

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 14, 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 September 11, 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, Chief Financial Officer Barbara Ludy, and Township Administrator James Van Zlike.

APPROVAL OF MINUTES – August 24, 2026 Regular and Closed Session Minutes

Motion by Victor Nappen, second by Tyler Casaccio, to approve the August 24, 2026 Regular and Closed Session Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Committeeman Zachary Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

Samuel Palombo, Committeeman, reported that the Township’s annual Fall Fest event will be held on Sunday, October 4th, and encouraged all to attend. He next reported that the barrier around the adult fitness park at Amanda’s Field is only temporary and was installed to prevent damage to the equipment from dirt bikes. Lastly, he reported that the skate park rehabilitation will begin shortly, requiring the skate park to close during the work.

Tyler Casaccio, Committeeman, reported that he attended the September 11th remembrance ceremony at Osprey Point and commended the organizers for the event. He specifically recognized Jim Joyce for his work organizing the annual ceremonies and also acknowledged Ernie Casaccio and Congressman Van Drew for attending the event.

Zachary Palombo, Committeeman, reported that the demolition of the skate park is scheduled to begin tomorrow and that Public Works will also begin tree trimming along road rights-of-way. He next reported that trees have been cleared and the playground equipment has been removed near the softball field at

Amanda's Field. It is anticipated that the installation of a fence, concession stand, and bathrooms will be completed by the end of November. Lastly, he reported that the permanent fence for the fitness park has been ordered and will be installed by Public Works once the skate park work is completed.

Victor Nappen, Committeeman, reported that the Easton Alley project at Amanda's Field is expected to break ground this month. The event is tentatively scheduled for September 23rd, but the specific date will be announced by the Township and through the Easton Alley at Amanda's Field Upper Township Baseball Facebook page. He next reported that local EMS personnel recently provided CPR recertification training for Township teachers. Next, he reported that mums will be sold as part of an EMS fundraiser on Saturday, September 19th, beginning at 8:30 a.m. and continuing until they are sold out. Lastly, he reported that local fire companies are planning school programs and a family event on October 7th in observance of Fire Prevention Week, with additional information to be provided through the Township's website and social media.

Curtis Corson, Mayor, reported that the sand pumping phase of the beach replenishment project has been completed. The dune fence installation began at the north end of the project last week and is expected to be completed by the end of this week. He next reported that dune grass is anticipated to be planted in October as part of the federal contract, with additional dune grass planting potentially taking place in the spring.

ADMINISTRATOR OVERVIEW

James Van Zlike, Township Administrator, reported that two successful bid openings were held on September 9th for the Road Improvement Program and Living Shoreline project, and that the Road Improvement Program is scheduled for award this evening. Next, he reported that beach lifeguard coverage will conclude after next weekend. He next reported that the first order of beach tags has been placed and is expected to be received by October 1st, with the virtual beach tag option also anticipated to be available on October 1st. Lastly, he reported that a ribbon-cutting ceremony for the Amanda's Field fitness park will be held on October 1st at 3:30 p.m., with representatives from the County, Township Committee, and Horizon Blue Cross Blue Shield expected to attend.

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

Barbara Leary, Seaville, inquired about agenda items 17, 18, and 19. A brief explanation of each Resolution was provided.

Elsie Jamison, Seaville, asked if she could see the design the new skate park. A copy of the design was provided.

CONSENT AGENDA

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

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

FILING OF REPORTS BY CONSENT

1. Animal Control
2. Clerk's Office
3. Construction Code
4. Finance Office
5. MUA Report
6. Municipal Court

7. Public Works
8. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

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

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

RESOLUTION NO. 320-2026

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

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

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

WHEREAS, the Upper Township Challenger Sports Special Olympics Track & Field 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-four 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	Elijah Mason	Kalin Raynis
Anna Allen	Erika Schmid	Louie Matto
Anthony Conner	George Rose	Lukas Herrera-Gong
Bailey Fluke	Hunter Bailey	Marissa Faralli
Blake Kennedy	Hunter G. Murray	Megan McLaughlin
Brett Patro	Ian Thomson	Mia Palmer
Charlie Johnson	Ivanna Lopez	Raymond Pashuck
Cheyenne Miller	Izayah Peterson	Roddy Gilman
Chloe Byrne	Jeff DiAntonio	Steven Rash
Chris Britton	Jordyn Lees	Xander Allwine
Cooper Sokolov	Kaitlin Manson	Zachary Schreiber
Dawson Owens		

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, Helena Mason, 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 Sports 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 commitment 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 14th day of September, 2026.

10. Authorizing an amended contract for design build services at Amanda's Field Skatepark through a Sourcewell National Cooperative contract from the 2026 Capital Improvement Bond Ordinance in the additional amount of \$50,000.00.

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

RESOLUTION NO. 321-2026

**RE: AUTHORIZING AN AMENDED CONTRACT FOR DESIGN BUILD SERVICES AT
AMANDA'S FIELD SKATEPARK THROUGH A SOURCEWELL NATIONAL COOPERATIVE
CONTRACT FROM THE 2026 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE
ADDITIONAL AMOUNT OF \$50,000.00**

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

WHEREAS, the Township Committee has determined that purchases from a national cooperative contract will result in cost savings after all factors have been considered; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township Committee adopted the 2026 Capital Improvement Bond Ordinance No. 004-2026 on February 25, 2026; and

WHEREAS, the Township of Upper authorized professional design build services for the development of an all concrete skatepark at Amanda's Field in the amount of \$675,000.00 from Spohn Ranch, Inc. pursuant to Resolution No. 158-2026 adopted on April 27, 2026 through Sourcewell National Cooperative Contract No. 090425-SRI; and

WHEREAS, during the design development and project planning phase, the Township determined it was fiscally advantageous and cost effective to utilize the Township's Department of Public Works personnel and equipment to perform all preliminary site preparation, demolition and disposal of the existing skatepark structures in-house; and

WHEREAS, the in-house performance of the demolition phase achieved significant cost savings, thereby allowing the Township to recapture and reallocate municipal capital project funds directly toward expanding the permanent concrete footprint, enhancing specialized obstacle features, and upgrading materials in the final design-build construction scope; and

WHEREAS, Spohn Ranch, Inc. submitted a revised proposal under Sourcewell National Cooperative Contract No. 090425-SRI dated August 19, 2026, incorporating the expanded design, engineering, and construction scope of work in a revised amount of \$725,000.00, reflecting a net increase of \$50,000.00; 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.

WHEREAS, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

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 further authorizes the Qualified Purchasing Agent to enter into a contract with Spohn Ranch, Inc. for an amended amount of \$725,000.00 for professional design build services for the development of an all concrete skatepark at Amanda's Field from Capital Improvement Bond Ordinance No. 004-2026 through Sourcewell National Cooperative Contract No. 090425-SRI.
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.

Offered By: Nappen
Adopted: September 14, 2026
Roll Call Vote:

Seconded By: Z. Palombo

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

11. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$22,249.00 from the account entitled Recycling Trust Account for such purposes.

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

RESOLUTION NO. 322-2026

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF
FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$22,249.00 FROM THE
ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

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

WHEREAS, the Township of Upper has available \$22,249.00 in the Recycling Trust account to make such a purchase; and

WHEREAS, the Township's QPA has reviewed and approved the quote from Cascade Engineering of Grand Rapids, Michigan and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Cascade Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Cascade Engineering 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 Cascade Engineering from making any reportable contributions through the term of their contract; and

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

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

2. The Township Committee of the Township of Upper, Cape May County, New Jersey hereby authorizes the purchase of recycling containers in an amount of \$22,249.00 from Cascade Engineering of Grand Rapids, Michigan.

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$22,249.00 from the Recycling Trust Account to pay for the recycling containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 322-2026

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

12. Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 012-2026 in the amount of \$40,017.05.

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

RESOLUTION NO. 323-2026

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM CAPITAL
IMPROVEMENT BOND ORDINANCE NO. 012-2026 IN THE AMOUNT OF \$40,017.05**

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 No. 012-2026 on May 26, 2026; and

WHEREAS, the Township's Qualified Purchasing Agent has reviewed and approved the quotes for the purchase of Deluxe Infield Mix and Irrigation Supplies for the softball fields at Amanda's Field from DunRite Sand and Gravel of Vineland, New Jersey and Central Pro Supply of Williamstown, New Jersey; and

WHEREAS, DunRite Sand & Gravel has completed and submitted a Business Entity

Disclosure Certification which certifies that DunRite Sand & Gravel 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 DunRite Sand & Gravel 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. 012-2026.

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 Deluxe Infield Mix and Irrigation Supplies for the softball fields at Amanda's Field from DunRite Sand and Gravel of Vineland, New Jersey and Central Pro Supply of Williamstown, New Jersey in the amount of **\$40,017.05** with funds from 2026 Capital Improvement Bond Ordinance No. 012-2026.
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. 323-2026

Offered By: Nappen Seconded By: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

13. Capital Budget Amendment.

CAPITAL BUDGET AMENDMENT

Whereas, the local capital budget for the year 2026 was adopted on the 13th day of April 2026; and subsequently amended on the 11th day of May, 2026; and,

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

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

RECORDED VOTE

Moved by: Nappen
Second by: Z. Palombo

AYES

Casaccio
Nappen
S. Palombo
Z. Palombo
Corson

NAYS

ABSTAIN

ABSENT

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

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 14th day of September, 2026.

Certified by me this 14th day September, 2026

Joanne R. Herron, Township Clerk

CAPITAL BUDGET (Current Year Action)

2026

2026									
						Local Unit	OF MUNICIPALITY		
1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2026					6 TO BE FUNDED IN FUTURE YEARS
				5a 2026 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Purchase of Equipment	1	3,150,000.00			75,000.00			1,575,000.00	1,500,000.00
		-							
Road Construction & Reconstruction	2	7,000,000.00			110,000.00			2,090,000.00	4,800,000.00
		-							
Beach Replenishment	3	5,000,000.00							5,000,000.00
		-							
Purchase of Trash Trucks	4	1,000,000.00							1,000,000.00
		-							
Recreation Facilities Improvements	5	5,000,000.00			75,000.00			1,425,000.00	3,500,000.00
		-							
Engineering Projects	6	6,000,000.00							6,000,000.00
		-							
Public Safety Equipment	7	50,000.00			2,500.00			47,500.00	-
		-							
		-							
		-							
		-							
		-							
TOTAL - THIS PAGE	XXXXX	27,200,000.00	-	-	262,500.00	-	-	5,137,500.00	21,800,000.00

C - 3

Sheet 40b

14. Accepting the bid and authorizing the execution of a contract with Arawak Paving Company, Inc. of Hammonton, New Jersey, for the 2026 Roadway Improvement Program in the amount of \$1,528,500.00.

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

RESOLUTION NO. 325-2026

**RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT
WITH ARAWAK PAVING COMPANY, INC. OF HAMMONTON, NEW JERSEY, FOR THE
2026 ROADWAY IMPROVEMENT PROGRAM IN THE AMOUNT OF \$1,528,500.00**

WHEREAS, the Township of Upper solicited bids for the 2026 Roadway Improvement Program, which bids were received on September 9, 2026; and

WHEREAS, the aforesaid bids were reviewed by the Township Engineer, who submitted a recommendation to the Township Committee regarding the award of the contract; and

WHEREAS, the Township Engineer has recommended that the contract for Alternate Bid B of the 2026 Roadway Improvement Program be awarded to Arawak Paving Company, Inc., as the lowest responsible bidder, in the amount of \$1,528,500.00; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award the contract in the amount of \$1,528,500.00; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township hereby accepts the bid submitted by Arawak Paving Company, Inc., of Hammonton, New Jersey, for Alternate Bid B of the 2026 Roadway Improvement Program, in the amount of \$1,528,500.00, and awards the contract to Arawak Paving Company, Inc., subject to the following:

(A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

(B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Mayor and Township Clerk are hereby authorized to execute a Contract with Arawak Paving Company, Inc., and the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to Arawak Paving Company, Inc., in the amount authorized by this Resolution.

Resolution No. 325-2026

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

15. Authorizing Change Order No. 1 to the Amanda's Field Recreational Improvements- Phase 1 contract with Capela Construction, Inc. resulting in an increase in the amount of \$5,860.00.

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

RESOLUTION NO. 326-2026

**RE: AUTHORIZING CHANGE ORDER NO. 1 TO THE AMANDA'S FIELD RECREATIONAL
IMPROVEMENTS- PHASE 1 CONTRACT WITH CAPELA CONSTRUCTION, INC.
RESULTING IN AN INCREASE IN THE AMOUNT OF \$5,860.00**

WHEREAS, the Township of Upper awarded the Amanda's Field Recreational Improvements – Phase 1 contract to Capela Construction, Inc. of Medford Lakes, New Jersey, in the original Contract amount of \$49,280.00; and

WHEREAS, a change order to the contract is needed in order to provide for extra fill required to meet existing field conditions; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order No. 1; and

WHEREAS, the Change Order is consistent with the requirements of N.J.A.C. 5:30-11.3 et seq. and does not materially expand the size, nature or scope of the project as originally bid; 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. Change Order No. 1 to the Amanda's Field Recreational Improvements – Phase 1 contract to Capela Construction, Inc. in the amount of \$5,860.00 is hereby authorized.
3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 326-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

16. Authorizing the partial release of the performance surety for Street Opening Permit No. 2425 to Groundwater & Environmental Services, Inc.

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

RESOLUTION NO. 327-2026

**RE: AUTHORIZING THE PARTIAL RELEASE OF THE PERFORMANCE SURETY
FOR STREET OPENING PERMIT NO. 2425 TO
GROUNDWATER & ENVIRONMENTAL SERVICES, INC.**

WHEREAS, Groundwater & Environmental Services, Inc. submitted a \$5,000.00 certified check as a performance surety in connection with Street Opening Permit No. 2425; and

WHEREAS, the work authorized under said permit was completed between March 24 and March 27, 2026, and has been inspected and approved by the Township Engineer; and

WHEREAS, pursuant to § 13-1.4 of the Township Code, the Township may require a maintenance surety in the amount of fifteen percent (15%) of the performance surety as a condition of its release, and the applicant remains responsible for maintenance and repairs for a period of one year following completion of construction; and

WHEREAS, the Township Engineer has determined that \$4,250.00 may be released, with \$750.00 retained as the maintenance surety through the end of March 2027.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized to issue a check in the amount of **\$4,250.00** to:

Groundwater & Environmental Services, Inc.
Attn: AR
410 Eagleview Blvd., Suite 110
Exton, PA 19341

BE IT FURTHER RESOLVED, that the remaining **\$750.00** shall be retained by the Township as the maintenance surety through the end of March 2027 and shall be released thereafter in accordance with § 13-1.4 of the Township Code, provided all applicable requirements have been satisfied.

Resolution No. 327-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

17. Authorizing the Mayor to sign a Temporary Revocable License Agreement with Norman Franckle Jr. and Jamie Franckle.

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

RESOLUTION NO. 328-2026

**RE: AUTHORIZING THE MAYOR TO SIGN A TEMPORARY REVOCABLE LICENSE
AGREEMENT WITH NORMAN FRANCKLE JR. AND JAMIE FRANCKLE**

WHEREAS, the Township wishes to enter into a temporary revocable license agreement with Norman Franckle Jr. and Jamie Franckle of 412 S. Bayview Drive, Strathmere, NJ 08248, for the use of a portion of the Township owned right of way at Sumner Avenue adjacent to Block 841, Lot 1; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to enter into this agreement and does hereby authorize the Mayor to sign the agreement, a copy of which is attached hereto; and

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

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

2. The Mayor on behalf of the Township of Upper, is hereby authorized to execute the attached document entitled “Temporary Revocable License Agreement”, for the use of a portion of the Township owned right of way at Sumner Avenue adjacent to Block 841, Lot 1, with Norman Franckle Jr. and Jamie Franckle.

3. The Mayor is authorized to sign the NJDEP Property Owner Certification with regard to the improvements authorized in the Temporary Revocable License Agreement.

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

Resolution No. 328-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

18. Authorizing the Mayor to sign a Master License Agreement with Netspeed LLC, dba GoNetspeed for the use of the public rights-of-way.

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

RESOLUTION NO. 329-2026

**RE: AUTHORIZING THE MAYOR TO SIGN A MASTER LICENSE AGREEMENT WITH
NETSPEED LLC, DBA GONETSPEED FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY**

WHEREAS, Netspeed LLC, dba GoNetspeed has requested the use of the Township’s public rights-of-way for the installation of fiber optic cable and related equipment on poles in the public rights-of-way of certain streets within the Township; and

WHEREAS, in accordance with Chapter 13, Section 3, of the Revised General Ordinances of the Township of Upper, a Master License Agreement is required for the proposed project; and

WHEREAS, said Master License Agreement, attached hereto, has been reviewed and approved by the Municipal Attorney; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor on behalf of the Township of Upper, is hereby authorized to execute the attached agreement entitled “Master License Agreement for Use of Public Rights-of-Way”, with Netspeed LLC, dba GoNetspeed, in accordance with Chapter 13, Section 3, of the Revised General Ordinances of the Township of Upper.
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. 329-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

19. Authorizing the execution of an addendum to the Temporary Access Agreement with Groundwater & Environmental Services, Inc. to include Block 354, Lot 1 within the vicinity of the former Exxon Service Station.

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

RESOLUTION NO. 330-2026

**RE: AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE TEMPORARY
ACCESS AGREEMENT WITH GROUNDWATER & ENVIRONMENTAL SERVICES, INC. TO
INCLUDE BLOCK 354, LOT 1 WITHIN THE VICINITY OF THE FORMER EXXON SERVICE
STATION**

WHEREAS, the Township of Upper previously adopted Resolution No. 224-2023 authorizing the execution of a Temporary Access Agreement with Groundwater & Environmental Services, Inc., hereinafter “GES,” for access to property located at Block 350, Lot 12 within the surrounding area of the Former Exxon Service Station #3-0619, located at 2031 Route 50 in the Tuckahoe section of Upper Township; and

WHEREAS, GES, on behalf of Exxon Mobil Corporation, is conducting an environmental investigation in the vicinity of the Former Exxon Service Station and has requested that Block 354, Lot 1 of the municipal tax map of Upper Township, New Jersey, be added to the Temporary Access Agreement; and

WHEREAS, the nature, extent and scope of the work to be performed on Block 354, Lot 1 includes the installation of one monitoring well and periodic collection of groundwater samples from the monitoring well; and

WHEREAS, GES has submitted an Addendum to the Temporary Access Agreement dated August 28, 2026, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the proposed Addendum to the Temporary Access Agreement has been reviewed by the Municipal Attorney.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute the Addendum to the Temporary Access Agreement with Groundwater & Environmental Services, Inc., dated August 28, 2026 and attached hereto as Exhibit “A,” to add Block 354, Lot 1 to the property covered by the Temporary Access Agreement previously authorized by Resolution No. 224-2023.
3. All other terms and conditions of Resolution No. 224-2023 and the Temporary Access Agreement shall remain in full force and effect.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 330-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

20. Authorizing the execution of an agreement with My Beach Tags, LLC A/N My Beach Mobile.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 331-2026

**RE: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
MY BEACH TAGS, LLC A/N MY BEACH MOBILE**

WHEREAS, the Township of Upper desires to provide its residents and guests with access to digital beach passes through a mobile application; and

WHEREAS, the Township of Upper desires to engage My Beach Tags, LLC a/n My Beach Mobile to provide such mobile application and related services pursuant to the terms and conditions set forth in the Agreement; and

WHEREAS, the Agreement provides for a two-year term commencing September 15, 2026 and ending September 15, 2028, with an option to renew; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute the Agreement with My Beach Tags, LLC a/n My Beach Mobile on behalf of the Township of Upper.
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. 331-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

21. Authorizing the award of a contract with Amazon.com Services, LLC, dba Amazon Business, for equipment and supplies.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 332-2026

RE: AUTHORIZING THE AWARD OF A CONTRACT WITH AMAZON.COM SERVICES, LLC, DBA AMAZON BUSINESS, FOR EQUIPMENT AND SUPPLIES

WHEREAS, from time to time the Township of Upper has a need to purchase equipment and supplies from Amazon.com Services, LLC, dba Amazon Business, (hereinafter “Amazon”), 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 Amazon for the year 2026 will exceed \$17,500; and

WHEREAS, Amazon has completed and submitted a Business Entity Disclosure Certification which certifies that Amazon 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 Amazon 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 Amazon 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. 332-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

22. Authorizing the award of a contract with Action Supply, Inc. for materials and supplies.

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

RESOLUTION NO. 333-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH ACTION SUPPLY, INC. FOR
SUPPLIES AND MATERIALS**

WHEREAS, the Township of Upper has a need to purchase supplies and materials from Action Supply Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purpose 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 Action Supply Inc., 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. 333-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

23. Authorizing the award of a contract with Gentilini Ford, Inc. for automotive parts.

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

RESOLUTION NO. 334-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH GENTILINI FORD, INC.
FOR AUTOMOTIVE PARTS**

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

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Gentilini Ford, Inc. 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. 334-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

24. Authorizing the award of a contract with GovPilot, LLC, dba Spatial Data Logic, for computer software services.

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

RESOLUTION NO. 335-2026

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH GOVPILOT, LLC,
DBA SPATIAL DATA LOGIC, FOR COMPUTER SOFTWARE SERVICES**

WHEREAS, the Township of Upper has a need to purchase computer software from GovPilot, LLC, dba Spatial Data Logic, (hereinafter “GovPilot”), 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 GovPilot for the year 2026 will exceed \$17,500; and

WHEREAS, GovPilot has completed and submitted a Business Entity Disclosure Certification which certifies that GovPilot 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 GovPilot 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 GovPilot 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. 335-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

25. Authorizing a contract with Shore Animal Control Services, LLC for animal control services in Upper Township.

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

RESOLUTION NO. 336-2026

**RE: AUTHORIZING A CONTRACT WITH SHORE ANIMAL CONTROL SERVICES, LLC
FOR ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

WHEREAS, Shore Animal Control Services, LLC has submitted a proposal to the Township for animal control services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, LLC; and

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

WHEREAS, Shore Animal Control Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Animal Control Services, 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 Shore Animal Control Services, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Shore Animal Control Services, LLC to provide animal control services within the Township of Upper commencing September 15, 2026.
3. Shore Animal Control Services, LLC 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.
4. 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 Shore Animal Control Services, LLC for animal control services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Shore Animal Control Services, 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. 336-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

26. Authorizing a contract with Quality Asset Recovery, LLC for collection services for Emergency Medical Service accounts.

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

RESOLUTION NO. 337-2026

**RE: AUTHORIZING A CONTRACT WITH QUALITY ASSET RECOVERY, LLC FOR
COLLECTION SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Quality Asset Recovery, 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 Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Quality Asset Recovery, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Quality Asset Recovery, 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 Quality Asset Recovery, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, LLC 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.
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 Quality Asset Recovery, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Quality Asset Recovery, LLC for emergency medical service accounts collection services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

Resolution No. 337-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

27. Appointing Maley Givens, PC and M. James Maley, Jr. to act as special legal counsel with regard to redevelopment law.

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

RESOLUTION NO. 338-2026

**RE: APPOINTING MALEY GIVENS, PC AND M. JAMES MALEY, JR. TO ACT AS SPECIAL
LEGAL COUNSEL WITH REGARD TO REDEVELOPMENT LAW**

WHEREAS, the Township requires legal counsel to provide legal services in connection with redevelopment law related matters; and

WHEREAS, the Township has decided to acquire the services of the firm of Maley Givens, PC and M. James Maley, Jr. 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 contract for professional services; and

WHEREAS, the firm of Maley Givens, PC and M. James Maley, Jr. have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit said firm and said individual 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. Maley Givens, PC and M. James Maley, Jr. with offices at 1150 Haddon Avenue, Suite 210, Collingswood, New Jersey are hereby appointed as Special Legal Counsel with regard to redevelopment law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Maley Givens, PC and M. James Maley, Jr. have professional knowledge as to legal matters 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 Maley Givens, PC and M. James Maley, Jr. for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Maley Givens, PC and M. James Maley, Jr. 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. 338-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

28. Approving the Design and Construction of the Amanda's Field Skate Park.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 339-2026

**RE: APPROVING THE DESIGN AND CONSTRUCTION OF THE
AMANDA'S FIELD SKATE PARK**

WHEREAS, the Township of Upper intends to reconstruct the skate park which is located at the Amanda's Field Recreation Complex; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund requires its members to approve the design and construction of skateboard facilities in accordance with the NJMEL Coverage Bulletin 26-06/Skateboard Facilities Guidelines and Coverage Requirements; and

WHEREAS, the Township has provided the engineering plans for the proposed skate park facility, prepared by Spohn Ranch Skateparks and dated August 14, 2026, to the Atlantic County Municipal Joint Insurance Fund for review, and such plans have been reviewed and deemed acceptable and in accordance with the NJMEL Coverage Bulletin 26-06/Skateboard Facilities Guidelines and Coverage Requirements; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby approves the design and construction of the Amanda's Field Skate Park in accordance with the construction plans prepared by Spohn Ranch Skateparks.
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. 339-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

29. Certification of costs for abatement of nuisance on Block 306, Lot 14.02 and Block 653.01, Lot 4.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 340-2026

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 306, LOT 14.02 AND BLOCK 653.01, LOT 4**

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

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owners/agents of Block 306, Lot 14.02 and Block 653.01, Lot 4; and

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

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

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

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

Resolution No. 340-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST ADMIN FEE</u>		<u>TOTAL</u>
306/14.02	134 Route 49	\$520.00	\$104.00	\$624.00
653.01/4	10 RT US 9 SO	\$250.00	\$50.00	\$300.00

30. Cancelling third and fourth quarter 2026 property taxes for exempt properties.

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

RESOLUTION NO. 341-2026

**CANCELLING THIRD AND FOURTH QUARTER 2026 PROPERTY TAXES
FOR EXEMPT PROPERTIES**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to cancel taxes on properties qualifying for exemption; and

WHEREAS, certain properties became tax exempt during the year 2026; and

WHEREAS, the Upper Township Tax Collector has recommended the cancellation of the third and fourth quarter 2026 property taxes for the properties and property owners identified below; and

WHEREAS, the first half of 2026 property taxes for the properties identified below were previously cancelled and refunded pursuant to prior Resolutions of the Township Committee; and

WHEREAS, upon receipt of the 2026 tax rate, it is necessary to cancel the third and fourth quarter 2026 property taxes on the properties identified below; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the third and fourth quarter 2026 property taxes assessed against the following properties are hereby cancelled, and the Tax Collector is hereby authorized and directed to correct the tax records accordingly:

Block/Lot	Property Owner	Amount Cancelled
456/8	George & Virginia Spalding	\$2,962.75
475/11	Joseph DeAugustine	\$2,618.93
574/15	Raymond & Judith Ryan	\$2,889.72
596/1	Stephen & Aubrey Jankowski	\$4,383.37
647/8.07	Natalie Bishop	\$7,158.13
670/1	Roy & Lyn Gras	\$3,016.33

Resolution No. 341-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

Z. Palombo	X			
Corson	X			

31. Refunding tax on exempt properties Block 475 Lot 11; Block 574, Lot 15; and Block 647, Lot 8.07.

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

RESOLUTION NO. 342-2026

**REFUNDING TAX ON EXEMPT PROPERTIES
BLOCK 475, LOT 11; BLOCK 574, LOT 15; AND BLOCK 647, LOT 8.07**

WHEREAS, property taxes have been paid on certain exempt properties for the third quarter of 2026; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the tax records are hereby authorized and the Tax Collector is hereby directed to correct said records and take such action as indicated below.

REFUND 2026 THIRD QUARTER TAX – 100% TOTALLY EXEMPT VETERAN

Block/Lot	Refund Amount	Refund Payable To
475/11	\$1,309.47	Joseph DeAugustine 100 S. Old Tuckahoe Rd Woodbine, NJ 08270
574/15	\$1,444.86	Raymond & Judith Ryan 1020 RT US 9 SO Marmora, NJ 08223
647/8.07	\$3,579.07	Natalie Bishop 13 Henry Rd Marmora, NJ 08223

BE IT FURTHER RESOLVED, that the above refunds are authorized in the amounts and to the payees set forth herein, and that the Chief Financial Officer is authorized and directed to issue the corresponding refund payments in accordance with this Resolution.

Resolution No. 342-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

Z. Palombo	X			
Corson	X			

32. Cancelling and refunding tax on exempt property Block 567, Lot 55.11.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 343-2026

**CANCELLING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 567, LOT 55.11**

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

WHEREAS, certain properties became tax exempt in the year 2026; and

WHEREAS, Brendon Moiso is a 100% disabled American veteran residing at 23 Queen Ann Court, Seaville, NJ 08230, Block 567, Lot 55.11 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Moiso's 100% permanent military service-connected disability was effective January 26, 2026; and

WHEREAS, Brendon Moiso made application July 29, 2026 and requested a refund for the taxes paid in 2026 ; and

WHEREAS, Township of Upper Ordinance No. 009-2012 allows for the refund of property taxes paid for the calendar year in which claim is made.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated below.

Resolution No. 343-2026

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

CANCEL TAX 2026

BLOCK/LOT

567/55.11

AMOUNT

\$11,084.16

NAMEBrendon & Lauren Moiso
23 Queen Anne Court
Seaville, NJ 08230**REFUND TAX 2026****BLOCK/LOT**

567/55.11

AMOUNT

\$8,008.71

NAMEBrendon & Lauren Moiso
23 Queen Anne Court
Seaville, NJ 08230

33. Tax refund Block 599, Lot 51.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N****RESOLUTION NO. 344-2026****TAX REFUND
BLOCK 599, LOT 51**

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

WHEREAS, a Civil Action Judgement was entered on June 25, 2026 in the Tax Court of New Jersey stipulating a settlement on property located at 11 RT US 9 SO, Marmora, NJ 08223, Block 599, Lot 51 on the municipal tax map of Upper Township New Jersey and assessed to Nugent Enterprises Inc; and

WHEREAS, the Stipulation of Settlement resulted in a reduced assessment for the tax years 2022 and 2023; and

WHEREAS, in accordance with the Stipulation of Settlement, a refund of taxes for the years 2022 and 2023 is required; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 344-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

Corson	X			
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REFUND TAX 2026

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
599/51	\$61,261.20	Nugent Enterprises, Inc

34. Tax refund Block 638, Lot 18.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 345-2026

TAX REFUND BLOCK 638, LOT 18

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

WHEREAS, the homeowner and mortgage company made payment for the August tax installment on property located at 616 Ocean Ave, Marmora NJ 08223, Block 638, Lot 18 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the homeowner has requested a refund for the August 2026 tax installment in the amount of \$1,657.57; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 345-2026

Offered by: Nappen Seconded by: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

REFUND TAX 2026

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
638/18	\$1,657.57	G. Patrick Pawling 616 Ocean Ave Marmora, NJ 08223

RESOLUTIONS TO BE ACTED ON SEPARATELY

35. Authorizing 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. 346-2026

**RE: AUTHORIZING 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:

Maley Givens, PC (Affordable Housing Services)	\$ 537.50
The DeWeese Law Firm (Affordable Housing Services)	\$ 380.00
Surenian, Edwards, Buzak & Nolan (Affordable Housing Services)	\$ 1,568.00
Triad Associates (Affordable Housing Services)	\$ 3,490.00

Resolution No. 346-2026

Offered By: Nappen Seconded By: Z. Palombo

Adopted: September 14, 2026

Roll Call Vote:

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

ORDINANCES

36. Public hearing and final adoption of Ordinance No. 015-2026 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. **During the public hearing there were no speakers. Motion by Victor Nappen, second by Zachary Palombo, to adopt Ordinance No. 015-2026. 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.

c. Home occupations are expressly prohibited in the "R," "R2," "MH" and "RC" zoning districts in the Township.

d. Private residential pools are expressly prohibited in the "RR" and "RC" zoning districts in the Township.

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.

20-5.1 – 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 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 14th DAY OF SEPTEMBER, 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

37. Introduction and first reading of Ordinance No. 016-2026 RE: A CAPITAL ORDINANCE APPROPRIATING FUNDS AVAILABLE IN THE RESERVE FOR BEACH REPLENISHMENT FUND TO FINANCE THE ACQUISITION OF A D2 CATERPILLAR BULLDOZER. **Motion by Tyler Casaccio, second by Zachary Palombo, to introduce Ordinance 016-2026 with the public hearing and final adoption scheduled for September 28, 2026. During roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 016-2026

**A CAPITAL ORDINANCE APPROPRIATING FUNDS AVAILABLE IN THE RESERVE
FOR BEACH REPLENISHMENT FUND TO FINANCE THE ACQUISITION OF A D2
CATERPILLAR BULLDOZER**

WHEREAS, the sum of \$130,697.76 is presently available in the Reserve for Beach Replenishment Fund; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of Upper to utilize the funds in the Reserve for Beach Replenishment Fund for the acquisition of a D2 Caterpillar Bulldozer.

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

SECTION 1. The sum of \$130,697.76 is hereby appropriated from the Reserve for Beach Replenishment Fund for the acquisition of a D2 Caterpillar Bulldozer to be used for the maintenance of the beach coastline.

SECTION 2. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith.

SECTION 3. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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 14TH DAY OF SEPTEMBER, 2026 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 28TH 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

38. "I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting." **Motion by Victor Nappen, second by Tyler Casaccio. During roll call vote two Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #26-00245, PO #26-00246, and PO #00175, and voted in the affirmative on the remaining items. Committeeman Samuel Palombo abstained from voting on PO #26-001446 and vote in the affirmative on the remaining items. Committeeman Zachary Palombo abstained from voting on PO #26-001446 and vote in the affirmative on the remaining items.**

Bills approved for payment: \$1,489,656.20
Payroll: \$314,330.75

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

CLOSED SESSION

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

RESOLUTION NO. 347-2026 MOTION GOING INTO CLOSED SESSION SEPTMEBER 14, 2026

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Personnel

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: Zachary Palombo

Motion seconded by: Victor Nappen

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:04 P.M., with a motion by Victor Nappen, second by Tyler Casaccio, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for September 28, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bill List

88122 09/14/26 L0007 LC EQUIPMENT, INC. 179.00 3518
88123 09/14/26 L0146 LAWSON PRODUCTS, INC. 1,072.58 3518
88124 09/14/26 L0163 LEW ENVIRONMENTAL SERVICES LLC 127.60 3518
88125 09/14/26 M0035 MARMORA FIRE CO. DISTRICT #3 410,717.28 3518
88126 09/14/26 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,936.16 3518
88127 09/14/26 M0303 MALEY GIVENS, A PROF CORP 2,304.50 3518
88128 09/14/26 M0345 MAJESTIC OIL 3,487.31 3518
88129 09/14/26 M0351 MARSHALL & SWIFT, BOECKH LLC 721.90 3518
88130 09/14/26 M0346 MOOVE NA DISTRIBUTION 3,847.81 3518
88131 09/14/26 N0004 NJ-AMERICAN WATER CO. 897.08 3518
88132 09/14/26 N0043 NAPA AUTO PARTS 2,500.00 3518
88133 09/14/26 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,300.00 3518
88134 09/14/26 N0144 NJ E-ZPASS SERVICE CENTER 350.00 3518
88135 09/14/26 N0154 NEW HORIZON COMMUNICATIONS 2,578.89 3518
88136 09/14/26 N0175 NJ MUNICIPAL MGMT ASSOCIATION 400.00 3518
88137 09/14/26 N0177 NATIONAL FITNESS CAMPAIGN LP 25,000.00 3518
88138 09/14/26 P0056 TURF EQUIPMENT AND SUPPLY CO 3,563.85 3518
88139 09/14/26 P0078 PRO VIDEO ENGINEERING 2,145.00 3518
88140 09/14/26 P0221 PITNEY ELM, LLC 637.50 3518
88141 09/14/26 R0030 RIGGINS, INC. 10,663.38 3518
88142 09/14/26 R0092 RUTGERS, THE STATE UNIVERSITY 1,103.00 3518
88143 09/14/26 R0147 REVASCENT LLC 1,850.38 3518
88144 09/14/26 R0149 REMINGTON & VERNICK ENGINEERS 2,057.07 3518
88145 09/14/26 R1058 REC DESK, LLC 4,800.00 3518
88146 09/14/26 S0057 SERVICE TIRE TRUCK CENTERS 343.04 3518
88147 09/14/26 S0065 SEAVILLE FIRE CO. DISTRICT #4 324,867.50 3518
88148 09/14/26 S0113 LAW OFFICES OF THOMAS G SMITH 2,302.50 3518
88149 09/14/26 S0134 SO. JERSEY GAS COMPANY 1,507.31 3518
88150 09/14/26 S0191 STRATHMERE FIRE CO.DISTRICT #1 58,432.06 3518
88151 09/14/26 S0193 STRYKER SALES, LLC 1,624.35 3518
88152 09/14/26 S0239 SHORE ANIMAL CONTROL SERV LLC 2,300.00 3518
88153 09/14/26 S0253 SAMPLE MEDIA, INC. 42.50 3518
88154 09/14/26 S0303 SITEONE LANDSCAPE SUPPLY, LLC 1,497.71 3518
88155 09/14/26 S0419 SOTTO LA LUNA LLC 120.00 3518
88156 09/14/26 S0420 SAFEWARE, INC. 8,349.00 3518
88157 09/14/26 T0028 TRACTOR SUPPLY COMPANY CREDIT 233.96 3518
88158 09/14/26 T0117 TUCKAHOE FIRE DISTRICT #2 289,775.00 3518
88159 09/14/26 T0192 MARSH & McLENNAN AGENCY/TRION 238.28 3518
88160 09/14/26 U0067 UT HEALTH REIMB. ACCOUNT 19,591.33 3518
88161 09/14/26 U0076 U.S.BANK NATIONAL ASSOCIATION 6,909.01 3518
88162 09/14/26 U0778 UGI ENERGY SERVICES, LLC 23.62 3518
88163 09/14/26 V0013 VERIZON WIRELESS 262.14 3518
88164 09/14/26 V0025 V.E. RALPH & SON,INC. 710.80 3518
88165 09/14/26 V0052 VIKING TERMITE & PEST CONTROL 14.82 3518
88166 09/14/26 V0054 VAN ZLIKE, JAMES 64.04 3518
88167 09/14/26 W0123 WIRELESS ELECTRONICS, INC. 3,641.17 3518
88168 09/14/26 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3518
88169 09/14/26 W0137 WARWICK GROUP CONSULTANTS LLC 5,000.00 3518
88170 09/14/26 Z0017 ZOLL DATA SYSTEMS, INC. 335.64 3518
Total: 1,489,656.20