TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR TUESDAY OCTOBER 13, 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 October 9, 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 - In memory of William "Bill" Chatten, Jr., former Chief of the Tuckahoe Volunteer Fire Company.

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 – September 28, 2026 Workshop and Regular Minutes

Motion by Victor Nappen, second by Zachary Palombo, to approve the September 28, 2026 Workshop and Regular Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Tyler Casaccio, Committeeman, reported that he attended the Route 50 Bridge over Cedar Swamp Creek project information meeting during which residents expressed their concerns regarding the Tyler Road detour. He stated that a Resolution is listed on tonight's agenda to address those concerns by requesting a no-passing designation along the entire length of Tyler Road and a reduced speed limit during the project. Next, he reported that the Committee will be considering a shared services agreement with Ocean City for use of the Township's Municipal Court facilities during construction of Ocean City's new municipal building and courthouse.

Zachary Palombo, Committeeman, reported Public Works started brush collection today in Beesley's Point and will proceed south. Next, he reported on several Public Works projects including upgrades to the girls' softball fields at Amanda's Field, replacing 140 feet of drainpipe and rebuilding three drains, and replacing approximately 100 feet of sidewalk and curb on Ash Terrace and Greenbriar Avenue. Last, he

reported that discussions have begun regarding future budgetary needs for Amanda's Field, including irrigation and other improvements.

Samuel Palombo, Committeeman, reported that the Upper Township Fall Fest has been rescheduled for October 25th at Amanda's Field. Next, he reported that a ribbon-cutting ceremony was held for the opening of the fitness court and thanked the Committee, County, and Blue Cross Blue Shield for their support. Last, he expressed enthusiasm for future improvements at Amanda's Field.

Victor Nappen, Deputy Mayor, thanked the fire companies, EMS, and Township personnel who participated in Fire Prevention Night at Amanda's Field. He stated that during the event there was a demonstration showing how a fire spreads when a door is open versus when the door is closed and encouraged residents to view the videos of the demonstration posted on the Township's social media.

Curtis Corson, Mayor, reported that the Living Shoreline groundbreaking ceremony will be held on Saturday, October 24th at 1:00 p.m. at the Bayview boat ramp in Strathmere. He noted that the project has been in development for approximately four to five years and recognized the Strathmere Fishing and Environmental Association for its role in securing funding for the project.

ADMINISTRATOR OVERVIEW

James Van Zlike, Administrator, reported that work is underway on the next submission for a Safe Routes to School grant in coordination with DeBlasio & Associates and the Upper Township School District. The project will focus on ADA-compliant sidewalks, upgraded crosswalks, pedestrian safety enhancements, drainage improvements, and bicycle facilities around the primary and elementary schools. The full documentation is expected to be submitted before the November deadline. Next, he reported that work is underway with the NJDEP and Stockton Coastal Research Center to document and quantify beach erosion resulting from the recent nor'easter to support beach restoration efforts. Lastly, he reported that as of October 13th, the Township had sold 130 beach tags, generating $3,800 in revenue during the first week or so of sales.

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

Lou Barbuto, Petersburg, asked if the Safe Routes to School project would result in reduced school bus service. It was clarified that the project is intended to improve pedestrian safety. Mr. Barbuto, next asked about the proposed Foglio Family affordable housing agreement. It was stated that the agreement approves a payment in lieu of constructing two affordable housing units.

Sue Willard, Strathmere, inquired about the nuisance abatement Resolutions and asked what the nuisance was. It was stated that in this case the nuisance was overgrown grass.

Nathalie Neiss, Petersburg, inquired as to who the Township Engineer is for the Reconstruction of Klains Lane project. It was stated that the Township's Engineer is DeBlasio & Associates. She next questioned the basis for the proposed speed limit reduction and no-passing designation on Tyler Road during the Route 50 Bridge construction project. There followed a lengthy discussion regarding the public information meeting for the Route 50 Bridge over Cedar Swamp Creek project, and the planned detour for the project.

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. Division of EMS
5. Finance Office
6. MUA Report
7. Public Works
8. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

9. Requesting the Cape May County Board of County Commissioners to temporarily reduce the speed limit and designate the entire length of Tyler Road (C.R. 616) as a no-passing zone during the Route 50 Bridge over Cedar Swamp Creek reconstruction project.

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

RESOLUTION NO. 367-2026

REQUESTING THE CAPE MAY COUNTY BOARD OF COUNTY COMMISSIONERS TO TEMPORARILY REDUCE THE SPEED LIMIT AND DESIGNATE THE ENTIRE LENGTH OF TYLER ROAD (C.R. 616) AS A NO-PASSING ZONE DURING THE ROUTE 50 BRIDGE OVER CEDAR SWAMP CREEK RECONSTRUCTION PROJECT

WHEREAS, the New Jersey Department of Transportation (NJDOT) is undertaking the Route 50 Bridge over Cedar Swamp Creek reconstruction project in Upper Township; and

WHEREAS, the NJDOT Detour Plan for the project will utilize Tuckahoe Road (C.R. 636), Tyler Road (C.R. 616), and Roosevelt Boulevard (C.R. 623) as temporary northbound and southbound detour routes during the phase of construction requiring the full closure of the Route 50 Bridge over Cedar Swamp Creek; and

WHEREAS, Tyler Road is under the jurisdiction of the County of Cape May and currently has a posted speed limit of 50 miles per hour; and

WHEREAS, the Township Committee believes that a temporary reduction in the speed limit on Tyler Road during the construction period, as well as designating the entire length of Tyler Road as a no-passing zone, would promote safer traffic conditions for residents and motorists.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that the Township hereby requests that the Cape May County Board of County Commissioners temporarily reduce the posted speed limit on Tyler Road (C.R. 616) from 50 miles per hour to 35 miles per hour for the duration of the Route 50 Bridge over Cedar Swamp Creek reconstruction project.

BE IT FURTHER RESOLVED that the Township hereby requests that the Cape May County Board of County Commissioners designate the entire length of Tyler Road (C.R. 616) as a no-passing zone and install a double solid yellow centerline along the entire length of Tyler Road.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward certified copies of this Resolution to the Cape May County Board of County Commissioners, the Cape May County Engineer, and the New Jersey Department of Transportation.

Resolution No. 367-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

10. Supporting the submission of an application for the New Jersey Department of Transportation Safe Routes to School Program.

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

RESOLUTION NO. 368-2026

SUPPORTING THE SUBMISSION OF AN APPLICATION FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the Township of Upper is applying for funding to conduct pedestrian and bike safety improvements along the school routes and on school property for Upper Township Primary School and Upper Township Elementary School within Upper Township; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children, residents, and Township visitors; and

WHEREAS, maintenance of the facilities, once constructed, will be assumed by the Township of Upper with the exception of (1) local ordinances that place maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways; and

WHEREAS, the Township was previously awarded FY 2024 Safe Routes to School Grant Funding for pedestrian and bike safety; and

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

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

2. The Township of Upper hereby supports the submission of the "Upper Township School District Pedestrian and Bike Safety Project II" grant application for the Safe Routes to School Program through the State of New Jersey Department of Transportation and authorizes the Mayor, Township Administrator, and the Township Clerk to execute any and all documents necessary and related to the submission of the grant application and any related grant agreement.

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. 368-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

11. Authorizing the Township Engineer to solicit bids for the Reconstruction of Klains Lane project 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. 369-2026

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SOLICIT BIDS FOR THE RECONSTRUCTION OF KLAINS LANE PROJECT 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 Committee of the Township of Upper has determined a need to provide improvements to Klains Lane; and

WHEREAS, the Township Committee of the Township of Upper previously resolved to authorize the Township Engineer to prepare specifications for the Reconstruction of Klains Lane project; and

WHEREAS, the Township Engineer has prepared such 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:

RECONSTRUCTION OF KLAINS LANE

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 Reconstruction of Klains Lane project.

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 Reconstruction of Klains Lane project.

6. It is the express intention of the Township Committee that the approved plans, specifications, and standards for the Reconstruction of Klains Lane 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. 369-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

12. Approving the rescheduled date for the Catering Permit issued to Jersey Coastal Breweries, LLC for the Upper Township Fall Fest event.

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

RESOLUTION NO. 370-2026

RE: APPROVING THE RESCHEDULED DATE FOR THE CATERING PERMIT ISSUED TO JERSEY COASTAL BREWERIES, LLC FOR THE UPPER TOWNSHIP FALL FEST EVENT

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

WHEREAS, the Township Committee, by Resolution No. 316-2026, approved the application for a one-day Catering Permit from Jersey Coastal Breweries, LLC for the Upper Township Fall Fest event scheduled to be held on October 4, 2026 at Amanda's Field; and

WHEREAS, the Upper Township Fall Fest event scheduled for October 4, 2026 was cancelled due to inclement weather and has been rescheduled to October 25, 2026 at Amanda's Field; and

WHEREAS, the Township Committee deems it appropriate to approve the rescheduled date of October 25, 2026 for the Catering Permit issued to Jersey Coastal Breweries, LLC for the Upper Township Fall Fest event; and

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

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

2. The Township Committee hereby approves the rescheduled date of October 25, 2026 for the Catering Permit issued to Jersey Coastal Breweries, LLC for the Upper Township Fall Fest event to be held at Amanda's Field.

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

Resolution No. 370-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

13. Confirming participation in the Cape May County Cooperative Pricing Program for county contracts C6-113 and C6-114 to furnish and deliver deicing materials.

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

RESOLUTION NO. 371-2026

RE: CONFIRMING PARTICIPATION IN THE CAPE MAY COUNTY COOPERATIVE PRICING PROGRAM FOR COUNTY CONTRACTS C6-113 AND C6-114 TO FURNISH AND DELIVER DEICING MATERIALS

WHEREAS, the Township of Upper is a participating agency under the Cape May County Cooperative Pricing Program; and

WHEREAS, bids to "Furnish and Deliver Deicing Materials to County of Cape May and Participating Cooperative Agencies" were received by the County of Cape May on September 9, 2026, and contracts were awarded for a term of twelve (12) months effective November 11, 2026, with an option for a one (1) year extension; and

WHEREAS, the Purchasing Agent has reviewed the above-described bids and the contracts awarded by the County of Cape May; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby confirms participation in the Cape May County Cooperative Pricing Program for County Contracts C6-113 and C6-114 to furnish and deliver Deicing Materials for Township snow removal operations, in accordance with the Contract Award Information attached hereto as Exhibit A.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 371-2026
Offered by: Nappen Seconded by: Z. Palombo

Adopted: October 13, 2026
Roll Call Vote:

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

14. Authorizing final payment to WJ Gross, Inc. for the project known as the Athletic Courts Resurfacing at Amanda's Field and Caldwell Park, with funds from the 2024 Capital Improvement Bond Ordinance No. 012-2024 and the Local Recreation Improvement Grant in the amount of $73,840.00.

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

RESOLUTION NO. 372-2026

RE: AUTHORIZING FINAL PAYMENT TO WJ GROSS, INC. FOR THE PROJECT KNOWN AS THE ATHLETIC COURTS RESURFACING AT AMANDA'S FIELD AND CALDWELL PARK, WITH FUNDS FROM THE 2024 CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024 AND THE LOCAL RECREATION IMPROVEMENT GRANT IN THE AMOUNT OF $73,840.00

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

WHEREAS, the Township of Upper authorized a contract with WJ Gross, Inc. of Sewell, New Jersey pursuant to Resolution No. 217-2025 on July 14, 2025; and

WHEREAS, WJ Gross, Inc. has submitted an invoice dated September 30, 2026, for final payment and closeout of the contract with a final payment in the amount of $73,840.00; and

WHEREAS, the Township Engineer has certified that all work has been completed and is of acceptable quality in accordance with the contract documents such that WJ Gross Inc. is entitled to final payment in the amount of $73,840.00; and

WHEREAS, the Township Chief Financial Officer has examined and approved WJ Gross Inc.'s final invoice and has certified that adequate funds have been appropriated for this purpose in the 2024 Capital Bond Ordinance No. 012-2024 and the Local Recreation Improvement Grant for the athletic court resurfacing.

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 Chief Financial Officer is hereby authorized to make the final payment to WJ Gross, Inc. of Sewell, New Jersey in the amount of $73,840.00 with funds from 2024 Capital Bond Ordinance No. 012-2024 and the Local Recreation Improvement Grant for the athletic court resurfacing.

Resolution No. 372-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

15. Appointing Louis A. Bonato as an appraiser for the Township of Upper.

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

RESOLUTION NO. 373-2026

RE: APPOINTING LOUIS A. BONATO AS AN APPRAISER FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

WHEREAS, the Township has decided to acquire the services of Louis A. Bonato 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, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato 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 Louis A. Bonato 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale of said lots.

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 Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis A. Bonato 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. 373-2026
Offered by: Nappen Seconded by: Z. Palombo

Adopted: October 13, 2026
Roll Call Vote:

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

16. Authorizing a contract with K.D. National Force Security & Investigations, LLC for professional security services.

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

RESOLUTION NO. 374-2026

RE: AUTHORIZING A CONTRACT WITH K.D. NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR PROFESSIONAL SECURITY SERVICES

WHEREAS, the Township of Upper has a need for security services during Municipal Court sessions and other occasions as may be required; and

WHEREAS, K.D. National Force Security & Investigations, LLC has submitted a proposal to the Township to provide said security services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with K.D. National Force Security & Investigations, LLC; and

WHEREAS, K.D. National Force Security & Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC with offices at 3122 Fire Road, Suite B210, Egg Harbor Township, New Jersey, 08234, to provide professional security services.

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

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC for professional security services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 374-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

17. Authorizing a contract with LEW Environmental Services, LLC for lead inspection services.

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

RESOLUTION NO. 375–2026

RE: AUTHORIZING A CONTRACT WITH LEW ENVIRONMENTAL SERVICES, LLC FOR LEAD INSPECTION SERVICES

WHEREAS, the Township requires lead inspection services; and

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

WHEREAS, LEW Environmental Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that LEW Environmental 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 LEW Environmental 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. LEW Environmental Services, LLC with offices at 181 US Highway 46, Mine Hill, New Jersey 07803, is hereby appointed to provide lead inspection 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 LEW Environmental Services, LLC has professional knowledge as building, electric, plumbing, and fire protection inspections and plan review 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 LEW

Environmental Services, 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 LEW Environmental 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. 375-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

18. Appointing Triad Advisory Services, Inc. to provide administrative services with regard to the Upper Township affordable housing programs.

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

RESOLUTION NO. 376-2026

RE: APPOINTING TRIAD ADVISORY SERVICES, INC. TO PROVIDE ADMINISTRATIVE SERVICES WITH REGARD TO THE UPPER TOWNSHIP AFFORDABLE HOUSING PROGRAMS

WHEREAS, Township of Upper has developed an Operating Manual for the Administration of providing Affordability Assistance to Homeowners (Affordability Assistance Manual) in accordance with the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act; and

WHEREAS, the Township of Upper requires administrative services for the Township's Affordability Assistance and Market to Affordable programs; and

WHEREAS, the Township has decided to acquire the services of Triad Advisory Services, Inc. (trading as Triad Associates) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

2. Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey 08360, is hereby appointed Administrative Agent for the Township of Upper for the purposes in as specified in this Resolution and the attached Professional Service Agreement.

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 Triad Advisory Services, Inc. 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. 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. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Triad Advisory Services, Inc. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto-said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 376-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 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 to execute a Deed Notice and Agreement for Payment in Lieu for an Affordable Housing Trust Fund payment obligation with Foglio Family, LLC.

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

RESOLUTION NO. 377-2026

AUTHORIZING THE TOWNSHIP TO EXECUTE A DEED NOTICE AND AGREEMENT FOR PAYMENT IN LIEU FOR AN AFFORDABLE HOUSING TRUST FUND PAYMENT OBLIGATION WITH FOGLIO FAMILY, LLC

WHEREAS, in or about October of 2022, Foglio Family, LLC ("Foglio Family") was granted variance and site plan approval by the Township Zoning Board of Adjustment for the construction of two separate storage buildings to be used as storage for the existing business on the Property, which included constructing two (2) affordable housing units on the Property; and

WHEREAS, following the Zoning Board's approval, Foglio Family approached the Township to notify them that the renovations and proposed affordable housing units were unable to be completed; and

WHEREAS, the Township and Foglio Family's representatives began negotiations to resolve the issue; and

WHEREAS, the Township and Foglio Family negotiated for Foglio Family to provide a payment in lieu of the 2 affordable units to be deposited in the Township's affordable housing trust fund; and

WHEREAS, the Township and Foglio Family have drafted a deed notice and Agreement for Payment In Lieu outlining the terms and conditions associated with the payment in lieu of construction; and

WHEREAS, the Township desires to authorize the execution of the deed notice and agreement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey hereby approves and authorizes the Mayor and/or his designee to execute the Deed Notice and Agreement for Payment in Lieu that are attached hereto as **Exhibit A**; and

BE IT FURTHER RESOLVED, that the Township authorizes the Township Attorney or the Township Affordable Housing Counsel to take all necessary actions to record this deed notice with the Cape May County Clerk, if necessary.

Resolution No. 377-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

20. Authorizing the purchase of a LUCAS Chest Compression System with funds from the National Opioid Settlement Fund in the amount of $22,913.16.

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

RESOLUTION NO. 378-2026

RE: AUTHORIZING THE PURCHASE OF A LUCAS CHEST COMPRESSION SYSTEM WITH FUNDS FROM THE NATIONAL OPIOID SETTLEMENT FUND IN THE AMOUNT OF $22,913.16

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 of Upper intends to purchase a LUCAS Compression System in the amount of $22,913.16 from Stryker Sales, LLC, of Chicago, IL through Sourcewell National Cooperative Contract No. 041823 as herein indicated; and

WHEREAS, Stryker Sales, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Stryker Sales, LLC of Chicago, IL 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 them from making any reportable contributions through the term of their contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for these purposes from the National Opioid Settlement Fund; and

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 authorizes the Qualified Purchasing Agent to enter into a contract with Stryker Sales, LLC, of Chicago, IL for the purchase of a LUCAS Chest Compression System in the amount of $22,913.16 from the National Opioid Settlement Fund through Sourcewell National Cooperative Contract No.041823.

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. 378-2026
Offered By: Nappen Seconded By: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

21. 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—2026 Sustainable Communities Grant program in the amount of $5,000.00.

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

RESOLUTION NO. 379-2026

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—2026 SUSTAINABLE COMMUNITIES GRANT PROGRAM IN THE AMOUNT OF $5,000.00

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

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

WHEREAS, the Township of Upper will receive the amount of $5,000.00 from 2026 Sustainable Communities Grant Program 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 $5,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2026 SUSTAINABLE COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED that a like sum of $5,000.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2026 SUSTAINABLE COMMUNITIES GRANT PROGRAM, AND

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

Resolution No. 379-2026
Offered By: Nappen Seconded By: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

22. Certification of costs for abatement of nuisance on Block 561, Lot 30.

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

RESOLUTION NO. 380-2026

CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON BLOCK 561, LOT 30

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 561, Lot 30; and

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

WHEREAS, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violation 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 property in question which lien shall become and form a part of the taxes assessed and levied upon the property 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. 380-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 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

BLOCK/LOT	LOCATION	COST	ADMIN FEE	TOTAL
561/30	63 RT 50	$250.00	$50.00	$300.00

23. Certification of costs for abatement of nuisance on Block 573.01, Lot 27.

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

RESOLUTION NO. 381-2026

CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON BLOCK 573.01, LOT 27

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 573.01, Lot 27; and

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

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

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

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

Resolution No. 381-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 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

BLOCK/LOT	LOCATION	COST	ADMIN FEE	TOTAL
573.01/27	1 BLACK OAK	$480.00	$96.00	$576.00

24. Appointing Joyce Kahl as School Traffic Guard.

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

RESOLUTION NO. 382-2026

RE: APPOINTING JOYCE KAHL AS SCHOOL TRAFFIC GUARD

WHEREAS, a need exists to appoint qualified part-time personnel as School Traffic Guard; and

WHEREAS, this resolution is intended to ratify the action heretofore taken; 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. Joyce Kahl is hereby appointed to the part-time position of School Traffic Guard, pending successful pre-employment testing, on an as needed basis, at an hourly rate of $20.00 per hour in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 382-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			

S. Palombo	X			
Z. Palombo	X			
Corson	X			

25. Appointing Brian Baughman as a part-time Emergency Medical Technician to the Upper Township Division of Emergency Medical Services.

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

RESOLUTION NO. 383-2026

RE: APPOINTING BRIAN BAUGHMAN AS A PART-TIME EMERGENCY MEDICAL TECHNICIAN TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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

WHEREAS, Brian Baughman possesses all the requisite qualifications for appointment to said position; and

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

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

2. Brian Baughman is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician, pending successful pre-employment testing, at a rate of $22.77 per hour, in accordance with the Salary Ordinance.

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

Resolution No. 383-2026
Offered by: Nappen Seconded by: Z. Palombo
Adopted: October 13, 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

26. 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. 384-2026

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:

l. 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 (Affordable Housing Services)	$ 1,610.00
Triad Associates (Affordable Housing Services)	$ 600.00
The DeWeese Law Firm (Affordable Housing Services)	$ 220.00

Resolution No. 384-2026
Offered By: Nappen Seconded By: S. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

27. Steelmantown Cemetery Co. request to purchase Township owned property Block 11, Lot 4.04. **The Municipal Attorney gave a brief summary of this request and explained that the property is oversized and buildable and therefore could not be sold through a private sale but would require a public auction. The Committee expressed concerns about the potential for development and discussed a possible use agreement as an alternative. Motion by Tyler Casaccio, second by Zachary Palombo, to deny the request. During roll call vote all five Committee members voted in the affirmative.**

28. 2026 Municipal Best Practices Inventory. **CFO Barbara Ludy reported that this is an annual state requirement for all municipalities. A score of 34 or higher is needed for no reduction to a municipality's state aid. The Township has scored a 42.5, resulting in no impact to the Township's State aid. Motion by Victor Nappen, second by Tyler Casaccio, to acknowledge the report. During roll call vote all five Committee members voted in the affirmative.**

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 on all items. Committeeman Casaccio abstained from voting on PO #26-00245, #26-00246 and #26-00569 and voted in the affirmative on the remaining items. Committeemen Sam Palombo and Zachary Palombo abstained from voting on PO #26-01274 and #26-01718 and voted in the affirmative on the remaining items.**

    Bills approved for payment: **$525,809.53**
    Payroll for week ending 10-1-2026: **$308,151.53**
    Payroll for week ending 10-8-2026: **$27,649.20**

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

Nathalie Neiss, Petersburg, inquired about the audio recording of the public comments during the September 28, 2026 Committee Meeting. She also expressed concern about the cybersecurity breach and the letter she received regarding the breach in May 2026. She then spoke regarding her ADA requests and submitted related documentation.

Matthew Brown, Marmora, requested clarification regarding the storage of boats and other vehicles on residential properties and stated that he recently received a violation for storing a camper on his property. Mr. Brown was encouraged to provide his contact information to the Township Administrator after the meeting so the matter could be reviewed.

Lou Barbuto, Petersburg, inquired about the anticipated start date of the Route 50 Bridge project. It was stated that, weather permitting, work is expected to begin on or around October 26.

CLOSED SESSION

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

    - Contract negotiation - Shared Services Agreement with Ocean City

RESOLUTION NO. 385-2026
MOTION GOING INTO CLOSED SESSION
OCTOBER 13, 2026

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

MATTERS:

1. Contract negotiation – Shared Services Agreement with Ocean City

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

A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: Zachary Palombo
Motion seconded by: Tyler Casaccio
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.

RESOLUTION TO BE CONSIDERED AFTER CLOSED SESSION

30. Authorizing the execution of a Shared Services Agreement with the City of Ocean City for use of the Township of Upper's Municipal Court facilities on a temporary basis.

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

RESOLUTION NO. 386-2026

RE: AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE CITY OF OCEAN CITY FOR USE OF THE TOWNSHIP OF UPPER'S MUNICIPAL COURT FACILITIES ON A TEMPORARY BASIS

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

WHEREAS, the City of Ocean City has requested the use of the Township of Upper's municipal court facilities on a temporary basis; and

WHEREAS, the Township of Upper has determined that entering into a Shared Services Agreement with the City of Ocean City for the purposes expressed herein is to the mutual benefit of both parties and is also in the public interest; and

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

1. **SHARED SERVICES AGREEMENT**. Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Ocean City for the use of the Township's municipal court facilities on a temporary basis.

2. **TERMS OF AGREEMENT.** The Shared Services Agreement authorized in paragraph 1 shall set forth the terms, conditions, services, promises and covenants of each party, and a copy of such Agreement shall be maintained by the Township Clerk and shall be available for public inspection.3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such

Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal the Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and the City of Ocean City shall be entered into in accordance with the applicable provisions of N.J.S.A. 40A:65-1 et seq., as may be amended and supplemented.

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

Resolution No. 386-2026
Offered by: Casaccio Seconded by: Z. Palombo
Adopted: October 13, 2026
Roll Call Vote:

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:28 P.M., with a motion by Tyler Casaccio, second by Zachary Palombo, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for October 26, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bill List
88261 10/13/26 A0018 ACTION SUPPLY INC. 752.08 3528
88262 10/13/26 A0043 ALERT-ALL CORPORATION 1,697.00 3528
88263 10/13/26 A0091 ATLANTIC CITY ELECTRIC 28,568.69 3528
88264 10/13/26 A0191 ACTION UNIFORM CO. LLC 486.00 3528
88265 10/13/26 A0212 ANCERO, LLC 10,320.27 3528
88266 10/13/26 A0222 ANZELONE ELECTRIC COMPANY, LLC 1,626.00 3528
88267 10/13/26 A0225 AUTOZONE NORTHEAST LLC 416.50 3528
88268 10/13/26 A0235 AMAZON CAPITAL SERVICES, INC. 938.48 3528
88269 10/13/26 A0257 ACCURATE LANGUAGE SERVICES 360.00 3528
88270 10/13/26 A0260 AMENHAUSER, JOHN P. 7,500.00 3528
88271 10/13/26 A0265 ARC REPROGRAPHICS SJ, INC 3,907.79 3528
88272 10/13/26 B0182 BRIGGS LAW OFFICE, P.C. 3,232.00 3528
88273 10/13/26 B0196 BRT TECHNOLOGIES LLC 4,272.62 3528

88274 10/13/26 B0287 BIGLEAF NETWORKS, INC. 780.64 3528
88275 10/13/26 B0288 KINGBARNES LLC 1,900.00 3528
88276 10/13/26 B0304 BLUE MOUNTAIN DISTRIBUTORS 92.72 3528
88277 10/13/26 C0042 CAMPBELL SUPPLY COMPANY 1,112.24 3528
88278 10/13/26 C0048 CAPE MAY COUNTY MUA 44,420.36 3528
88279 10/13/26 C0068 COMCAST 859.38 3528
88280 10/13/26 C0124 CMC MUNICIPAL CLERK'S ASSOC. 50.00 3528
88281 10/13/26 C0143 CODY'S POWER EQUIPMENT 449.88 3528
88282 10/13/26 C0223 CASA PAYROLL SERVICE 1,635.00 3528
88283 10/13/26 C0247 CMRS-FP 2,000.00 3528
88284 10/13/26 C0307 CNS ACQUISITION CORPORATION 4,116.07 3528
88285 10/13/26 C0321 COLE, LAWERENCE 65.98 3528
88286 10/13/26 D0040 DELTA DENTAL OF N.J. INC. 5,723.48 3528
88287 10/13/26 D0251 THE DEWEESE LAW FIRM, P.C. 5,580.00 3528
88288 10/13/26 D0252 DEBLASIO & ASSOCIATES PC 16,617.50 3528
88289 10/13/26 E0012 EHRLICH PEST CONTROL INC 170.00 3528
88290 10/13/26 F0003 FRA TECHNOLOGIES,INC. 675.00 3528
88291 10/13/26 G0028 GENTILINI FORD, INC. 99.95 3528
88292 10/13/26 G0120 PATRICK F. MARTIN 2,083.33 3528
88293 10/13/26 G0194 E.M. GRANT 584.50 3528
88294 10/13/26 G0210 GLASS, GARY M. 350.00 3528
88295 10/13/26 G0213 WJ GROSS INC 73,840.00 3528
88296 10/13/26 H0073 HOME DEPOT CRC/GECF 105.97 3528
88297 10/13/26 J0079 JAMES WYERS LANDSCAPING, LLC 500.00 3528
88298 10/13/26 K0100 KEEN COMPRESSED GAS CO. 12.51 3528
88299 10/13/26 K0119 KATES SCHNEIDER ENGINEERING 270.00 3528
88300 10/13/26 L0007 LC EQUIPMENT, INC. 110.00 3528
88301 10/13/26 L0128 LONE WOLF GAMING, LLC 1,800.00 3528
88302 10/13/26 L0146 LAWSON PRODUCTS, INC. 939.96 3528
88303 10/13/26 L0164 LEXINGTON INSURANCE COMPANY 901.00 3528
88304 10/13/26 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,709.29 3528
88305 10/13/26 M0263 MANGAM SR., ANDREW C 92.11 3528
88306 10/13/26 M0277 EQUITABLE FINANCIAL LIFE INS. 220.31 3528
88307 10/13/26 M0303 MALEY GIVENS, A PROF CORP 2,433.50 3528
88308 10/13/26 M0308 McHENRY PRESSURE CLEAN SYSTEMS 1,531.11 3528
88309 10/13/26 M0345 MAJESTIC OIL 1,542.72 3528
88310 10/13/26 N0004 NJ-AMERICAN WATER CO. 307.65 3528
88311 10/13/26 N0143 NATIONAL TIME SYSTEMS 600.00 3528
88312 10/13/26 N0154 NEW HORIZON COMMUNICATIONS 876.47 3528
88313 10/13/26 O0014 ATLANTIC SALT, INC. 14,465.08 3528
88314 10/13/26 P0056 TURF EQUIPMENT AND SUPPLY CO 298.26 3528
88315 10/13/26 P0078 PRO VIDEO ENGINEERING 400.00 3528
88316 10/13/26 P0140 PIONEER MANUFACTURING CO, INC 529.47 3528
88317 10/13/26 P0221 PITNEY ELM, LLC 975.00 3528
88318 10/13/26 R0030 RIGGINS, INC. 10,736.09 3528
88319 10/13/26 R0100 ROBERTS OXYGEN COMPANY, INC. 133.95 3528
88320 10/13/26 R0147 REVASCENT LLC 1,952.11 3528
88321 10/13/26 S0057 SERVICE TIRE TRUCK CENTERS 1,822.73 3528
88322 10/13/26 S0109 SNAP-ON-INDUSTRIAL 235.83 3528
88323 10/13/26 S0134 SO. JERSEY GAS COMPANY 40.50 3528
88324 10/13/26 S0185 STOCKTON UNIVERSITY 9,680.57 3528
88325 10/13/26 S0363 STARR SEPTIC, LLC. 3,386.50 3528
88326 10/13/26 S0421 SPOHN RANCH INC 217,500.00 3528
88327 10/13/26 T0028 TRACTOR SUPPLY COMPANY CREDIT 242.99 3528
88328 10/13/26 T0159 TRIAD ADVISORY SERVICES, INC. 938.50 3528
88329 10/13/26 T0192 MARSH & McLENNAN AGENCY/TRION 242.25 3528
88330 10/13/26 U0043 ULINE, INC. 155.56 3528
88331 10/13/26 U0067 UT HEALTH REIMB. ACCOUNT 16,229.72 3528
88332 10/13/26 U0076 U.S.BANK NATIONAL ASSOCIATION 358.56 3528
88333 10/13/26 U0778 UGI ENERGY SERVICES, LLC 19.13 3528
88334 10/13/26 V0013 VERIZON WIRELESS 262.14 3528
88335 10/13/26 V0024 VAL-U AUTO PARTS L.L.C. 100.00 3528
88336 10/13/26 V0052 VIKING TERMITE & PEST CONTROL 81.56 3528
88337 10/13/26 W0131 WEX BANK 241.69 3528
88338 10/13/26 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3528

88339 10/13/26 X0008 XEROX FINANCIAL SERVICES 161.18 3528
88340 10/13/26 Z0017 ZOLL DATA SYSTEMS, INC. 335.64 3528
Total: $525,809.53