

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 10, 2026**

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 August 7, 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 (Please remain standing)

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, and Township Administrator James Van Zlike.

APPROVAL OF MINUTES – July 27, 2026 Regular Minutes

Motion by Victor Nappen, second by Zachary Palombo, to approve the July 27, 2026 Regular Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Zachary Palombo, Committeeman, reported on the ongoing beach replenishment project in Strathmere and the upcoming installation of the outdoor fitness facility at Amanda’s Field.

Sam Palombo, Committeeman, also reported on the outdoor fitness facility at Amanda’s Field and advised that the Township will receive a demonstration of an automatic field painter next week.

Victor Nappen, Deputy Mayor, reported that the Tuckahoe River Paddle Race hosted by Upper Township EMS/Rescue Squad on August 1st had a strong turnout. He next reported that EMS has been very busy responding to calls over the past few weeks. He then offered condolences on behalf of the Township Committee to the family of Ocean City firefighter Kenny Pollock and thanked Upper Township EMS, the Strathmere Volunteer Fire Company, and the Marmora Volunteer Fire Company for providing emergency coverage in Ocean City during the funeral services.

Curtis Corson, Mayor, reported on a meeting with GoNetspeed regarding the potential expansion of high-speed internet service in the Township and advised that a resolution will be presented at a future meeting. He also provided an update on the ongoing beach replenishment project in Strathmere and stated that the installation of snow fencing will be part of the beach project.

ADMINISTRATOR OVERVIEW

James Van Zlike, Administrator, provided an update on the Strathmere beach replenishment project, and stated that the anticipated completion date has been moved up to August 23rd–25th. He next reminded the public to stay off restricted areas and the dunes. Next, he reported that the Township is nearing completion of the process for issuing the Class 5 retail cannabis license. Last, he reported that a ribbon cutting ceremony for the Amanda’s Field outdoor fitness facility will be held on October 4th at 9:00 AM in conjunction with the Upper Township Fall Festival.

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

Alice March, Strathmere, thanked the Committee for their time and effort on Agenda Item #11, the Living Shoreline project which is very important to Strathmere.

Lou Barbuto, Petersburg, inquired as to why an out-of-state company was contracted per Agenda Item #16. It was explained that McCarthy Tire does have a local location.

CONSENT AGENDA

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

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

FILING OF REPORTS BY CONSENT

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

RESOLUTIONS TO BE APPROVED BY CONSENT

9. Congratulating the Upper Township Challenger Team on their achievements in the New Jersey 2026 Special Olympics Summer Games.

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

RESOLUTION NO. 282-2026

RE: CONGRATULATING THE UPPER TOWNSHIP CHALLENGER TEAM ON THEIR ACHIEVEMENTS IN THE 2026 NEW JERSEY SPECIAL OLYMPICS SUMMER GAMES

WHEREAS, the Upper Township Challenger Sports Special Olympics Team had an outstanding showing at the New Jersey 2026 Special Olympics Summer Games; and

WHEREAS, thirty-three athletes competed in the Special Olympics Track & Field qualifying event held at Ocean City High School on May 9, 2026, which included athletes from Cape May, Atlantic, and Cumberland Counties; and

WHEREAS, the Upper Township Challenger Summer Games Team was invited to compete in the 2026 New Jersey Special Olympics Summer Games, held from June 5 through June 7, 2026, at The College of New Jersey and surrounding locations; and

WHEREAS, all thirty-three athletes competed in a total of eighty events, earning twenty-four Gold Medals, twenty-eight Silver Medals, and seventeen Bronze Medals; and

WHEREAS, it is appropriate that the Township Committee, on behalf of the citizens of Upper Township, recognize and congratulate these outstanding athletes:

Aneudy Valerio	Dawson Owens	Kaitlin Manson
Anna Allen	Elijah Mason	Kalin Raynis
Anthony Conner	Erika Schmid	Louie Matto
Bailey Fluke	George Rose	Marissa Faralli
Blake Kennedy	Hunter Bailey	Megan McLaughlin
Brett Patro	Hunter G. Murray	Mia Palmer
Charlie Johnson	Ian Thomson	Raymond Pashuck
Cheyenne Miller	Ivanna Lopez	Roddy Gilman
Chloe Byrnes	Izayah Peterson	Steven Rash
Chris Britton	Jeff DiAntonio	Xander Allwine
Cooper Sokolov	Jordyn Lees	Zachary Schreiber

WHEREAS, the Township Committee also extends its recognition and appreciation to coaches John Thomson, Megan Thomson, Jackie Adams, Ford Palmer, Ashley Franco, Nicole Owens, Jenny Schreiber, Amanda Schuler, Lauren Johnson, Jim Lees, Trish Byrnes, and Daryl Ditroia, who have generously given their time and service to coach and support these athletes; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, on behalf of the citizens of the Township of Upper, that it hereby extends its congratulations to the Upper Township Challenger Special Olympics Track & Field Team on their outstanding achievements in the 2026 New Jersey Special Olympics Summer Games; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere appreciation and gratitude to the coaches for their generous donation of time, dedication, and service to the athletes and to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 10th day of August, 2026.

Resolution No. 282-2026

Offered By: Z. Palombo

Seconded By: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

10. Authorizing the purchase of radio communication equipment and accessories in the amount of \$37,147.60 from the 2026 Capital Improvement Bond Ordinance.

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

RESOLUTION NO. 283-2026

**RE: AUTHORIZING THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT AND
ACCESSORIES IN THE AMOUNT OF \$37,147.60 FROM THE 2026 CAPITAL
IMPROVEMENT BOND ORDINANCE**

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

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

WHEREAS, pursuant to N.J.S.A. 40A:11-12a, the Township wishes to make these purchases from a New Jersey State Contract approved vendor; and

WHEREAS, the Township's Qualified Purchasing Agent has reviewed and approved the quote for Radio Communication Equipment and Accessories from Motorola Solutions, Inc.; and

WHEREAS, Motorola Solutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Motorola Solutions, Inc. 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 Motorola Solutions, Inc. 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 purchases herein authorized and has certified that adequate funds have been appropriated for these purposes from Capital Improvement Bond Ordinance No. 004-2026.

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 Radio Communication Equipment and Accessories in the amount of **\$37,147.60** from the 2026 Capital Improvement Bond.
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. 283-2026

Offered By: Z. Palombo

Seconded By: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

11. 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—National Oceanic and Atmospheric Administration SFEA-Living Shoreline Grant in an additional amount of \$485,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 284-2026

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—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SFEA-LIVING SHORELINE GRANT IN AN ADDITIONAL AMOUNT OF \$485,000.00

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, 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 additional amount of \$485,000.00 from National Oceanic and Atmospheric Administration SFEA-Living Shoreline Grant 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 \$485,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SFEA-LIVING SHORELINE
GRANT, AND

BE IT FURTHER RESOLVED that a like sum of \$485,000.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SFEA-LIVING SHORELINE
GRANT, AND

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

Resolution No. 284-2026

Offered By: Z. Palombo

Seconded By: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

12. Appointing Judge Vincent J. Morrison to serve as substitute Municipal Judge on an as needed basis.

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

RESOLUTION NO. 285-2026

**RE: APPOINTING JUDGE VINCENT J. MORRISON TO SERVE AS SUBSTITUTE
MUNICIPAL JUDGE ON AN AS NEEDED BASIS**

WHEREAS, the Township has decided to acquire the services of Judge Vincent J. Morrison, to serve as a substitute municipal judge, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Judge Vincent J. Morrison has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit him from making any contributions through the term of his 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. Judge Vincent J. Morrison is hereby appointed as a substitute municipal judge to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Judge Vincent J. Morrison has professional knowledge as to legal and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

6. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Judge Vincent J. Morrison 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.

7. 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.

8. This Resolution shall be effective as of adoption.

Resolution No. 285-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

13. Appointing Rebecca D. Boudwin and Boudwin Roy Leodori PC as Special Legal Counsel to complete certain in-rem foreclosure matters.

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

RESOLUTION NO. 286-2026

**RE: APPOINTING REBECCA D. BOUDWIN AND BOUDWIN ROY LEODORI PC
AS SPECIAL LEGAL COUNSEL TO COMPLETE CERTAIN
IN REM FORECLOSURE MATTERS**

WHEREAS, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; and

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

WHEREAS, the Township has decided to acquire the services of Rebecca D. Boudwin, Esquire, individually, and Boudwin Roy Leodori PC, hereinafter collectively referred to as “Special Legal Counsel,” as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Special Legal Counsel has completed and submitted a Business Entity Disclosure Certification which certifies that Special Legal Counsel 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 Special Legal Counsel from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in 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. Rebecca D. Boudwin, Esquire, individually, and Boudwin Roy Leodori PC with offices at 10000 Midlantic Drive, Suite 100E, Mount Laurel, New Jersey 08054 are hereby appointed as Special Legal Counsel for the Township of Upper for the completion of in rem foreclosure matters.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Special Legal Counsel has professional knowledge as to in rem foreclosure matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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 Special Legal Counsel for in rem foreclosure matters. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

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

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

10. This Resolution shall be effective as of adoption.

Resolution No. 286-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

14. Authorizing a contract with Pitney Elm, LLC for floodplain manager services.

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

RESOLUTION NO. 287-2026

**RE: AUTHORIZING A CONTRACT WITH PITNEY ELM, LLC FOR
FLOODPLAIN MANAGER SERVICES**

WHEREAS, the Township requires Floodplain Manager services; and

WHEREAS, Pitney Elm, LLC possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Pitney Elm, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Pitney Elm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Pitney Elm, 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 Pitney Elm, 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. Pitney Elm, LLC with offices at 311 Elm Avenue, Galloway, New Jersey 08205, is hereby appointed to provide Floodplain Manager services.
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 Pitney Elm, LLC has professional knowledge of Floodplain Management which knowledge 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 Pitney Elm, LLC. 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 Pitney Elm, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A notice of this contract award shall be 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. 287-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

15. Authorizing the award of a contract with Starr General Contracting Corporation for equipment rental.

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

RESOLUTION NO. 288-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
STARR GENERAL CONTRACTING CORPORATION FOR EQUIPMENT RENTAL**

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities, and to do so desires to enter into a non-fair and open contract with Starr General Contracting Corporation 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 Starr General Contracting Corporation for the year 2026 will exceed \$17,500; and

WHEREAS, Starr General Contracting Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that Starr General Contracting Corporation 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 Starr General Contracting Corporation 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 Starr General Contracting Corporation as described herein.
3. The Business Entity Disclosure Certification and the Determination of Value shall 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. 288-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

16. Authorizing the award of a contract with McCarthy Tire Service Company of Philadelphia, Inc. for automotive parts and supplies.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 289-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MCCARTHY TIRE SERVICE
COMPANY OF PHILADELPHIA, INC. FOR AUTOMOTIVE PARTS AND SUPPLIES**

WHEREAS, from time to time the Township of Upper has a need to purchase automotive parts and supplies from McCarthy Tire Service Company of Philadelphia, Inc., herein after McCarthy Tire, 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 McCarthy Tire for the year 2026 will exceed \$17,500; and

WHEREAS, McCarthy Tire has completed and submitted a Business Entity Disclosure Certification which certifies that McCarthy Tire 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 McCarthy Tire 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 McCarthy Tire as described herein.
3. The Business Entity Disclosure 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. 289-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			

S. Palombo	X			
Z. Palombo	X			
Corson	X			

17. Hiring part-time employees to the Upper Township Department of Sports and Recreation.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 290-2026

**RE: HIRING PART-TIME EMPLOYEES TO THE
UPPER TOWNSHIP DEPARTMENT OF SPORTS AND RECREATION**

WHEREAS, a need exists to hire qualified personnel as part-time Recreation Leaders to the Upper Township Department of Sports and Recreation to ensure optimal operation; and

WHEREAS, the following individuals possess all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following individuals are hereby hired to the Department of Sports and Recreation as part-time Recreation Leaders, contingent upon successful pre-employment testing, at a salary stated below, in accordance with the Salary Ordinance.

RECREATION LEADER

Thomas Jamison \$20.00 per hour

Katrina Warren \$20.00 per hour

Mckenzie Williams \$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. 290-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

18. Authorizing the waiver of any applicable application fee for a Certificate of Appropriateness for the Tuckahoe Volunteer Fire Company.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 291-2026

**RE: AUTHORIZING THE WAIVER OF ANY APPLICABLE APPLICATION FEE
FOR A CERTIFICATE OF APPROPRIATENESS FOR THE
TUCKAHOE VOLUNTEER FIRE COMPANY**

WHEREAS, Tuckahoe Volunteer Fire Company has submitted an application for a Certificate of Appropriateness in connection with the proposed demolition of the Daughters of America Hall located at 2170A Route 50, Tuckahoe, New Jersey; and

WHEREAS, the Township Committee recognizes the valuable services provided by Tuckahoe Volunteer Fire Company to the residents of the Township of Upper; and

WHEREAS, the Township Committee wishes to waive any application fee that may otherwise be applicable to the Certificate of Appropriateness application submitted by Tuckahoe Volunteer Fire Company for the proposed demolition of the Daughters of America Hall; and

WHEREAS, this waiver is limited solely to any applicable application fee and does not waive or otherwise affect any escrow deposit, professional review fee, or other fee or cost that may be required in connection with the application.

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. Any application fee that may be applicable to Tuckahoe Volunteer Fire Company in connection with its application for a Certificate of Appropriateness for the proposed demolition of the Daughters of America Hall, located at 2170A Route 50, Tuckahoe, New Jersey, is hereby

waived.

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. 291-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 2026

Roll Call Vote:

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

19. Authorizing the Township Engineer to solicit bids for the 2026 Road Improvement Program and to provide design immunity to the Township of Upper and/or its agents pursuant to N.J.S.A. 59:4-6.

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

RESOLUTION NO. 292-2026

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SOLICIT BIDS FOR THE 2026 ROAD IMPROVEMENT PROGRAM AND TO PROVIDE DESIGN IMMUNITY TO THE TOWNSHIP OF UPPER AND/OR ITS AGENTS PURSUANT TO N.J.S.A. 59:4-6

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

WHEREAS, the Township Committee of the Township of Upper previously resolved to authorize the Township Engineer to prepare specifications for the proposed 2026 road program within the Township of Upper; and

WHEREAS, the Township Engineer has prepared such road program specifications and the Township Committee has reviewed the general scope of the proposed improvements and now desires to authorize the preparation of bid specifications and contract documents for public bidding in accordance with the Local Public Contracts Law; and

WHEREAS, the Township Committee of the Township of Upper further intends that the design, plan details, standard drawings, typical sections, and other engineering criteria incorporated into

the bid documents be treated as an approved plan/design for purposes of immunity under the New Jersey Tort Claims Act, codified at N.J.S.A. 59:4-6.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Engineer is hereby authorized and directed to prepare bid specifications, bid documents, and to solicit bids for the following project:

2026 ROAD IMPROVEMENT PROGRAM

3. The bid documents shall be advertised and received in accordance with the Local Public Contracts Law and any, and all, other applicable rules and regulations. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

4. The Township Committee hereby approves the general plan and design features, including, but not limited to, roadway width, pavement structure, drainage layouts, and any, and all, other design elements shown on the plans and specifications prepared for the 2026 Road Improvement Program.

5. To the extent that any discretionary design determinations are made by the Township Committee, the Township Engineer, or another authorized municipal official, those determinations are hereby ratified and approved as part of the plan and design for the 2026 Road Improvement Project.

6. It is the express intention of the Township Committee that the approved plans, specifications, and standards for the 2026 Road Improvement Project constitute an approved plan or design within the meaning of N.J.S.A. 59:4-6 and that the Township of Upper shall retain all available immunity under the New Jersey Tort Claims Act for claims arising from the approved plan or design.

7. Nothing contained herein shall be construed as a waiver of any rights, defenses, or immunity available to the Township of Upper under the New Jersey Tort Claims Act or any other applicable law or regulation.

Resolution No. 292-2026

Offered by: Z. Palombo

Seconded by: Nappen

Adopted: August 10, 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

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

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

RESOLUTION NO. 293-2026

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

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

WHEREAS, the Township of Upper replaced this Spending Plan pursuant to Resolution No. 167-2020 adopted on May 26, 2020 and consistent with P.L. 2008, c.46 COAH regulations and the Fair Share Housing Center Settlement Agreement, which was subsequently approved by the Court on June 30, 2020 in connection with the Township’s Declaratory Judgment Action; and

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

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

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

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

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

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

2. The Chief Financial Officer is authorized to release the following funds pursuant to the Township's Spending Plan:

Surenian, Edwards, Buzak & Nolan LLC (Affordable Housing Service)	\$2,856.00
Triad (Affordable Housing Service)	\$ 1,916.25
DeWeese Law Firm (Affordable Housing Service)	\$ 180.00

Resolution No. 293-2026

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: August 10, 2026

Roll Call Vote:

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

21. Resolution of the Township of Upper authorizing local support for Bayside Supply Company LLC for its Class 5 Cannabis Retailer License application to the New Jersey Cannabis Regulatory Commission.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 294-2026

**RESOLUTION OF THE TOWNSHIP OF UPPER AUTHORIZING LOCAL
SUPPORT FOR BAYSIDE SUPPLY COMPANY LLC FOR ITS CLASS 5 CANNABIS
RETAILER LICENSE APPLICATION TO THE NEW JERSEY CANNABIS REGULATORY
COMMISSION**

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults 21 years of age and older; and

WHEREAS, in the County of Cape May, more than 65% of ballots voted in favor of Public Question No. 1; and

WHEREAS, in the Township of Upper (the “Township”), nearly 63% of ballots voted in favor of Public Question No. 1; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, municipal officials are required to inform the Cannabis Regulatory Commission of New Jersey (“Commission”) whether a request of an applicant to conduct a cannabis business at a specific location complies with the Township’s ordinances or regulations, as it may be applicable, pursuant to N.J.A.C. 17:30-5.1(d); and

WHEREAS, in accordance with the regulations established by the Act, an applicant for a conditional or an annual cannabis license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body; and

WHEREAS, on February 25, 2026, pursuant to the provisions of N.J.S.A. 24:6I-45, the Township Committee (“Township Committee”) adopted Ordinance No. 001-2026 creating a cannabis overlay zone within the CM2 zoning district and to allow no more than one (1) class 5 cannabis retail sales within the cannabis overlay district, subject to the applicant’s receipt of all applicable planning, zoning, and other local and state regulatory permits and approvals; and

WHEREAS, on April 13, 2026, the Township Committee adopted Resolution No. 129-2026 determining that the award of a municipal cannabis endorsement for a Class 5 Cannabis Retailer is an appropriate subject for competitive contracting because the selection of a cannabis operator requires evaluation of qualitative factors beyond price, including operational experience, security, financial capability, community impact, regulatory compliance, and other factors established by the Request for Proposals (“RFP”); and

WHEREAS, the Township caused an RFP to be prepared setting forth the scope of the opportunity, the evaluation criteria, the relative weights assigned to those criteria, submission requirements, and the procedures governing the competitive contracting process; and

WHEREAS, notice of the RFP was publicly advertised, and all interested parties were afforded an opportunity to submit proposals within the time prescribed; and

WHEREAS, three (3) proposals were received and thereafter evaluated by the Review Committee appointed by the Township utilizing only those evaluation criteria and weighting factors contained within the RFP; and

WHEREAS, following completion of the evaluation process, the Review Committee recommended the proposal submitted by Bayside Supply Company, LLC (“Bayside Supply Co.”) as receiving the highest overall evaluation based upon the criteria established in the RFP; and

WHEREAS, the Township Committee has independently reviewed the Review Committee’s report, the proposals submitted, the applicable evaluation criteria, and finds that the recommendation is supported by substantial credible evidence contained in the record; and

WHEREAS, the Township Committee further finds that the proposal submitted by Bayside Supply Co. represents the proposal most advantageous to the Township, all evaluation factors considered; and

WHEREAS, the Township Committee therefore desires to accept the recommendation of the Review Committee, designate Bayside Supply Co. as the successful applicant, and award the Township's single available municipal endorsement for a Class 5 Cannabis Retailer License to Bayside Supply Co.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. That the Township Committee of the Township of Upper hereby support the application of Bayside Supply Company, LLC to the Cannabis Regulatory Commission of New Jersey for an annual Class 5 Cannabis Retailer License to operate at 501 Roosevelt Boulevard, Marmora, New Jersey, also known as Block 735, Lot 56 on the Official Tax Map of the Township of Upper.
3. That the Township Clerk shall provide Bayside Supply Company, LLC with a sealed copy of this Resolution to be included as part of its application to the State of New Jersey Cannabis Regulatory Commission.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Resolution No. 294-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: August 10, 2026

Roll Call Vote:

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

ORDINANCES

22. Public hearing and final adoption of Ordinance No. 013-2026 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 324, LOT 2 AND BLOCK 324, LOT 31. **During the public hearing portion there were no speakers. Motion by Tyler Casaccio, second by Victor Nappen, to adopt Ordinance No. 013-2026. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 013-2026

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 324, LOT 2 AND BLOCK 324, LOT 31**

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 324, Lot 2 and Block 324, Lot 31; and

WHEREAS, the Township has received an offer from Stewart and Marion Segin, the owners of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of the parcels with an existing contiguous lot; and

NOW, THEREFORE, 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: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 324, Lot 2 and Block 324, Lot 31

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for each parcel is hereby established as follows:

Block 324, Lot 2 - \$13,000.00

Block 324, Lot 31 - \$3,700.00

SECTION 2: Prior to said sale, the Township will obtain a title report for each parcel from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of parcels authorized to be sold, together with the minimum price thereof, shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the parcels may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the parcels for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the

Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Stewart and Marion Segin, shall submit to the Township Clerk a total deposit in the amount of \$2,000.00 to initiate the land sale process for the parcels authorized herein. Said deposit shall be allocated as follows:

(a) \$500.00 shall be applied toward the Township's administrative costs, including legal review, engineering review, advertising, notices, and other administrative expenses incurred in connection with the preparation and implementation of this Ordinance; and

(b) \$1,500.00 shall be held by the Township as a non-interest-bearing escrow to be applied toward the cost of title reports and related title examination expenses for the parcels authorized herein. The title escrow shall be applied to one or both parcels as necessary. Any unused portion of the escrow shall be refunded to the applicants or credited at closing, as deemed appropriate by the Township Clerk in consultation with the title company. If the applicants are not the successful purchasers of a parcel, the escrowed amount attributable to that parcel shall be refunded to the applicants, and the successful bidder shall be required, as a condition of closing, to reimburse the Township for the actual title and related costs incurred for that parcel.

SECTION 5: The aforesaid parcels of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent by certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects the same in the exercise of its sole judgment and discretion, all deposits held by the Township shall be refunded to the original applicant or the highest bidder, as applicable, less any actual administrative, title, engineering, legal, advertising, or other costs incurred by the Township in connection with the sale.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash, or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of \$2,000.00, payable to the Township of Upper, representing reimbursement to the Township for title and administrative expenses previously advanced on behalf of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.

- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only.

Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, express or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This

restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13TH DAY OF JULY, 2026 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10TH DAY OF AUGUST, 2026 AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

23. Introduction and first reading of Ordinance No. 014-2026 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IX (RECREATIONAL FACILITIES) OF THE CODE OF UPPER TOWNSHIP. **Motion by Tyler Casaccio, second by Sam Palombo, to introduce Ordinance 014-2026 with a public hearing and final adoption scheduled for August 24, 2026. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 014-2026

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER IX (RECREATIONAL FACILITIES) 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 9 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:

9-1.2 – Definitions shall be revised to read as follows:

As used in this section:

BEACH — Shall mean that area consisting of natural sandy deposits within the Township adjacent to and abutting the Atlantic Ocean, Corson's Inlet, Peck's Bay, Great Egg Harbor Bay and the Tuckahoe River.

SEASONAL BEACH TAG – Shall mean a beach tag that is required by the Township for use of specified public beaches within the Township of Upper during the bathing season for which the beach tag is applicable by the purchaser of such beach tag.

BATHING SEASON – Shall mean between the Friday prior to Memorial Day and the end of September in any calendar year.

ENFORCEMENT AGENT – Shall mean any agent(s) authorized by the Township of Upper to enforce the terms and provisions of this Chapter of the Upper Township Municipal Code and shall specifically include, but shall not be limited to, a beach tag director, beach tag enforcement agents, the Upper Township Code Enforcement Department, the Upper Township parking enforcement personnel, the New Jersey State Police, and/or the Township Administration Department.

9-1.3 – Paid Beaches Established shall be revised to read as follows:

a. Paid beaches are hereby established in the Township of Upper for the public health, recreation, and entertainment.

b. Such paid beaches shall be located upon all lands in the Township of Upper that front along the Atlantic Ocean, Corson's Inlet, and Whale Beach. The Township Committee reserves the right to revise this list of paid beaches, in their discretion, upon the adoption of an authorizing resolution.

9-1.4 – Beach Fees and Charges/Exemptions to Beach Fees shall be created to read as follows:

In order to provide the necessary funds to protect, guard, clean, police, maintain, and otherwise manage the beaches of the Township of Upper, the following fees shall be charged for use of the beaches proscribed in Section 1.3, above:

a. No fees shall be charged or collected from any person under the age of sixteen (16) years.

b. Beach tags for use on one (1) single day during the bathing season shall be charged at a rate of \$10.00 per beach tag.

- c. Beach tags for use during any continuous seven (7) calendar day period during the bathing season shall be charged at a rate of \$20.00 per beach tag.
- d. Beach tags for use during the entirety of a bathing season that are purchased between October 1st of a given calendar year and the Monday after President's Day shall be charged at a rate of \$30.00 per beach tag.
- e. Beach tags that are purchased between the Tuesday after President's Day and the end of September of a given calendar year shall be charged at a rate of \$45.00 per beach tag.
- f. No beach tag fees shall be charged to or collected from any person in active military service in any of the Armed Forces of the United States of America and up to one (1) additional guest of the active-duty service member. In order to obtain this exemption from the requirement for payment of beach tag fees, the active-duty service member shall be required to produce their military identification card when requested by the Enforcement Agent tasked with enforcing the provisions of this Chapter.
- g. No beach tag fees shall be charged to those persons who have served in any of the Armed Forces of the United States of America and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least ninety (90) days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability ("veterans"). In addition to a waiver of the requirement to purchase a beach tag for veterans, each veteran shall be permitted to obtain a beach tag for up to one (1) additional guest that is free of charge. In order to obtain a badge with no fee pursuant to this section, such veteran shall present to the Enforcement Agent documentation, consistent with laws, rules, and/or regulations promulgated by the Adjutant General of the New Jersey Department of Military and Veteran's Affairs, sufficient to establish entitlement to a beach tag without payment of the otherwise required fee.
- h. Records and Verification. As required by law, the Township shall maintain a list of all individuals to whom beach tags are issued pursuant to sections f and g, above, including the names of all individuals and, as applicable, their guests who qualify for the beach fee exemption. The Township Administrator shall also establish procedures for verifying that individuals who qualify for the beach tag exemption present the appropriate credentials that demonstrate active duty to veteran status.

9-1.5 – Revenue Depositing shall be created to read as follows:

All beach tag revenues shall be deposited into the Upper Township General Fund and from this fund shall be paid all operating and capital expenditures that are properly attributable to the beachfront operations of the Township of Upper.

9-1.6 – Rules and Regulations, which was previously codified in 9-1.3, shall be amended to read as follows:

The aforementioned facilities in subsection 9-1.1 shall be accessible to the public at all times, subject to the purchase of beach tags for those beaches identified in subsection 9-1.3(b), above, ensuring public access, use and enjoyment of those facilities in accordance with the following rules and regulation:

a. Beach Tag Required. No person 16 years of age or over shall bathe at or otherwise use or be upon the beaches identified in subsection 9-1.3, above, without having first acquired and then having in his or her possession a proper and effective beach tag, license, or permit to use the beach, which shall, in the event of a physical beach tag be worn conspicuously by the person during said use so that it is visible at all times and is able to be exhibited on demand to an Enforcement Agent. In the event that the holder of a beach tag does not possess a physical beach tag and instead possesses a digital beach tag, the holder of such beach tag shall be required to display the digital beach tag to an Enforcement Agent upon demand.

b. Regulations for Beach Tags. It shall be unlawful to violate any of the rules and regulations contained herein, or those rules and regulations which may be subsequently adopted by the Township by way of resolution, during the bathing season or any other times if specifically provided for:

1. The Township or its duly authorized representatives shall be the sole and exclusive vendor and/or lessor of the privileges, rights, badges, or permits, as it is hereby deemed unlawful for any person or entity to purchase or lease the badges from anyone other than the Township or its duly authorized representatives.

2. The counterfeiting, copying, duplication, or other forms of reproduction of the beach badges or permits issued by the Township by anyone other than the Township or its duly authorized representatives is hereby prohibited.

3. The possession of counterfeit and/or fraudulently obtained beach tags or permits is hereby prohibited.

4. No later than December 1st of each calendar year, the Township's Chief Financial Officer shall provide the Township Committee with a report that includes the amount of revenue raised by beach tag fees, broken down by category of beach tag; the cost of operation of the beach utility for that calendar year; the amount of any excess or shortfall in revenue; and recommendations to the Township Committee as to whether the beach fee ordinance should be modified for the next calendar year. Township Committee shall review the information provided and, in its sole discretion, make any adjustments to the beach fee ordinance that it deems reasonable and necessary.

5. Any holder of a mercantile license within the Township of Upper that resells, leases for a fee, or marks up beach tags to its customers or guests, or distributes counterfeit or fraudulently obtained beach tags, shall be subject to possible suspension or revocation of its mercantile license.

c. Playing of Games. It shall be unlawful to throw, bat or catch a baseball, football, basketball or

d. Use of Objects in Water Prohibited; Exception. During the months of May, June, July, August, and September, it shall be unlawful to use lifebelts, inflatable rafts, water wings, innertubes or inflated objects or devices of any kind or description in the ocean adjacent to the beach, except on such areas of the beach designated by resolution of the Township Committee for the use of such objects, which resolution may be adopted and which, following adoption, may be amended, supplemented or rescinded. Such objects shall be utilized only in the designated areas and at no other place on the beach. The Township Committee shall cause the beach area designated for such specified purposes to be posted with appropriate notices.

e. Refuse and Debris. It shall be unlawful to throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed article or thing, papers, refuse or debris of any kind, in beach areas except in the proper receptacles provided on the beach.

- f. Orders and Directions of Lifeguards. It shall be unlawful to ignore or disobey all orders, directions, whistles or other signals used by Township lifeguards and police officers.
- g. Alcoholic Beverages. It shall be unlawful to consume, openly display, dispense or offer to dispense or consume any beer, wine, whiskey or other alcoholic beverages upon the streets, highways, sidewalks, public or quasi-public places, or in automobiles or other vehicles while moving or parked upon the streets, highways, alleys, parking lots or other places not expressly licensed for the sale and consumption of such beverages upon the premises so licensed.²
- h. Smoking and/or Vaping Prohibited. Pursuant to N.J.S.A. 26:3D-55 et seq., it shall be unlawful to smoke, burn, vaporize, or consume any tobacco product, cigar, cigarette, pipe, electronic smoking device/e-cigarette, cannabis, or cannabis item (as defined in N.J.S.A. 24:6I-33) upon any public beach, dune area, beach approach, or adjacent public boardwalk/pathway within the Township of Upper.
- i. Damaging Township Property. It shall be unlawful to climb upon or stand on the railings, fences or benches so as to cause or to likely cause damage to such, or approaches thereto, or tamper with or handle the lifeguard boats or other equipment used by the lifeguards on the beach.
- j. Conduct on the Beach. It shall be unlawful to revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others, or otherwise disrupt and disturb the public peace and dignity within the defined areas. It shall be unlawful to act in a loud, indecent, obscene, offensive or lascivious manner within the defined areas.
- k. Loitering. It shall be unlawful to loiter, assemble, band or crowd together, so as to interfere or to likely interfere with the ingress and egress of others at the street ends approaching the beach or within the areas defined as the beach and approaches thereto.
- l. Hours of Swimming. It shall be unlawful for any person to swim, bathe or enter any waterway from any public beach after sunset and before sunrise, except where permission to do so has been provided the Township of Upper or their designated representative, or unless the person entering the ocean is doing so in an attempt to assist or save someone else in the waterway.
- m. Hours Where Beach Tags are Required. Beach tags shall be required on the beaches proscribed in subsection 9-1.3, above, between the hours of 9:00 a.m. and 5:00 p.m. EST. The Township

of Upper reserves the right to close beaches or other areas during periods of inclement weather or other emergent situations.

n. Vehicles and Horses Prohibited; Exceptions. It shall be unlawful to drive a motorcycle, bicycle or any motor operated or horse drawn vehicle or to ride a horse upon the beach or approaches thereto. This provision shall not apply to Township-owned vehicles in the course of public needs or requirements.

o. Changing in Public; Sleeping in Cars. It shall be unlawful to use any vehicle within the boundaries of the Township, or any public rest room or other public shelter or place not designed for that purpose, as a place for the changing from street attire into bathing suits or vice versa, or to sleep in cars at any time, either day or night.

p. Fires. It shall be unlawful to build beach fires upon and within the amusement or recreational areas as defined in this section.

q. Use of Public and Private Property.

1. It shall be unlawful to use any public or quasi-public bench or seat, upon and within the defined recreational and amusement areas, for sleeping, or to lie upon them, or to usurp the uses thereof for the storage of baskets, bundles, clothing or other like objects so as to prevent the reasonable use thereof by others.

2. It shall be unlawful to enter upon any public or quasi-public place or private property, without the consent of the owner or person in lawful control and possession thereof, to change apparel, dress or undress, perform any of the functions of the human body, or commit any other nuisance.

r. Fishing. It shall be unlawful to fish on any public beach within 250 feet of any lifeguard stand between the hours of 9:00 a.m. and 7:00 p.m.

s. The Township Committee of the Township of Upper is hereby authorized and empowered to:

1. Adopt by resolution, in addition to the rules and regulations set forth herein, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and other areas and the waters adjacent thereto.

2. Designate by resolution the protected bathing beaches where lifeguards are attendant equipment are to be provided by the Township and from which beaches persons shall be permitted to bathe or swim; however, the Township Administrator may change or abolish the precise location of any one or more bathing beaches from time to time as safety and attending circumstances shall require.

3. To determine and establish by resolution the period during each calendar year when the Township's paid bathing beaches shall be opened and closed to the public.

Editor's Note: For regulation of dogs in public parks, playgrounds and beaches, see subsection 8-5.4 of Chapter 8, Animal Control. For regulations concerning the protection of sand dunes, see Section 3-4 of Chapter 3, Police Regulations.

9-1.7 Use of Surfboards, Sailboats, Catamarans, and Other Similar Non-Inflatable Devices, which was previously codified in 9-1.4, shall read as follows:

During the months of May, June, July, August and September, the use of surfboards, sailboats, catamarans and other similar devices, shall be permitted only on one or more beaches so designated by resolution of the Township Committee, which resolution may be adopted and which, following adoption, may be amended, supplemented or rescinded. The use of surfboards, sailboats, catamarans and other similar devices shall be permitted only on the designated beach or beaches and shall be permitted at any time between the hours of 6:00 a.m. and 9:00 p.m. Swimming and bathing on such beach or beaches designated for the use of surfboards, sailboats, catamarans and other similar devices is absolutely prohibited. The Township Committee shall cause the designated beach or beaches to be posted with appropriate notices.

9-1.8 – Hours of Lifeguard Protection, which was previously codified in 9-1.5, shall read as follows:

a. The Township beach known and designated as the Beesley's Point Beach shall be protected by Township lifeguards between the hours of 9:00 a.m. and 5:00 p.m.

b. All other public beaches within the Township, with the exception of the beach at Tuckahoe, shall be protected by lifeguards between the hours of 10:00 a.m. and 6:00 p.m.

c. No lifeguard protection shall be provided at the beach at Tuckahoe. The area shall be designated as an unprotected beach and appropriate signs and notices to that effect shall be posted.

9-1.9 – Public Bathing Beach at Beesley's Point, which was previously codified in 9-1.6, shall read as follows:

a. Swimming Prohibited. It shall be unlawful for any person to swim or dive from the general westerly side of the pier located in the public bathing area of Beesley's Point. Swimming shall only be permitted off the beach area.

b. Fishing and Crabbing Prohibited. It shall be unlawful for any person to engage in fishing or crabbing from the pier or floating dock located at the public bathing beach at Beesley's Point.

c. Penalty. Any person who violates the provisions of this subsection shall, upon conviction, be subject to the penalty stated in Chapter 1, Section 1-5.

9-3.12 - Impounding of Unlicensed and Abandoned Vessels, shall be amended to read as follows:

The Upper Township Code Enforcement Official or their designee is hereby authorized and directed to remove or have removed any catamarans left unattended after 4:00 p.m. on the beach, dunes or surf and/or on which is not displayed the official decal, as well as any single-hull sailboat left unattended at any time on the beach, dunes or surf and/or on which is not displayed the official decal. Such vessel shall continue to be impounded until claimed. The Township Clerk shall notify the legal owner of the vessel, where such owner is known or can be reasonably ascertained, in writing, by personal service, or by certified mail, at the last known address of the owner that such vessel has been removed from the beach, the reason for such removal, and the location of the vessel. Such vessel shall be retained and impounded until the owner shall have paid the costs of such taking and removal, the charge to be \$50, together with a storage charge of \$5 for each and every day such vessel is retained and impounded. In the event that an owner fails to claim a vessel within 30 days of the aforementioned notice, then the Township is hereby empowered to dispose of same at public sale and apply the proceeds thereof to the

aforementioned charges. Notwithstanding anything contained herein to the contrary, the Township expressly reserves the right to institute an action in a Court of competent jurisdiction against the owner of the vessel to recover the aforementioned charges.

9-7.7 – Violation of Rules/Regulations, shall be amended to read as follows:

Any person who violates any section of this Chapter or the rules and regulations set forth under this Chapter shall be immediately removed from the property. In addition, any person convicted of violating the provisions of this Chapter or the rules and regulations promulgated hereunder shall be guilty upon a first offense of a fine not to exceed \$200.00 and a second offense of a fine not to exceed \$500.00. For any person convicted of a third or subsequent offense for violation of the provisions of this Chapter and/or the rules and regulations promulgated hereunder, the fine to be levied for such conviction shall be the maximum fine permitted pursuant to Chapter 1-5.1 of the Code of the Township of Upper.

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 10th DAY OF AUGUST, 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 24th DAY OF AUGUST, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

24. Introduction and first reading of Ordinance No. 015-2026 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. **Motion by Curtis Corson, second by Victor Nappen, to introduce Ordinance 015-2026 with a public hearing and final adoption scheduled for September 14, 2026. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 015-2026

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper have become aware of the emergence of large-scale computer processing facilities that have become commonly known as “data centers” that are utilized for purposes of cloud computing, AI generation, machine learning, and hyperscale data processing and storage, along with other similar and associated uses; and

WHEREAS, the Township Committee of the Township of Upper has become aware of the operational impacts of data centers throughout the State of New Jersey and elsewhere that have negatively impacted the general welfare of those populations located both within and outside of the communities in which the data centers are operating through unwarranted and excessive noise, through the consumption of significant resources, specifically massive amounts of energy required to be utilized by data centers for powering rooms of interconnected computer servers, as well as water for cooling systems to cool the excessive heat that is generated by the computer servers contained therein; and

WHEREAS, it is unquestionable that data centers often require significant land resources in order to house their facilities; and

WHEREAS, the beneficial impacts of data centers are limited and present little opportunity for local employment within the Township of Upper relative to the size of the facilities that are to be constructed and the likely detriment that the creation and operation of such data centers would bring to the residents and visitors of the Township of Upper; and

WHEREAS, in the interest of protecting the health, safety, and general welfare of the residents and visitors of the Township of Upper, and in order to protect the limited natural resources available to the residents, visitors, and businesses of the Township of Upper, the Township of Upper seeks to prohibit data centers as a permitted principal use within the Township of Upper; and

WHEREAS, the Township of Upper is authorized by the New Jersey Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq., to enact land use regulations that place restrictions on specific land uses when such regulations are enacted in the interest of protecting and promoting the public health, safety, and welfare of the community and are consistent with the purposes of zoning that are specifically enumerated in Section 2 of the New Jersey Municipal Land Use Law; and

WHEREAS, a prohibition on data centers as a permitted use within the Township of Upper is consistent with the purposes of zoning in order to protect the health, safety, and general welfare of the Township of Upper and to conserve natural resources and the environment.

NOW, THEREFORE, 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 20 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:

20-1.5 – Prohibited Uses shall be revised to read as follows:

- a. All uses not expressly permitted in this chapter are prohibited.
- b. The following uses are expressly prohibited in all zones and zoning districts in the Township.
 1. Adult activities, including but not limited to uses commonly referred to as adult book stores, adult movies, adult entertainment and massage parlors.
 2. Drug paraphernalia shop, commonly referred to as "head" shops, except persons registered with the State Health Commissioner or referred to in N.J.S.A. 24:21-10, and also exempting any Class 5 Cannabis Retail licensee lawfully operating a cannabis retail sales facility within the Township of Upper.
 3. Junk yards and automobile salvage.

4. Prohibited uses shall also include the following classes of cannabis licenses created pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, set forth at N.J.S.A. 24:6I-1 et seq.:

- (a) Class 1 Cannabis Cultivation Licenses;
- (b) Class 2 Cannabis Manufacturing Licenses;
- (c) Class 3 Cannabis Wholesaler Licenses;
- (d) Class 4 Cannabis Distributor Licenses; and
- (e) Class 6 Cannabis Delivery Licenses for deliveries not conducted by a licensed Class 5 Cannabis Retail Sales licensee.

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

5. Data Centers.

20-2 – Definitions shall be amended to add the following definitions to the body of the existing section:

ACCESSORY SERVER ROOM – Shall mean a room or enclosed area located within a principal building that is devoted to the housing and operation of computer services, networking equipment, telecommunications equipment, data storage devices, backup power equipment, and related hardware used solely to support the operations of the principal use located on the same property.

DATA CENTER – Shall mean a building or group of buildings, regardless of size, primarily devoted to the housing, operation, maintenance, cooling, security, and management of computer servers or computer networking equipment, for the purpose of computing, networking, storage, hosting, processing, transmitting, or managing digital data or computing services, including, but not limited to, the generation of artificial intelligence (“AI”), cloud computing, machine learning, crypto-currency mining, colocation services, or large scale digital data storage and data processing, or other similar purposes. This definition shall expressly exclude an Accessory Service Room, as such term is defined herein.

20-1.5 – Accessory Buildings shall be revised to read as follows:

- a. Accessory Buildings as Part of Principal Buildings. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.
- b. Distance Between Adjacent Buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in § 20-4 except that no poultry or livestock shelter shall be erected nearer than 50 feet to any dwelling on the same lot.

- c. Height of Accessory Buildings. The height of accessory buildings shall be 20 feet unless otherwise prescribed in § 20-4.
- d. Location. An accessory building may be erected in the side and rear yard areas only and shall be set back from the side and rear lot lines as prescribed in § 20-4; except for the following:
 - 1. If the structure is 100 square feet or less and 10 feet in height or less then the structure may be located within five feet of a side or rear yard line except for:
 - (a) That if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street;
 - (b) That if erected on a lot whereon front yard does not provide actual legal access, e.g., Garden State Parkway, the accessory building shall be set back from said street to comply with the setback line applying to the accessory structure;
 - 2. No poultry or livestock shelter shall be erected nearer than 50 feet to any lot lines if permitted in the zone.
- e. Storage container. Shall be permitted on a lot by permit from the Zoning Official for a period up to 45 days during any 365-day period.
- f. Tractor trailers shall be prohibited. Existing tractor trailers must show conformance with Subsection 20-5.6.
- g. Size of Accessory Structure. No accessory structure on a residentially used lot shall be larger in area or volume than the principal structure.
- h. Accessory Server Rooms, as defined herein, shall be permitted in all non-residential zoning districts of the Township, subject to the following limitations:
 - 1. Processing and/or storage of data shall bear a direct relationship to the operations of the principal use of the property and shall be used solely to support the business or operation that makes up the principal use of the property.
 - 2. The Accessory Server Room shall not be operated for the primary purpose of providing cloud computing, colocation services, digital hosting, artificial intelligence processing, cryptocurrency mining, commercial data storage, or similar services to third parties.
 - 3. Space devoted to an Accessory Server Room shall be limited to no greater than ten (10%) percent of the gross floor area of the building or structure in which it is located, or two thousand (2,000) square feet, whichever is less.

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 10th DAY OF AUGUST, 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 14th DAY OF SEPTEMBER, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

PAYMENT OF BILLS

25. "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 two Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #26-00175, #26-00245, and #26-00246 and voted in the affirmative on the remaining items. Committeemen Sam Palombo and Zachary Palombo abstained from voting on PO #26-01112 and voted in the affirmative on the remaining items.**

Bills approved for payment: **\$2,100,688.54**

Payroll: **\$326,938.47**

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

George Ludlam, Woodbine Road, requested a speed survey be conducted to reduce the speed limit on Route 557 (Woodbine Road) in Steelmantown. Motion by Curtis Corson, seconded by Victor Nappen to authorize the Administrator to request a speed survey from Cape May County Engineer for Route 557. During roll call vote all five Committee members voted in the affirmative.

Colleen Cox, Strathmere, spoke regarding the proposed beach tag ordinance and emphasized the importance of enforcement.

Joan Yamrich, Strathmere, spoke in opposition to beach tags.

David Cummings, Strathmere, spoke in support of beach tags.

Richard Schutte, Strathmere, spoke in support of beach tags.

Joyce Wilson, Strathmere, spoke in opposition to beach tags.

John Schmelzer, Strathmere, spoke in opposition to beach tags.

Nathalie Neiss, Petersburg, spoke about comments made at a prior meeting regarding the former BL England property and taxes.

Maryanne Finelli, Strathmere, spoke in support of beach tags.

Leonard Wilson, Strathmere, spoke regarding the proposed beach tag fees, including projected revenue, enforcement, and potential impacts on beach use, parking, and Township finances.

David Cummings, Strathmere, spoke about the projected beach tag revenue and stated that actual revenue could be higher based on the number of visitors and vehicles.

Lou Barbuto, Petersburg, suggested establishing a committee to explore parking meters in Strathmere.

Jessie Carman, Galloway, inquired as to how the proposed cannabis retailer would benefit the local community.

CLOSED SESSION

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:09 P.M., with a motion by Zachary Palombo, second by Tyler Casaccio, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for August 24, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

87912 08/10/26 A0018 ACTION SUPPLY INC. 1,776.32 3513
87913 08/10/26 A0025 ADVANTAGE RENTAL & SALES 1,091.81 3513
87914 08/10/26 A0078 ANCHOR RUBBER STAMP & PRINTING 37.45 3513
87915 08/10/26 A0091 ATLANTIC CITY ELECTRIC 33,858.87 3513
87916 08/10/26 A0212 ANCERO, LLC 987.20 3513
87917 08/10/26 A0235 AMAZON CAPITAL SERVICES, INC. 1,691.37 3513
87918 08/10/26 A0248 AIRESRING, INC. 1,277.45 3513
87919 08/10/26 A0260 AMENHAUSER, JOHN P. 7,500.00 3513
87920 08/10/26 A0265 ARC REPROGRAPHICS SJ, INC 85.00 3513
87921 08/10/26 A0268 ARTHEON, INC. 47,795.25 3513
87922 08/10/26 B0032 BLANEY WEINBERG & CURIO PC 800.00 3513
87923 08/10/26 B0182 BRIGGS LAW OFFICE, P.C. 3,330.00 3513
87924 08/10/26 B0220 BERGEY'S TRUCK CENTERS 566.88 3513
87925 08/10/26 B0284 BUTTERWOOD TREE SERVICE LLC 2,100.00 3513

87926 08/10/26 B0287 BIGLEAF NETWORKS, INC. 780.64 3513
87927 08/10/26 B0304 BLUE MOUNTAIN DISTRIBUTORS 216.75 3513
87928 08/10/26 C0046 CAPE MAY COUNTY CLERK 13.00 3513
87929 08/10/26 C0052 CAPE MAY COUNTY TREASURER 1,790,347.10 3513
87930 08/10/26 C0068 COMCAST 1,155.28 3513
87931 08/10/26 C0072 CATERINA SUPPLY INC. 2,004.00 3513
87932 08/10/26 C0143 CODY'S POWER EQUIPMENT 448.67 3513
87933 08/10/26 C0223 CASA PAYROLL SERVICE 2,181.00 3513
87934 08/10/26 C0247 CMRS-FP 2,000.00 3513
87935 08/10/26 C0278 TIFFANY A. CUVIELLO, PP, LLC 562.50 3513
87936 08/10/26 C0279 CASA REPORTING SERVICES LLC 144.00 3513
87937 08/10/26 C0367 CAPELA CONSTRUCTION INC 48,294.40 3513
87938 08/10/26 D0251 THE DEWEESE LAW FIRM, P.C. 5,581.96 3513
87939 08/10/26 E0012 EHRlich PEST CONTROL INC 309.63 3513
87940 08/10/26 F0232 FAMILY AUTO GLASS 800.00 3513
87941 08/10/26 G0016 GARDNER HARDWARE INC. 0.00 08/10/26 VOID 0
87942 08/10/26 G0016 GARDNER HARDWARE INC. 869.25 3513
87943 08/10/26 G0028 GENTILINI FORD, INC. 1,635.76 3513
87944 08/10/26 G0086 W.W. GRAINGER, INC. 306.92 3513
87945 08/10/26 G0120 PATRICK F. MARTIN 2,083.33 3513
87946 08/10/26 G0169 CORE EQUIPMENT GROUP 3,045.00 3513
87947 08/10/26 G0204 GENERAL CODE 4,669.00 3513
87948 08/10/26 H0002 H.A. DEHART & SON CORP. 1,081.87 3513
87949 08/10/26 H0022 HR DIRECT 108.95 3513
87950 08/10/26 H0073 HOME DEPOT CRC/GECF 134.00 3513
87951 08/10/26 J0079 JAMES WYERS LANDSCAPING, LLC 200.00 3513
87952 08/10/26 K0100 KEEN COMPRESSED GAS CO. 278.00 3513
87953 08/10/26 L0007 LC EQUIPMENT, INC. 358.00 3513
87954 08/10/26 L0075 LEXISNEXIS 444.00 3513
87955 08/10/26 L0146 LAWSON PRODUCTS, INC. 267.17 3513
87956 08/10/26 L0164 LEXINGTON INSURANCE COMPANY 15,470.52 3513
87957 08/10/26 L0167 LEVEL UP RETAIL SERVICES 20,875.00 3513
87958 08/10/26 M0076 MGL PRINTING SOLUTIONS 704.00 3513
87959 08/10/26 M0164 MURPHY FENCE COMPANY. INC. 1,913.40 3513
87960 08/10/26 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,788.37 3513
87961 08/10/26 M0277 EQUITABLE FINANCIAL LIFE INS. 217.14 3513
87962 08/10/26 M0313 MAVIS TIRE SUPPLY, LLC 1,718.23 3513
87963 08/10/26 M0345 MAJESTIC OIL 8,733.21 3513
87964 08/10/26 M0346 MOOVE NA DISTRIBUTION 4,016.17 3513
87965 08/10/26 N0004 NJ-AMERICAN WATER CO. 1,343.18 3513
87966 08/10/26 N0043 NAPA AUTO PARTS 0.00 08/10/26 VOID 0
87967 08/10/26 N0043 NAPA AUTO PARTS 2,629.44 3513
87968 08/10/26 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 3513
87969 08/10/26 Q0015 QUADIENT, INC 10,753.50 3513
87970 08/10/26 R0030 RIGGINS, INC. 13,760.65 3513
87971 08/10/26 R0154 RAGUSA, MARIAN R. 350.00 3513
87972 08/10/26 S0031 SCHULER SECURITY, INC. 360.00 3513
87973 08/10/26 S0134 SO. JERSEY GAS COMPANY 1,521.05 3513
87974 08/10/26 S0239 SHORE ANIMAL CONTROL SERV LLC 4,700.00 3513
87975 08/10/26 S0253 SAMPLE MEDIA, INC. 75.00 3513
87976 08/10/26 S0363 STARR SEPTIC, LLC. 2,048.50 3513
87977 08/10/26 T0192 MARSH & McLENNAN AGENCY/TRION 688.75 3513
87978 08/10/26 U0067 UT HEALTH REIMB. ACCOUNT 24,661.32 3513
87979 08/10/26 U0778 UGI ENERGY SERVICES, LLC 22.64 3513
87980 08/10/26 V0001 VCI EMERGENCY VEHICLE 2,231.93 3513
87981 08/10/26 V0013 VERIZON WIRELESS 262.14 3513
87982 08/10/26 V0025 V.E. RALPH & SON, INC. 276.66 3513
87983 08/10/26 V0052 VIKING TERMITE & PEST CONTROL 81.56 3513
87984 08/10/26 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3513
87985 08/10/26 W0137 WARWICK GROUP CONSULTANTS LLC 5,000.00 3513
87986 08/10/26 X0008 XEROX FINANCIAL SERVICES 195.94 3513
Total: \$2,100,688.54