelone has completed and submitted a Business Entity Disclosure Certification which certifies that Anzelone has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Anzelone from making any reportable contributions through the term of the contract; and

WHEREAS, the total amount to be paid for the goods and/or services will not exceed the bid threshold of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-3) and the contract has been approved by the Township’s Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2026 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Anzelone as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 176-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

24. Authorizing the acceptance of a grant award and execution of an Indemnification Agreement under the “CMC Land of the Free, Celebration 250” grant program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 177-2026

**AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD AND EXECUTION OF AN
INDEMNIFICATION AGREEMENT UNDER THE “CMC LAND OF THE FREE, CELEBRATION
250” GRANT PROGRAM**

WHEREAS, the County of Cape May has established the “*CMC Land of the Free, Celebration 250*” *Grant Program* to commemorate the 250th Anniversary of the founding of the United States of America through support of local patriotic events and initiatives; and

WHEREAS, the Township of Upper submitted an application to the County of Cape May seeking funding assistance for a patriotic program/event consistent with the goals and guidelines of said grant program; and

WHEREAS, the County of Cape May has approved a grant award to the Township of Upper in the amount of \$25,000.00 subject to the terms and conditions set forth in the grant program guidelines and indemnification agreement; and

WHEREAS, the grant requires a hard cash match by the municipality and compliance with all applicable program requirements, including but not limited to eligible use of funds, reporting, and reimbursement procedures; and

WHEREAS, the Township of Upper desires to accept the grant award and to enter into a indemnification agreement with the County of Cape May to carry out the proposed program as outlined in its application.

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

1. The Township of Upper hereby accepts the grant award from the County of Cape May under the “*CMC Land of the Free, Celebration 250*” Grant Program in the amount of \$25,000.00.
2. The Township of Upper agrees to provide the required hard cash matching funds and to comply with all grant program requirements, guidelines, and conditions.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the indemnification agreement and any related documents necessary to accept and implement this funding on behalf of the municipality.
4. The appropriate municipal officials are further authorized to take all necessary actions to implement the project as described in the grant application and to submit all required documentation for reimbursement in accordance with County procedures.
5. The Township of Upper acknowledges that failure to comply with grant requirements may result in the suspension, termination, or recapture of grant funds.
6. This Resolution shall take effect immediately upon adoption.

Resolution No. 177-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

25. Chapter 159 Resolution requesting approval of items of Revenue and Appropriation into the 2026 Budget—CMC Land of the Free, Celebration 250 Grant program in the amount of \$25,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 178-2026

RE: CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION INTO THE 2026 BUDGET—CMC LAND OF THE FREE, CELEBRATION 250 GRANT PROGRAM IN THE AMOUNT OF \$25,000.00

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper, County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2026 in the sum of \$25,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
CMC LAND OF THE FREE, CELEBRATION 250 GRANT, AND

BE IT FURTHER RESOLVED that a like sum of \$25,000.00 is hereby appropriated under the caption of:

APPROPRIATION: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
CMC LAND OF THE FREE, CELEBRATION 250 GRANT, AND

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

Resolution No. 178-2026
Offered By: Nappen
Adopted: May 11, 2026
Roll Call Vote:

Seconded By: Z. Palombo

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

26. Accepting a donation in the amount of \$15,750.00 for the purchase of a 2026 Van Duyne lifeguard boat.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 179-2026

**RE: ACCEPTING A DONATION IN THE AMOUNT OF \$15,750.00 FOR THE
PURCHASE OF A 2026 VAN DUYN E LIFEGUARD BOAT**

WHEREAS, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

WHEREAS, the Township of Upper has received a donation from Karen Mitchell and Curtis T. Corson, Jr in the amount of \$15,750.00, for the specified purpose of purchasing a 2026 Van Duyne Lifeguard Boat for use by the Upper Township Beach Patrol in Strathmere; and

WHEREAS, the Township Committee has determined that the Township will best be served by the acceptance and use of the donation for its intended purpose; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby gratefully accepts a donation in the amount of \$15,750.00 for the purchase of a 2026 Van Duyne Lifeguard Boat.
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. 179-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

27. Chapter 159 Resolution for the insertion of a special item of revenue into the 2026 Budget that was not determined at the time of the adoption of the Budget—Other-Public and Private Contributions-lifeguard boat donation in the amount of \$15,750.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 180-2026

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2026 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-LIFEGUARD BOAT DONATION IN THE AMOUNT OF \$15,750.00

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services

may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

WHEREAS, the Township of Upper will receive an amount of \$15,750.00 from private contributions and wishes to amend its 2026 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2026 in the sum of \$15,750.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-
LIFEGUARD BOAT DONATION, AND

BE IT FURTHER RESOLVED that a like sum of \$15,750.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-
LIFEGUARD BOAT DONATION, AND

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

Resolution No. 180-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

28. Designating certain Strathmere beach areas in the Township of Upper as a surfing beach and a catamaran/sailboat beach for the 2026 summer season.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 181-2026

**RE: DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN THE TOWNSHIP OF
UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT BEACH FOR
THE 2026 SUMMER SEASON**

WHEREAS, in accordance with Chapter 9, entitled Recreational Facilities, of the Revised General Ordinances, it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices for the 2026 summer season; and

WHEREAS, beach conditions, including but not limited to beach fill projects, erosion, storms, or other natural or man-made conditions, may affect the availability and safety of designated areas during the season; 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. It has been determined by the Township Committee to designate the following for the 2026 summer season:
 - **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
 - **Catamaran/Sailboat Beach: Between Hawthorne Avenue and Hamilton Avenue**
3. A map designating the Surfing Beach and Catamaran/Sailboat Beach areas has been prepared for the Township and shall be attached hereto as Exhibit A.
4. In the event that any designated beach area becomes unavailable, unsafe, or impracticable for its intended use due to beach fill operations, erosion, storm damage, or similar conditions, the Township reserves the right to temporarily suspend, relocate, or modify such designations as necessary for public safety and operational needs.
5. The Township Administrator, in consultation with the Beach Patrol Captain and such other officials as may be appropriate, is hereby authorized to implement temporary adjustments to the designated areas described herein, including relocation or suspension, consistent with Section 4, without the need for further formal action by the Township Committee.
6. During imminent storm conditions, all watercraft shall be removed from the designated beach areas.

Resolution No. 181-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

29. Approving the application for a catering permit from Jersey Coastal Breweries, LLC for the Upper Township Fourth of July Celebration Event on July 4, 2026.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 182-2026

**RE: APPROVING THE APPLICATION FOR A CATERING PERMIT FROM JERSEY COASTAL
BREWRIES, LLC FOR THE UPPER TOWNSHIP
FOURTH OF JULY CELEBRATION EVENT ON JULY 4, 2026**

WHEREAS, in accordance with Chapter 6-7 of the Code of Upper Township, the Township Committee, by resolution, may permit the sale and consumption of alcoholic beverages on Township lands, including public parks, on a one-day permit basis as provided in N.J.S.A. 33:1-74 or on a catering permit basis as provided by regulation or rule of the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Township of Upper will be holding a Fourth of July Celebration event on July 4, 2026, rain date July 5, 2026, at Amanda’s Field; and

WHEREAS, the Township Committee deems it appropriate to approve the application of a one-day Catering permit from Jersey Coastal Breweries LLC for the sale of 5 oz. wine, 12 oz. distilled spirits, and 16 oz. malt alcoholic beverages during said 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 hereby approves the application for a one-day Catering permit from Jersey Coastal Breweries LLC for the Upper Township Fourth of July Celebration event to be held on July 4, 2026, rain date July 5, 2026, at Amanda’s Field.
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. 182-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 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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30. Appointing the 2026 Boat Ramp Attendants.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 183-2026

RE: APPOINTING THE 2026 BOAT RAMP ATTENDANTS

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of Boat Ramp Attendants 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 hereby appointed as part-time seasonal boat ramp attendants, contingent upon successful pre-employment testing, at a salary stated below in accordance with the Salary Ordinance:

James Laird	\$20.00 per hour
David Read	\$20.00 per hour
Don Polo	\$20.00 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. 183-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

31. Appointing the 2026 season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 184-2026

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:

RETURNING GUARDS

Chase, Bruckner	EMT/GUARD	\$23.15 per hour
Byerly, Ian	EMT/GUARD	\$23.15 per hour
Connell, Cheryl	EMT/GUARD	\$23.15 per hour
Liepe, Gavin	EMT/GUARD	\$23.15 per hour
Connell, Lorna	Senior Guard	\$23.50 per hour
Culmone, Emily	Senior Guard	\$23.50 per hour
Robbins, Lindsay	Senior Guard	\$23.50 per hour
Schlucter, William	Senior Guard	\$23.50 per hour
Dooner, William	5+ years	\$22.75 per hour
Durst, Corson	5+ years	\$22.75 per hour
Durst, Hayden	5+ years	\$22.75 per hour
Edwards, Robert	5+ years	\$22.75 per hour
Grimley, Kailey	5+ years	\$22.75 per hour
Manning, Ryan	5+ years	\$22.75 per hour
Montgomery, Lauren	5+ years	\$22.75 per hour
Nilsen, James	5+ years	\$22.75 per hour
O'Hara, John	5+ years	\$22.75 per hour
Riess, Lewis	5+ years	\$22.75 per hour
Steele, Ian	5+ years	\$22.75 per hour
Brown, Chase	4 th year	\$21.50 per hour
Fisher, Aiden	4 th year	\$21.50 per hour
Kohles, Taggart	4 th year	\$21.50 per hour
Nagle, Kevin	3 rd year	\$21.50 per hour
Smith, Ava	3 rd year	\$21.50 per hour
Stein, Alek	3 rd year	\$21.50 per hour
Carlos, Katie	2 nd year	\$20.00 per hour

Carr, James	2 nd year	\$20.00 per hour
Corcoran, Daniel	2 nd year	\$20.00 per hour
Jenkins, William	2 nd year	\$20.00 per hour
Manning, Logan	2 nd year	\$20.00 per hour
White, Chris	2 nd year	\$20.00 per hour
Handley, Brooke	1 st year	\$20.00 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. 184-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

32. Appointing seasonal beach Emergency Medical Technicians.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 185-2026

RE: APPOINTING SEASONAL BEACH EMERGENCY MEDICAL TECHNICIANS

WHEREAS, a need exists to appoint qualified personnel as seasonal Beach Emergency Medical Technicians to the Upper Township Division of Emergency Medical Services to ensure optimal operation; and

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible 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. The following individuals are hereby appointed as part-time seasonal Beach Emergency Medical Technicians, effective May 11, 2026, at a salary stated below in accordance with the Salary Ordinance:

Anthony Fiore	\$23.50 per hour
Gabriella Culmone	\$23.50 per hour
Sean Brannon	\$24.00 per hour
Bruckner Chase	\$24.50 per hour
Wally Welliver	\$26.50 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. 185-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: May 11, 2026

Roll Call Vote:

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

RESOLUTIONS TO BE ACTED ON SEPARATELY

33. Authorizing a Beach Vending Services Agreement with SJ Aladdin, LLC for the 2026 summer season.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 186-2026

**RE: AUTHORIZING A BEACH VENDING SERVICES AGREEMENT WITH
SJ ALADDIN, LLC FOR THE 2026 SUMMER SEASON**

WHEREAS, the Township of Upper (“Township”) owns and regulates public beach areas located in Strathmere, New Jersey; and

WHEREAS, the Township issued a Request for Proposals (“RFP”) for seasonal beach vending services for the 2026 summer season, seeking qualified vendors to provide food, non-alcoholic beverages, and ice cream services to the public, which was publicly opened on April 23, 2026; and

WHEREAS, SJ Aladdin LLC, a New Jersey limited liability company, submitted a proposal in response to the RFP; and

WHEREAS, the Township has reviewed the proposal submitted by SJ Aladdin LLC and has determined that it is in the best interest of the Township and its residents to award a limited, revocable license for beach vending services to SJ Aladdin LLC in accordance with the RFP and applicable law; and

WHEREAS, the parties have negotiated a Beach Vending Services Agreement governing the terms, conditions, fees, and operational requirements for such services during the 2026 summer season; and

WHEREAS, the Township Committee of the Township of Upper desires to authorize the execution of said Agreement; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Beach Vending Services Agreement between the Township of Upper and SJ Aladdin LLC for the 2026 summer season, in the form attached hereto as Exhibit A.
3. The Agreement shall grant SJ Aladdin LLC a revocable license to operate beach vending services, including the sale of food and consumables, non-alcoholic beverages, and ice cream, for the term beginning May 15, 2026, and ending October 15, 2026, subject to all terms and conditions set forth therein.
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. 186-2026

Offered by: Corson

Seconded by: Nappen

Adopted: May 11, 2026

Roll Call Vote:

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

PUBLIC HEARING – HARDSHIP APPEAL OF STREET OPENING DENIAL

34. Public hearing on hardship appeal of the denial of a street opening application for 601 Second Avenue, Beesley’s Point, Block 692, Lot 3 pursuant to Chapter 13-1.8 of the Township Code. Following the public hearing, the Township Committee may consider adoption of a Resolution granting or denying the hardship appeal.

Township Engineer Charles Norkis reported that Second Avenue was recently paved and is currently under a five year moratorium. The applicants have submitted a hardship appeal and have satisfied all procedural requirements. If approved the applicant will be required to follow the enhanced restoration process for newly paved roads.

Mayor Corson then opened the public hearing during which there was the following speaker:

Robert Bartie, stated that due to a diagnosed medical condition they need to update their HVAC system. They recently purchased this property and were unaware of the moratorium.

Mayor Corson then closed the public hearing. Motion by Committeeman Casaccio, second by Committeeman Nappen, to grant the hardship appeal and authorize a street opening permit for Block 692, Lot 3.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 187–2026

**GRANTING A HARDSHIP APPEAL AND APPROVING A STREET OPENING PERMIT
WITHIN A ROADWAY SUBJECT TO THE FIVE-YEAR MORATORIUM**

WHEREAS, Chapter 13 of the Code of Upper Township of Upper regulates street openings within Township roadways, including a five-year moratorium on opening roads that have been constructed, reconstructed, or overlaid within the previous five years; and

WHEREAS, pursuant to Township Code Section 13-1.8, the Township Committee may grant relief from the five-year moratorium upon a showing of hardship and compliance with all procedural requirements set forth therein; and

WHEREAS, Suzanne and Robert Bartie, owners of property located at 601 Second Avenue, Beesley’s Point, Block 692, Lot 3, (hereinafter “Applicant”), submitted a written hardship request to the Township Clerk seeking permission to open a portion of Second Avenue for the purpose of installing gas service from South Jersey Gas Company; and

WHEREAS, the Applicant represented that the requested street opening is necessary due to the following hardship condition: medical condition requiring a controlled indoor environment, necessitating the installation of a new gas service for HVAC system improvements; and

WHEREAS, the Township Committee finds that the Applicant has complied with all procedural and substantive requirements of Township Code Section 13-1.8 governing hardship appeals and has demonstrated a qualifying hardship condition warranting relief from the five-year moratorium; and

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

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

2. The hardship appeal submitted by Suzanne and Robert Bartie, for the property located at 601 Second Avenue, Beesley’s Point, Block 692, Lot 3, is hereby approved.
3. The Township Clerk is authorized to issue the applicable street opening permit subject to all standard permit requirements and inspection procedures.
4. The Applicant shall comply with all roadway restoration requirements set forth in Township Code Section 13-8.1(c), including but not limited to:
 - Full-width infrared restoration;
 - Installation of six-inch dense graded aggregate base course;
 - Installation of six-inch hot mix asphalt base course, Mix I-2;
 - Full-width curb-to-curb milling extending twenty (20) feet beyond the excavation limits;
 - Final two-inch hot mix asphalt surface course, Mix I-5; and
 - Any additional restoration requirements imposed by the Township Engineer.
5. The Applicant shall pay the additional \$500.00 fee applicable to street openings within asphalt pavement.
6. This approval is conditioned upon compliance with all directives of the Township Engineer and all applicable Township ordinances.

Resolution No. 187-2026

Offered by: Casaccio

Seconded by: Nappen

Adopted: May 11, 2026

Roll Call Vote:

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

ORDINANCES

35. Introduction and first reading of Ordinance No. 011-2026 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI (PROPERTY MAINTENANCE) OF THE CODE OF UPPER TOWNSHIP. **Motion by Tyler Casaccio, second by Zachary Palombo, to introduce Ordinance 011-2026 with a public hearing and final adoption scheduled for May 26, 2026. During roll call vote all five Committee Members voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 011-2026

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XI (PROPERTY MAINTENANCE) 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 11 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:

11-1.2 – Definitions shall be revised to add the following definition to this section:

MAINTENANCE VERGE – Shall mean the area between the private property line and the physical edge of the improved roadway infrastructure (curb, pavement, or gravel shoulder).

11-1.3 – Duty to Maintain Premises

a. It shall be the duty of the owner, lessee, tenant, occupant and/or person in charge of any structure or property to maintain the property, as well as the maintenance verge adjacent to such property, in strict conformance with this section. The owner of the premises shall maintain the structures and exterior property, including the maintenance verge, in compliance with these requirements.

b. For purposes of maintenance of the maintenance verge, the responsible property owner of an adjacent parcel may permit the continued growth of any mature trees that exist in the maintenance verge, but any trees that are dead, diseased, or otherwise considered hazardous to the property owner and/or the general public shall be required to be removed and/or remediated by the adjacent property owner upon notice by the Code Enforcement Official. It shall be further required that any vegetations located within the maintenance verge that overhands a roadway provide a minimum vertical clearance of fourteen (14') feet above the roadway surface in order to ensure unobstructed passage for emergency and municipal vehicles.

c. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section.

d. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

e. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or occupied spaces of the

building. All exterior surface materials, including wood, composite, metal, stucco, vinyl or other materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

f. The roof shall be structurally sound, tight and not have defects which might admit rain. Roof drainage, gutters and downspouts shall be adequate and in good working order and shall not discharge in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.

g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of pests, animals, rain and surface drainage water into the structure.

11-1.6 – Vacant Structures and Land

All vacant structures and premises thereof or vacant land, including the maintenance verge immediately adjacent to such vacant land, shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or general welfare of the surrounding property owners, the neighborhood, or the community as a whole.

11.1.7 – Exterior Property Areas

All exterior property and premises, including the maintenance verge immediately adjacent to any property, shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

11-1.9 - Grass, Plant Growth, Weeds and Debris.

a. All premises and exterior property shall be maintained free from plant growth in excess of forty-eight (48”) inches in height. Plant growth shall be defined as hedges, trees, shrubs, cultivated flowers and gardens. All noxious weeds shall be prohibited. Grasses and garden weeds shall not be permitted to exceed ten (10”) inches in height. This prohibition against grasses, weeds, and plant growth in excess of the above-referenced height restrictions shall not apply to undeveloped wooded tracts or fields utilized for farming or residential agriculture. All premises and exterior property, including the maintenance verge adjacent to any property, shall also be maintained free from brush, dying trees, filth, garbage, trash, and debris. Upon failure of the owner or agent having charge of a property to abate a violation within ten (10) calendar days after notice to remove or destroy same, he or she shall be subject to prosecution in accordance with subsection 11-1.16 of this Chapter, including the abatement or removal of the violation by the Township.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property, and/or maintenance verge adjacent to a property, that is in violation of this section and cut and destroy the weeds and/or plant growth growing thereon, and the costs of such removal, plus a twenty (20%) percent administrative fee, shall be paid by the owner or agent responsible for the property and/or maintenance verge adjacent to the property.

b. Any, and all, plant growth, and/or other permitted objects maintained on any corner property and which are situated within a site triangle that is required to be maintained for the safety of pedestrians, bikers, and/or motorists shall not be permitted to exceed a maximum permitted height of thirty (30”) inches for any fences and/or any permitted items identified in subsection a., above, unless otherwise permitted through land use approvals issued by the Township of Upper Planning Board and any other applicable governmental entity having jurisdiction over such application. Grasses and garden weeds located within a site triangle on any corner property shall be required to adhere to the maximum height requirements for grass and garden weeds set forth in subparagraph (a), above.

c. Each separate twenty-four (24) hour period during which a violation of this section continues shall be deemed to be a separate and distinct violation of this section.

11-1.14 – Motor Vehicles, Trailers, Boats, RV’s, and ATV’s:

a. Except as provided for in other regulations, no unregistered or inoperable motor vehicle, trailer, boat, recreational vehicle (“RV”), heavy equipment or ATV shall be parked, kept or stored on any exterior premises, and no vehicle or similar apparatus or equipment shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Notwithstanding the foregoing, an owner or occupant shall be permitted to keep up to three unregistered or inoperable motor vehicles, or parts thereof, in the exterior rear yard of a premises provided such motor vehicles are part of an ongoing restoration process, the activity and use complies with Chapters 19 and 20, the motor vehicles are not located within the setback lines of the property, the motor vehicles are screened from view by neighboring properties and there exists no environmental or other hazard associated with such motor vehicles.

b. No person, firm or corporation shall park or store any unregistered or inoperable motor vehicle, trailer, boat, jet ski, recreational vehicle, heavy equipment, RV, or ATV on any street within the

limits of Upper Township. In addition, no registered trailer that is not attached to a registered motor vehicle shall be parked or stored on any street within the limits of Upper Township.

c. Registered, operable motor vehicles, trailers, boats, jet skis, RV's, ATVs, and any other motorized vehicles being stored or kept must be parked in accordance with Chapter 20 of the Revised General Ordinances of the Township of Upper. No portion of the motor vehicle or trailer may encroach upon any public right-of-way, including sidewalks. Any, and all, trailers, boats, jet skis, RV's, ATV's, and similar equipment shall only be permitted to be parked and/or stored in the side or rear yard of a premises and shall not be permitted to be parked and/or stored in the front yard of a premises.

d. Existing nonconforming parked boats, trailers, RV's, and campers are not exempt from the above provisions and shall be required to become compliant with the terms and conditions of these provisions as of the effective date of this article.

e. Any such RV stored in accordance with this section and Chapters 19 and 20 shall not be occupied and shall not have bump outs or awnings extended for occupancy. Additionally, no such RV shall be provided with utility connections for water and/or electric service and shall not be used for storage or space for the permanent conduct of a business, profession, occupation, or trade.

f. In accordance with §7-18.1 Parking Prohibited - No person shall park, or cause to be parked, any commercial motor vehicle, non-commercial truck, truck, omnibus, school bus, pole trailer, trailer, or recreational vehicle with a gross vehicle weight of four tons or more, or any camper, recreational vehicle, boat or utility trailer, regardless of weight, on any Township street at any time.

11-1.16 – Violations and Penalties

a. Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

b. Notice of Violation. The Code Enforcement Officer shall serve a notice of violation in writing.

c. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with this section shall be deemed guilty of a local ordinance violation as determined by the local municipality. If the notice of violation is not complied with, the Code Enforcement Officer

shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal of the non-permitted vegetation, the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

d. Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by State or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate and distinct offense, subject to additional fines and penalties. Each day any offense shall exist may subject the person to cumulative fines and penalties established by this section without need to file separate complaint.

e. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the enforcement officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises and collect the costs of same as set forth in subsection 11-1.19 below in addition to any other penalty for the violation. If a violation is abated after the prescribed time period allotted by the violation notice, prosecution and penalties may still be implemented and assessed.

SECTION 2: 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 3: 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 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5: 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 11th DAY OF MAY, 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 26th DAY OF MAY, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

36. Introduction and first reading of Ordinance No. 012-2026 RE: BOND ORDINANCE PROVIDING FOR VARIOUS 2026 CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,666,666 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. **Motion by Tyler Casaccio, second by Victor Nappen, to introduce Ordinance 012-2026 with a public hearing and final adoption scheduled for May 26, 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**

BOND ORDINANCE NUMBER 012-2026

BOND ORDINANCE PROVIDING FOR VARIOUS 2026 CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,666,666 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Upper, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$2,800,000, which sum includes \$133,334 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A.

40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,800,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,666,666 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,666,666 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Beach Replenishment</u> – Various Improvements To Township Beaches Including, But Not Limited To, The Acquisition And/Or Installation Of Sand And Sediment And Associated Dredging, Pumping And Sculpting, And The Acquisition Of Certain Equipment To Aid In Said Replenishment Including, But Not Limited To, Protective Fencing And Equipment To Move Sand; And	\$2,500,000	\$2,380,952	\$119,048	10.00 years
(ii) <u>Recreational Improvements</u> - Various Improvements And Renovations To Recreational Facilities Including, But Not Limited To, The Acquisition And Installation Of Lighting For Various Fields.	\$300,000	\$285,714	\$14,286	5.00 years
TOTALS	<u>\$2,800,000</u>	<u>\$2,666,666</u>	<u>\$133,334</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, title searches, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract

administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$2,666,666.

(d) The estimated cost of said improvement or purpose is \$2,800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$133,334, as the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser

thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Township are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.46 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,666,666 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$560,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

CORRESPONDENCE

NEW BUSINESS

37. Strathmere Fishing and Environmental Association request to hold raffle RA-625 at 9 Commonwealth Avenue, Strathmere on August 29, 2026. **Motion by Victor Nappen, second by Zachary Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

UNFINISHED BUSINESS

38. Commonwealth Survival Backyard Ultra running event to be held on Commonwealth Avenue, Strathmere, August 15 and 16, 2026. **The event coordinator, James Nilson, provided an overview of the project. The Committee members then spoke of their concerns with the event such as the location of portable restroom facilities, aid stations, safety protocols, traffic, impact to local residents, etc. Members of the public were also invited to speak on the event.**

Colleen Jones, Strathmere, spoke in favor of the event but stated that more time is needed for planning and offered her help as well.

Alice March, Strathmere, also spoke in favor of the event but expressed concerns with the planning and especially traffic conditions during a busy August weekend. She also proposed holding the race on the beach instead of Commonwealth.

Barbara Leary, Seaville, stated that more time is also needed to obtain sponsors and promotion for the event.

After a lengthy discussion, the Committee commended the applicant but stated that they are unable to support the event as submitted. The application was tabled and the applicant was encouraged to engage in additional planning before resubmission.

PAYMENT OF BILLS

39. "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 Zachary Palombo. During roll call vote four Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #26-00175 and voted in the affirmative on the remaining items.**

Bills approved for payment: **\$540,794.30**

Payroll: **\$228,123.27**

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

There was no public comment.

CLOSED SESSION

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

RESOLUTION NO. 188-2026
MOTION GOING INTO CLOSED SESSION
MAY 11, 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. Safety and Security - Cybersecurity
2. Contract negotiation - Grant Consultant
3. Contract negotiation - Medical Director Services
4. Contract negotiation - Special Legal Counsel
5. Contract negotiation - Block 382, Lots 11.01 and 11.02
6. Litigation - DeMarzo vs. Upper Township

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

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

Moved by: Zachary Palombo

Motion seconded by: Victor Nappen

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 7:33 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 Tuesday, May 26, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

87455 05/11/26 A0018 ACTION SUPPLY INC. 307.77 3493

87456 05/11/26 A0078 ANCHOR RUBBER STAMP & PRINTING 37.45 3493

87457 05/11/26 A0091 ATLANTIC CITY ELECTRIC 28,479.57 3493

87458 05/11/26 A0193 ATLANTIC INVESTIGATIONS, LLC 217.00 3493

87459 05/11/26 A0212 ANCERO, LLC 11,518.00 3493
87460 05/11/26 A0222 ANZELONE ELECTRIC COMPANY, LLC 11,785.00 3493
87461 05/11/26 A0235 AMAZON CAPITAL SERVICES, INC. 622.19 3493
87462 05/11/26 A0248 AIRESRING, INC. 1,259.37 3493
87463 05/11/26 A0251 ACT ENGINEERS, INC. 546.00 3493
87464 05/11/26 A0257 ACCURATE LANGUAGE SERVICES 360.00 3493
87465 05/11/26 A0260 AMENHAUSER, JOHN P. 7,500.00 3493
87466 05/11/26 A0265 ARC REPROGRAPHICS SJ, INC 360.50 3493
87467 05/11/26 B0287 BIGLEAF NETWORKS, INC. 732.88 3493
87468 05/11/26 B0304 BLUE MOUNTAIN DISTRIBUTORS 306.83 3493
87469 05/11/26 B0307 BAKER TURF SOLUTIONS LLC 1,500.00 3493
87470 05/11/26 C0068 COMCAST 1,115.45 3493
87471 05/11/26 C0077 CHERRY VALLEY TRACTOR SALES 564.86 3493
87472 05/11/26 C0143 CODY'S POWER EQUIPMENT 110.90 3493
87473 05/11/26 C0223 CASA PAYROLL SERVICE 305.50 3493
87474 05/11/26 C0247 CMRS-FP 2,000.00 3493
87475 05/11/26 C0279 CASA REPORTING SERVICES LLC 700.00 3493
87476 05/11/26 C0346 CME ASSOCIATES 1,170.75 3493
87477 05/11/26 C0352 COLUMN SOFTWARE, PBC 167.21 3493
87478 05/11/26 D0237 KERRY SCALFARO 125.00 3493
87479 05/11/26 D0248 DEL VEL CHEMICAL COMPANY 398.65 3493
87480 05/11/26 D0252 DEBLASIO & ASSOCIATES PC 39,325.00 3493
87481 05/11/26 E0012 EHRlich PEST CONTROL INC 155.58 3493
87482 05/11/26 G0028 GENTILINI FORD, INC. 204.30 3493
87483 05/11/26 G0120 PATRICK F. MARTIN 2,083.33 3493
87484 05/11/26 G0157 GRANTURK EQUIPMENT CO., INC. 314,980.70 3493
87485 05/11/26 G0211 GRACETOWN LUMBER CO., LLC 33.64 3493
87486 05/11/26 H0002 H.A. DEHART & SON CORP. 2,629.20 3493
87487 05/11/26 H0180 HD SUPPLY FACILITIES MANT 1,718.29 3493
87488 05/11/26 I0016 INSTITUTE FOR PROF DEVELOPMENT 50.00 3493
87489 05/11/26 K0019 KELTEX APPAREL 92.00 3493
87490 05/11/26 K0100 KEEN COMPRESSED GAS CO. 273.97 3493
87491 05/11/26 L0075 LEXISNEXIS 444.00 3493
87492 05/11/26 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,424.62 3493
87493 05/11/26 M0277 EQUITABLE FINANCIAL LIFE INS. 198.47 3493
87494 05/11/26 M0345 MAJESTIC OIL 6,542.87 3493
87495 05/11/26 N0004 NJ-AMERICAN WATER CO. 138.71 3493
87496 05/11/26 N0043 NAPA AUTO PARTS 1,398.91 3493
87497 05/11/26 N0143 NATIONAL TIME SYSTEMS 494.00 3493
87498 05/11/26 N0144 NJ E-ZPASS SERVICE CENTER 350.00 3493
87499 05/11/26 N0154 NEW HORIZON COMMUNICATIONS 1,231.99 3493
87500 05/11/26 Q0012 QUALITY ASSET RECOVERY, LLC 762.66 3493
87501 05/11/26 R0030 RIGGINS, INC. 12,473.37 3493
87502 05/11/26 R0092 RUTGERS, THE STATE UNIVERSITY 1,037.00 3493
87503 05/11/26 R0101 R.R. DONNELLEY 213.00 3493
87504 05/11/26 R0147 REVASCENT LLC 1,426.57 3493
87505 05/11/26 S0139 SOUTH JERSEY WATER COND SERV 4,400.00 3493
87506 05/11/26 S0254 SHOPRITE 48.26 3493
87507 05/11/26 S0420 SAFEWARE, INC. 37,678.00 3493
87508 05/11/26 T0233 TOMLIN, HUNTER 274.95 3493
87509 05/11/26 U0043 ULINE, INC. 168.62 3493
87510 05/11/26 U0067 UT HEALTH REIMB. ACCOUNT 21,252.19 3493
87511 05/11/26 U0076 U.S.BANK NATIONAL ASSOCIATION 3,472.84 3493
87512 05/11/26 U0778 UGI ENERGY SERVICES, LLC 1,202.65 3493
87513 05/11/26 V0013 VERIZON WIRELESS 261.64 3493
87514 05/11/26 V0024 VAL-U AUTO PARTS L.L.C. 2,005.21 3493
87515 05/11/26 V0025 V.E. RALPH & SON, INC. 327.12 3493
87516 05/11/26 V0052 VIKING TERMITE & PEST CONTROL 81.56 3493
87517 05/11/26 W0087 W.B. MASON EGG HARBOR 569.98 3493
87518 05/11/26 W0123 WIRELESS ELECTRONICS, INC. 570.52 3493
87519 05/11/26 W0131 WEX BANK 82.11 3493
87520 05/11/26 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3493

87521 05/11/26 W0137 WARWICK GROUP CONSULTANTS LLC 5,000.00 3493
87522 05/11/26 X0008 XEROX FINANCIAL SERVICES 154.40 3493
87523 05/11/26 Z0017 ZOLL DATA SYSTEMS, INC. 322.73 3493
Total: \$540,794.30