

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
AUGUST 17, 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.

SCHEDULED PRESENTATION:

Steve Appleyard and John Morrissey of Ocean View Solar, along with their associate, Steve Schanne, gave a presentation on solar opportunities that the Township could capitalize on.

Motion was made by O'Connor, seconded by Crippen, with 5 ayes and no nays, that the following Officer's Report were approved:

Tax Collector's Report - July, 2010

Let the record reflect that the following Resolution Nos. 2010-131 thru 2010-140 were part of a consent agenda with a block roll call vote.

Motion was made by Blessing, seconded by DiCicco, with 5 ayes and no nays, that the following resolutions were adopted:

RESOLUTION NO. 2010-131

**RESOLUTION RENEWING THE RECOGNITION OF THE DENNIS
TOWNSHIP SENIOR CITIZENS ASSOCIATION, PURSUANT TO CHAPTER
41, ARTICLE 1
OF THE CODE OF THE TOWNSHIP OF DENNIS**

WHEREAS, the Municipal Clerk has received an application from the Dennis Township Senior Citizens Association for renewal of their recognition by the governing body for the promotion of senior citizen activities in the Township of Dennis; and

WHEREAS, the Municipal Clerk has reviewed the application in accordance with Chapter 41, Article 1, and has submitted a recommendation to the Township Committee for renewal of their recognition.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Dennis Township Senior Citizens Association is hereby recognized as an organization for the promotion of senior citizen activities pursuant to Chapter 41, Article 1 for the year 2010.

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

RESOLUTION NO. 2010-132

RESOLUTION AUTHORIZING THE EXTENSION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE MUNICIPALITIES OF AVALON, SEA ISLE AND UPPER FOR MASS CARE SHELTER FACILITIES FOR AN ADDITIONAL TERM OF ONE (1) YEAR COMMENCING SEPTEMBER 1, 2010 TO AUGUST 31, 2011

WHEREAS, pursuant to Ordinance No. 92-237 the Township of Dennis was authorized to enter into an Interlocal Services Agreement with the municipalities of Avalon, Sea Isle and Upper for a mass care shelter facility; and

WHEREAS, the parties desire to extend the term of such Agreement for an additional term of one (1) year; and

WHEREAS, the matter has been duly considered by the Township Committee, which has concluded that such extension is in the public interest and will promote the public health, safety and welfare.

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 allegations of the preamble are incorporated herein by reference.
2. The Interlocal Services Agreement, dated August 28, 1992, entered into by the municipalities of Avalon, Sea Isle, Upper and Dennis for a mass care shelter facility is hereby extended for an additional term of one (1) year, commencing September 1, 2010 through and inclusive of August 31, 2011, upon the same terms and conditions.
3. Paragraph 6 of the Agreement of August 28, 1992 is hereby deemed amended so that the Contract term will expire on August 31, 2011.
4. This Resolution extending the term of the aforesaid Contract is conditioned upon similar action being taken by the Governing Bodies of the Borough of Avalon, the City of Sea Isle and the Township of Upper.
5. All officers and officials of the Township of Dennis are authorized, directed and empowered to take such action as may be reasonable, required or necessary to carry out the intent and purpose of this Resolution.
6. A certified copy of this Resolution shall be forwarded to each of the municipalities who are parties to such Interlocal Services Agreement.

ATTEST

Jacqueline B. Justice, RMC/Clerk

ATTEST

John Murphy, Mayor

RESOLUTION NO. 2010-133

**RESOLUTION AUTHORIZING REDUCTION NO. 1
OF A PERFORMANCE BOND FOR BLOCK 256.05, LOT 13
RESURRECTION CEMETERY – PHASE I**

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the reduction no. 2 of a Planning/Zoning Performance Bond for Block 256.05, Lot 13 due to the partial completion of the site improvements; and

WHEREAS, Township Engineer has authorized a reduction of the performance bond which is in the form of a Bond No. 0493341.

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 reduce the \$802,603.00 performance bond in the form a Bond No. 0493341 to the amount of \$160,520.60, which is a reduction of \$642,082.40.

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. 2010-134

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
2010 CAMPGROUND LICENSE**

WHEREAS, pursuant to Chapter 75 of the Code of the Township of Dennis, the Township Committee is required to approve the issuance of Campground Licenses; and

WHEREAS, the Clerk’s Office has received the necessary compliance items to issue the following licenses:

Avalon Campground – 363 Sites

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’s Office is hereby authorized and directed to issue the 2010 Campground License to the aforementioned campground.

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

RESOLUTION NO. 2010-135

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE
INTERSECTION IMPROVEMENTS TO HAGEN ROAD & DENNISVILLE
ROAD, DENNIS TOWNSHIP, PROJECT NO. #DNT7784**

WHEREAS, the Township of Dennis has contracted with Albrecht & Heun, Inc. of Cape May Court House, New Jersey for the Intersection Improvements to Hagen Road & Dennisville Road, Dennis Township Project No. DNT7784; and

WHEREAS, the nature and reason of the change is an adjustment to the contract quantities to reflect as built quantities and is further described on the Engineer's Change Order No. 1 summary which is attached; and

WHEREAS, the original contract amount was \$157,826.50 and the adjusted amount is \$151,497.85 which results in an overall decrease of -\$6,328.65.

WHEREAS, as a result of the aforesaid information, the Township of Dennis and the Engineer concluded that increases and decreases were necessary.

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

1. The foregoing facts are hereby ratified and affirmed.
2. The allegations of the preamble hereto are incorporated herein as is set forth in full.
3. The amount of Change Order No. 1 is -\$6,328.65.
4. The adjusted amount of the contract based on Change Order No. 1 is \$151,497.85.
5. The appropriate Township Officials are herewith authorized and instructed to do all things necessary to carry out the intention of this Resolution.
6. The authorization for the proper officials to execute Change Order No. 1 be and is hereby given.

ATTEST

Jacqueline B. Justice, RMC/Clerk

ATTEST

John Murphy, Mayor



August 2, 2010

Re: Township of Dennis
2008 State Aid
Intersection Improvements to Hagen Road at Dennisville Road (CR 628)
Change Order No. 1 Reasons
M.C. Project No. DNT7784

Increases:

Item No. 2: Additional sawcutting was required near Atkinson Property

Decreases:

Item No. 4A: If & Where quantity – quantity reduced
Item No. 5: If & Where quantity – quantity reduced
Item No. 6: If & Where quantity - quantity reduced
Item No. 11: Measured quantity was less than contract
Item No. 15: Measured quantity was less than contract
Item No. 16: Measured quantity was less than contract
Item No. 17: Measured quantity was less than contract
Item No. 18: Measured quantity was less than contract
Item No. 27: Item was handled by Cape County DPW
Item No. 28: Item was partially handled by Cape County DPW
Item No. 30: Item was handled by Cape County DPW
Item No. 34A: If & Where quantity- quantity reduced
Item No. 34B: If & Where quantity- quantity reduced
Item No. 34C: If & Where quantity- quantity reduced
Item No. 34D: If & Where quantity- quantity reduced
Item No. 34E: Item Not needed

\\Mead@marmora\Projects\DNT\DNT7784\Estimates\080210 rdm change order reasons.doc

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NEW JERSEY NEW YORK PENNSYLVANIA

RESOLUTION NO. 2010-136

**RESOLUTION AUTHORIZING REDUCTION NO. 3
OF A PERFORMANCE BOND FOR BLOCK 251, LOTS 8, 9, 13, 14, 15, 16, 18, 22,
103, 105 & 106 – PINE HAVEN, LLC**

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the reduction of a Planning/Zoning Performance Bond for Block 251, Lots 8, 9, 13, 14, 15, 16, 18, 22, 103, 105 & 106 due to the partial completion of the site improvements; and

WHEREAS, Township Engineer has authorized a reduction of the performance bond which is in the form of an Irrevocable Letter of Credit #9530026601-00001.

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 reduce the \$69,995.00 performance bond in the form an Irrevocalbe Letter of Credit No. 9530026601-00001 to the amount of \$24,747.50, which is a reduction of \$45,247.50.

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

Jacqueline B. Justice, RMC/Clerk

ATTEST

John Murphy, Mayor

RESOLUTION NO. 2010-137

**RESOLUTION APPROVING AND CONSENTING TO A CEMETERY KNOWN
AS RESURRECTION CEMETERY, BLOCK 256.05, LOT 13 –
336 KINGS HIGHWAY, DENNIS TOWNSHIP**

WHEREAS, Resurrection Cemetery has received preliminary and final site plan approval for the construction and maintenance of a cemetery on Block 256.05, Lot 13, 336 Kings Highway, Dennis Township, New Jersey; and

WHEREAS, N.J.S.A. 45:27-25 require municipal approval to establish or enlarge a cemetery; and

WHEREAS, Resurrection Cemetery appeared before the Township Committee at its work session on August 2, 2010; and

WHEREAS, Julius N. Korschak, Esquire representing Resurrection Cemetery presented arguments in favor of approving the said cemetery; and

WHEREAS, N.J.S.A. 45:27-25(b) sets forth that no more than five (5) cemeteries may be established in any municipality; and

WHEREAS, said statute is unclear as to public and/or private cemeteries, thus making it very difficult to ascertain whether or not there are five or more cemeteries already in existence 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, as follows:

1. The Statements of the Preamble are incorporated herein and by this reference.

2. Resurrection Cemetery's application to establish a cemetery at Block 256.05, Lot 13 – 336 Kings Highway, Dennis Township, New Jersey be and is hereby approved.
3. The said approval includes an exemption to Section b of the statute in the event that there are more than five (5) cemeteries already in existence in Dennis Township.

ATTEST _____ ATTEST _____
 Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

RESOLUTION NO. 2010-138

RESOLUTION AUTHORIZING VARIOUS REFUNDS OF TAX OVERPAYMENTS

WHEREAS, the Tax Collector, Michele T. Heim, has notified the Clerk of various tax overpayments; and

WHEREAS, the overpayments are a result of the reduction of the assessments for the 2010 tax year, with the preliminary tax amounts reflecting the 2009 assessments.

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 the Chief Financial Officer be and is hereby authorized and directed to make the necessary refunds pursuant to the attached list provided by the Tax Collector.
2. That said list is hereby incorporated by reference.
3. That the Municipal Clerk is authorized to forward a certified copy of this resolution to the Tax Collector and Chief Finance Officer.

ATTEST _____ ATTEST _____
 Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

RESOLUTION NO. 2010-139

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>
275	3	\$6,422.20	Atlantic City Electric 5100 Harding Highway Mays Landing, NJ 08330

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. 2010-140

**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 Litigation, Negotiations and the Attorney-Client Privilege:
Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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 August 17, 2010, that an Executive Session closed to the public shall be held on August 17, 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

Motion was made by DiCicco, seconded by O'Connor, with 5 ayes and no nays, that the following Ordinance No. 2010-04 was introduced for first reading:

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2010-04

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY,
AND STATE OF NEW JERSEY AMENDING CHAPTER 57 SECTION 14 OF
THE CODE OF THE TOWNSHIP OF DENNIS ENTITLED,
“ALCOHOLIC BEVERAGES – CLUB LICENSES”**

WHEREAS, veterans have served this country and have kept it safe and our border secure; and

WHEREAS, veterans deserve a place where they can meet and gather in friendship and social settings in which they should have the right if they desire to imbibe alcoholic beverages.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May and State of New Jersey Chapter 57, Section 14 of the Code of the Township of Dennis entitled “Alcoholic Beverages – Club Licenses” is hereby amended as follows:

57-14. Club Licenses.

No club license shall be issued in the Township of Dennis except to duly recognized veterans’ organizations which have an existing facility located in the Township of Dennis.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication, according to law.

John Murphy, Mayor

Dennis M. Crippen, Deputy Mayor

Ruth J. Blessing, Committee Member

Brian O'Connor, Committee Member

Albert M. DiCicco, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on August 17, 2010. Publication will be held on August 25, 2010 and a Public Hearing will be held at a meeting of the said Township Committee to be held on September 07, 2010 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk

Motion was made by Blessing, seconded by Crippen, with 5 ayes and no nays, that providing that proper vouchers have been filed and that funds are available, the following bills are authorized to be paid:

GENERAL ACCOUNT:

032379-Twp of Dennis Payroll Account	\$ 65,781.30
032380-Albertsons	172.81
032381-Atlantic City Electric	9,259.45
032382-Albrecht & Heun, Inc.	7,568.92
032383-ASG Security	77.97
032384-The ARC of Cape May County, Inc.	125.00
032385-Belleplaine Emergency Corp.	8,750.00
032386-A.A.C.M.C.	50.00
032387-Cape May County M.U.A.	13,949.04
032388-Caprioni Portable Toilets, Inc.	500.00
032389-Computer Access Systems	99.25
032390-John L. Collins	474.97
032391-Comcast	865.14
032392-Nelson B. Creamer	136.40
032393-Crystal Springs	132.46
032394-Daley's Pit	60.00
032395-Daycare Cleaning Services, Inc.	1,903.08
032396-Dennis Township Baseball Assoc.	789.69
032397-Diamond Tours, Inc.	28,366.00
032398-Dobson Turf Management	3,300.00
032399-Russell J. Down	266.13
032400-Jeanette M. Ennis	109.01
032401-The Gem Grocery & Gas	112.40
032402-Frank L. Germanio, Sr.	33.52
032403-John James Germanio	731.97
032404-Lynne R. Germanio	1,342.09

032405-Germanio Family Farm	13.95
032406-G & K Services	624.58
032407-Government Finance	170.00
032408-Gerald C. Harris	108.61
032409-Herald Newspaper, Inc.	392.77
032410-Roy J. Hope	275.80
032411-J. C. Miller Co., Inc.	903.05
032412-Keen Compressed Gas Co., Inc.	20.26
032413-Edward F. Leith, Jr.	178.78
032414-Fletcher, Marie & Jason Mack	6.63
032415-Gregory C. & Christine Mason	1,811.10
032416-George B. Neidig, Jr.	622.16
032417-Nextel Communications	223.98
032418-New Jersey Recreation	400.00
032419-NJ Dept Health/Senior Services	13.80
032420-Optimal Performance Assoc., LLC	800.00
032421-Power of Production Studio	162.50
032422-Sam's Club	230.43
032423-Shop Rite	30.11
032424-Signworks, dba	192.00
032425-South Jersey Paper Products	552.75
032426-Splash Zone Water Park	702.00
032427-Staples Credit Plan	998.53
032428-State of New Jersey	568.78
032429-Township of Upper	5,686.41
032430-Verizon	1,345.63
032431-Supermedia LLC	129.47
032432-Vital Communications, Inc.	75.00
032433-Maser Consulting, PA	15,890.00

Committeewoman Blessing commented on the Annual Senior Picnic scheduled for tomorrow. She indicated it is always a big event and all seniors are welcome.

Committeeman DiCicco commented on his discussions with Sturdy Bank regarding what they could do to help our local V.F.W. Post #6257 through their Community Outreach. He stated that Sturdy would like a detailed list of the needs. Mayor Murphy indicated that he would get a meeting with Dennisville Branch Manager, Chris Hayes, and V.F.W. liaison, Harry Creamer, together for a meeting. Committeeman DiCicco also indicated that at the next Chamber of Commerce meeting he would address the Chamber as a whole to assist the V.F.W. He asked our OEM Coordinator, John Berg, to comment on the Hurricane Preparedness Conference that he attended.

John Berg, OEM Coordinator, indicated that it was basically a planning session for a hurricane and they started with receiving the Governor's declaration and went over the SOP (standard operating procedure) that appears in the OEM Plan. He stated that they went over evacuation routes and discussed communications, special needs residents. Mr. Berg commented on special needs programs that Atlantic City Electric has in place and indicated that our local fire departments were sending out "Special Needs" form. He commented on a good publication that Ocean City sent out regarding preparing for hurricanes and commented on possibly partnering with Woodbine and getting advertising money from business within our local Chambers of Commerce to send out a publication.

Committeeman DiCicco commented on the flooding situation on Route 47 at the Route 83 intersection. Mr. Berg indicated that he brought that topic up at the meeting and that the County is very aware of it.

Mr. Berg commented on the intersection improvement at Route 47 & Route 83 and created the flooding problem. He reiterated that problems the flooding would cause in the event such as a substantial storm surge an evacuation was necessary. Mr. Berg indicated that the meeting centered a lot on the barrier islands. He stated that Dennis' problems will the winds and loss of power. He indicated that another big problem for us would be after the event, re-entering, everyone has to come through us. Mr. Berg indicated that he learned that there are private companies that come out do the clean-up and inspect municipal buildings for damage and they wait and get paid from monies under the Stafford Act.

Committeeman DiCicco commented on drainage problem at the Route 47 & Route 83 intersection and his concerns in the event of an evacuation.

Mr. Berg discussed with the Committee all the different agencies that have been made aware of the problem.

Mayor Murphy commented on setting up a meeting after Labor Day with the County, Township, NJDOT and perhaps the Senator to have this problem corrected.

Committeeman DiCicco reiterated the problem.

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

Deputy Mayor Crippen commented on the notice that was sent out in the tax bills inviting everyone to register their email address if they were interested in receiving a monthly update of things going on in the Township. He stated that it will be continuous and that we are looking to get as many people as possible registered.

Motion was made by O'Connor, seconded by Crippen, that the meeting be open for public comment

There being no 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 DiCicco, seconded by Crippen, that the Township Committee take a 5 minute recess at this time.

Motion was made by DiCicco, seconded by Crippen, that the Township Committee go into Executive Session at this time.

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 Crippen, that the Executive Session be closed and the regular meeting be reconvened at this time.

Township Solicitor, Jeff April, indicated that in the Executive Session the Committee discussed hiring some part-time personnel due to scheduling shortages in the Tax Office. The Deputy Mayor was authorized to conduct interviews and that the salary range would be \$10.00 - \$12.00 dollars per hour. He indicated that no formal action was required.

The Committee discussed the proposed changes to the Township's Personnel Handbook with the Municipal Clerk and indicated that they would review said changes and advise.

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

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor