

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
JULY 20, 2010**

**6:30 P.M. TWP. COMMITTEE REGULAR MEETING**

Mayor Murphy opened the meeting in compliance with the Open Public Meetings Act requirements.

Mayor Murphy presided with Committeemembers: DiCicco, O'Connor, Blessing and Crippen present.

Let the record reflect that the following Resolution Nos. 2010-115 thru 2010-125 were part of a consent agenda with a block roll call vote.

Motion was made by O'Connor, seconded by Crippen, with 5 ayes and no nays, that the following resolutions were adopted:

**RESOLUTION NO. 2010-115**

**RESOLUTION AUTHORIZING THE EXTENSION OF A LEAVE OF ABSENCE  
FOR A PUBLIC WORKS EMPLOYEE**

**WHEREAS**, Resolution No. 2010-82 adopted on 05/04/2010 authorized a leave of absence without pay for Frank Laughlin under the FMLA; and

**WHEREAS**, said leave was effective 04/29/2010 to 07/22/2010; and

**WHEREAS**, Mr. Laughlin has requested an extension of his leave of absence for a medical condition ; and

**WHEREAS**, Mr. Laughlin has exhausted his available FMLA said leave would be an unpaid medical leave.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that an extension of the leave of absence be granted for Frank Laughlin effective from 07/23/2010 through 09/08/2010 with Mr. Laughlin returning to work, Thursday, September 9, 2010.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby authorized and directed to file the necessary paperwork with the N.J. Department of Personnel.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2010-116**

**RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN  
ACCORDANCE WITH THE PROVISIONS OF THE  
NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Dennis is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq; and

**WHEREAS,** the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS,** it is necessary for the Township Committee of the Township of Dennis to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 b and designated below:

Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE BE IT RESOLVED,** by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, assembled in public session on July 20, 2010, that an Executive Session closed to the public shall be held on July 20, 2010 prior to the close of the above night's meeting in the Dennis Township Municipal Complex, 571 Petersburg Road, Dennisville, New Jersey, for the discussion of matters relating to the specific items designed above.

**BE IT FURTHER RESOLVED,** that it is anticipated that the deliberations conducted 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.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2010-117**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF DENNIS  
TO COORDINATE THE MUNICIPAL ALLIANCE PROGRAM  
FOR THE YEAR 2011**

**WHEREAS,** the Township of Dennis is entitled to \$7,500.00 in State Funds for the 2011 Municipal Alliance Grant Program; and

**WHEREAS,** the 2011 Municipal Alliance Grant requires the Township to provide a cash match of \$1,875.00 and \$5,625.00 procured from community fund raising efforts by the Peerleadership/All Stars Program participants; and

**WHEREAS,** the Municipal Alliance Coordinator, Monica DiVito has prepared the 2011 Grant Application for submission.

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

1. That Monica DiVito be appointed as the Municipal Alliance Coordinator.
2. The Township of Dennis hereby approves the 2011 Municipal Alliance Grant Application as prepared by Monica DiVito, the Municipal Alliance Coordinator.
3. The Township of Dennis will provide the Cash Match of \$1,875.00 in the 2011 Municipal Budget in accordance with the requirements of the grant.

4. This resolution shall take effect immediately.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2010-118**

**RESOLUTION AUTHORIZING TRI-COUNTY SPORTSMEN’S MOTORCYCLE CLUB, INC. TO CONDUCT THEIR DUAL SPORT HAMMER RUN**

**WHEREAS**, the Clerk has received a request from the Tri-County Sportsmen’s Motorcycle Club, Inc. for permission to use existing trails and roads that cross Township owned property for their Dual Sport Hammer Run; and

**WHEREAS**, said Run is scheduled for November 6 & November 7, 2010; and

**WHEREAS**, the Club carries one million dollars of liability insurance which would name the Township as an additional insured.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Clerk is hereby authorized and directed to execute the permission form for the use of Township property by the Tri-County Sportsmen’s Motorcycle Club, Inc. for their Dual Sport Hammer Run on November 6 & November 7, 2010.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2010-119**

**RESOLUTION ACCEPTING THE 2009 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant, with the Municipal Clerk as per the requirements of N.J.S. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2010-120**

**RESOLUTION AUTHORIZING THE SUBMITTAL OF THE GRANT APPLICATION AND THE EXECUTION OF THE GRANT AGREEMENT FOR THE FY2011 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID ROAD PROGRAM APPLICATION – RESURFACING OF ACADEMY LANE WITH DRAINAGE IMPROVEMENTS**

**WHEREAS**, the State of New Jersey has provided notification to the Township that applications are now available for the Fiscal Year 2011 Municipal Aid Program; and

**WHEREAS**, it is in the best interest of the Township of Dennis and its residents to make application to such fund for improvements to the Municipal Road System for the resurfacing of Academy Lane.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as

\_\_\_\_\_ to the New Jersey Department of  
Transportation on behalf of the Township of Dennis.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Dennis and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2010-121**

**RESOLUTION AUTHORIZING THE REFUND OF A  
PLANNING/ZONING ESCROW FEE**

**WHEREAS**, the Administrator to the Planning and Zoning Boards has requested the refund of a Planning/Zoning Escrow Fee; and

**WHEREAS**, said Planning/Zoning application project has been completed or withdrawn and the escrow fund balance remains.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to refund the following Planning/Zoning Escrow balance:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Applicant</u>
256.05	6	\$ 505.50	Francis & Dolores Sciarillo 1680 Bonnie Brae Drive Huntingdon Valley, PA 19006

**BE IT FURTHER RESOLVED**, that the Clerk forward a certified copy of this resolution to the Administrator to the Planning and Zoning Boards and the Chief Financial Officer.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2010-122**

**RESOLUTION AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE  
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Township of Dennis is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

**WHEREAS**, said membership terminates as of January 1, 2011 unless earlier renewed by agreement between the municipality and the FUND; and

**WHEREAS**, the Township of Dennis desires to renew said membership.

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

1. The Township of Dennis agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or a modified from time to time by lawful act of the FUND.
2. Glenn O. Clarke, Fund Commissioner, shall be and hereby is authorized to execute the "Agreement to Renew Membership" annexed hereto and made a part hereof and to deliver the same to the FUND evidencing the Township of Dennis's intention to renew its membership.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2010-123**

**RESOLUTION APPROVING REVISIONS TO THE  
NJDCA SMART FUTURE GRANT**

**WHEREAS**, the Township of Dennis received NJDCA Smart Future grant funds in 2008 to prepare a circulation element of the master plan that addresses the relationship between the built environment and the circulation system; and

**WHEREAS**, the Township has received approval from NJDCA to revise the original scope of work; specifically because the Township's current planning initiatives necessitate a Desirable Typical Section (DTS) change based on Dennis Township's Form Based Code (FBC). The purpose of the DTS change is to establish the rationale within the highway system for modifying the traffic-carrying performance of the future cross-section of Route 9 and to identify the best fit cross-section for Route 9 in light of the FBC Zoning proposed for adoption in Dennis Township.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby approves the revised scope of work to be completed under the NJDCA Smart Future Grant, in accordance with their proposed scope of work dated July 15, 2010.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2010-124**

**RESOLUTION AUTHORIZING A REFUND OF A  
SENIOR CENTER TRIP**

**WHEREAS**, the Dennis Township Senior Citizen Center had scheduled a trip to Tropicana Casino's "Magic & Beyond" Show on Sunday, July 11, 2010; and



**GENERAL ACCOUNT:**

032263-VOID	
032264-Twp of Dennis Payroll Account	\$ 65,266.17
032265-A.C. Moore, Inc.	201.71
032266-Albertsons	595.27
032267-Advantage Rental Center, Inc.	465.28
032268-Atlantic City Electric	7,019.47
032269-A T & T	143.89
032270-Baumans Bouncys	388.00
032271-Belleplain Emergency Corp.	8,750.00
032272-A.A.C.M.C.	42.50
032273-Capps Picnic Park	527.00
032274-Cape May County M.U.A.	16,771.91
032275-Carrot-Top Industries, Inc.	306.12
032276-Computer Access Systems	91.75
032277-Edward Chelius	119.50
032278-Glenn O. Clarke (Petty Cash)	277.97
032279-Coastal Landscaping	185.15
032280-John L. Collins	334.20
032281-Comcast	575.25
032282-TD Bank	100.00
032283-Conover Swanson, Inc.	6,212.00
032284-Nelson B. Creamer	152.40
032285-Crystal Springs	114.02
032286-Daley's Pit	30.00
032287-Daycare Cleaning Services, Inc.	2,003.08
032288-Delta Dental	2,592.26
032289-Sheree L. Dever	80.00
032290-East Coast Distributors	819.47
032291-Ford, Scott & Associates, LLC	5,500.00
032292-Mike Gardner Plumbing	522.00
032293-Mike Gardner & Son, Inc.	121.57
032294-The Gem Grocery & Gas	117.52
032295-Gentilini Ford, Inc.	2,343.54
032296-G & K Services	488.37
032297-Gerald C. Harris	178.61
032298-Herald Newspaper, Inc.	66.44
032299-Home Depot Credit Services	36.82
032300-Roy J. Hope	291.80
032301-J & B Disc Jockey Service	297.50
032302-J. C. Miller Co., Inc.	830.75
032303-Keen Compressed Gas Co., Inc.	19.80
032304-K-Mart	217.89
032305-Edward F. Leith, Jr.	178.78
032306-Mama Mia's	225.00
032307-Maser Consulting, P.A.	3,630.00
032308-MD Electrical Contractor	623.33
032309-Memphis Net & Twine Co., Inc.	430.51
032310-Mouse Trap Lanes	200.00
032311-George B. Neidig, Jr.	622.16
032312-Nextel Communications	298.87
032313-NJ Partyworks, Inc.	2,245.00
032314-N.J.P.O.	95.00
032315-Pier 88	180.00
032316-QC, Inc.	2,240.00
032317-Rainforest Café	975.00
032318-Sahara Sam's Oasis	553.61
032319-Schaefer Pyrotechnics, Inc.	2,250.00
032320-Service Tire Truck Centers	1,636.62
032321-Sportswear Plus	360.00
032322-Staples Credit Plan	409.67

032323-Stewart Business Systems	524.26
032324-3 J's Wildwood Bowling	400.00
032325-T. M. Fitzgerald & Associates	5,637.50
032326-Somers Tozer	168.60
032327-Uncle Oogie's	83.40
032328-Township of Upper	6,411.46
032329-Verizon	2,691.58
032330-Vineland Electric Supply	39.30
032331-Vital Communications, Inc.	100.00
032332-Maser Consulting, PA	7,235.00
032333-Rich Services	1,572.00
032334-Cintas First Aid & Safety	83.30

Mayor Murphy made the following appointments to the Planning Board:

Blane Steinman of P.O. Box 133, 270 Fidler Road, Dennisville, NJ 08214 as the Mayor's Designee.

William Burian of P.O. Box 377, 107 W. Beaver Drive, South Dennis, NJ 08245 to the Class IV vacancy of Mr. Champion.

Lorraine Baldwin of 28 Evergreen Drive, Belleplain, NJ 08270 to the Class IV vacancy of Mr. Konczyk.

Harry Bittner of 15 Lake Vista Drive, Cape May Court House, NJ 08210 to the Alt. #1 vacancy of Mr. Burian.

Committeewoman Blessing indicated that she had no comment at this time.

Committeeman DiCicco commented on Mr. Champion's length of service to the Planning Board and indicated that he was a logical and fair-minded gentleman that did a wonderful job on the Board and his moving was a definite loss to the Board. Committeeman DiCicco asked Mrs. Berg, the recorder, for an update on her husband's condition following his surgery.

Debbie Berg indicated that John was doing better and that they were waiting for the report on the lymph nodes that were removed.

The Mayor indicated that he would look into honoring Mr. Champion.

Committeeman O'Connor indicated that he had no comment at this time.

Deputy Mayor Crippen thanked everyone for coming out this evening.

Motion was made by DiCicco, seconded by Crippen, that the meeting be open for public comment.

Chuck Bandy, of 173 Main Street, South Seaville, commented on the flooding problems he was continuing to experience on his property as a result of the work that is being done at Pine Haven Campground. He indicated that to help elevate the flooding problem, Pine

Haven was to construct a retention pond, which they did, and he indicated that during that short thunderstorm his driveway got washed out again.

Township Engineer, Andy Previti, commented that the construction on the pond was not complete and that he would inspect it when it is complete with all the inlets cleaned and then he will talk with the developer.

Committeeman O'Connor questioned Mr. Bandy on the lines of communication from the representatives of Pine Haven.

Mr. Bandy indicated that he has talked with their attorney, Jim Pickering, however he was not talking with anyone else from Pine Haven anymore. Mr. Bandy commented on procuring a lawyer.

Committeeman DiCicco asked Mr. Bandy if he had photos of the problem and Mr. Bandy indicated that he did from the initial incident.

Mr. Bandy commented on the retention pond and Mr. Previti commented on items the contractor still had to do.

Mayor Murphy asked Mr. Previti to keep him updated on the status of this project.

There being no further comment from those present, motion was made by O'Connor, seconded by Crippen that the public comment portion of the meeting be closed.

Motion was made by O'Connor, seconded by Blessing, that the Township Committee go into Executive Session at this time.

Let the record reflect that members of the public were present to give comment and did not realize that the public comment portion was their opportunity to speak, therefore the Township Committee is re-opening the public comment portion.

Please note that at this point Mayor Murphy turned the meeting over to Deputy Mayor Crippen due to a conflict and indicated that he would not be participating in the Executive Session.

Motion was made by O'Connor, seconded by DiCicco, that the public comment portion of this meeting be re-opened at this time.

Julie Moore, 5 Douglas Road, Cape May Court House, commented that she was present on behalf of her mother, Mariann Murphy, who has requested an extension of her leave of absence. Mrs. Moore commented briefly on her mother's circumstances, when she was hurt, how and her current condition.

Township Solicitor, Jeff April, commented on Mrs. Murphy's Personal Injury Protection (PIP) on her personal car insurance policy.

Mrs. Moore continued to comment on some of the particulars of her mothers accident.

Mr. April and Deputy Mayor Crippen commented on Workers Comp. procedures.

Mrs. Moore shared additional comments regarding her mother's condition.

Deputy Mayor Crippen asked if there were any additional public comment.

There being no further comments from those present, motion was made by O'Connor, seconded by DiCicco, that the public comment portion be closed.

Let the record reflect that at this time the Committee did recess and go into the Executive Session as previously stated.

**PLEASE NOTE:**

Minutes from the Executive Session will be made available at a later date upon completion of the matter and after approval by the Township Committee.

Motion was made by O'Connor, seconded by DiCicco, that the Executive Session be closed and the regular meeting be reconvened at this time.

Township Solicitor, Jeff April, indicated that the record should reflect that in closed Executive Session that the Committee discussed the leave of absence extension request from Mrs. Murphy, who was property noticed pursuant to the Rice Act. Deputy Mayor Crippen asked if Mayor Murphy was required to be present and Mr. April indicated that due to his conflict, Mayor Murphy was abstaining from this matter. Mr. April indicated at this point, pursuant to the discussion in Executive Session, a motion was needed to deny the request for the extension of the leave of absence for Mrs. Murphy.

Motion was made by DiCicco, seconded by O'Connor, with 4 ayes and 1 abstaining (Murphy), that the request for the extension of the leave of absence for Mrs. Murphy be denied.

The Committee instructed the Municipal Clerk to forward correspondence to Mrs. Murphy advising her that her request was denied and indicate the date that she was to return to work. Mr. April indicated that he would advise the Municipal Clerk further in the event that the employee did not return to work.

Deputy Mayor Crippen questioned the date for the employee to return to work. There was a brief discussion with Deputy Mayor Crippen, Committeeman DiCicco and the Clerk and then the Committee advised the Clerk of the date to use.

Committeeman DiCicco commented on Mrs. Murphy being entitled to the due process.

Motion was made by O'Connor, seconded by DiCicco, that the meeting be adjourned.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Dennis M. Crippen, Deputy Mayor