

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
SEPTEMBER 21, 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.

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

Tax Collector's Report - August, 2010

Motion was made by O'Connor, seconded by Crippen, with 5 ayes and no nays, that the correspondence be received and filed.

Let the record reflect that the following Resolution Nos. 2010-146 thru 2010-154 were part of a consent agenda with a block roll call vote.

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

RESOLUTION NO. 2010-146

**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 Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

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 September 21, 2010, that an Executive Session closed to the public shall be held on September 21, 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. 2010-147

RESOLUTION AUTHORIZING A REFUND OF A SENIOR CENTER TRIP

WHEREAS, the Dennis Township Senior Citizen Center had scheduled a trip to the Columbus Market on September 16, 2010; and

WHEREAS, the Clerk has received notification from the Senior Center's Director that due to lack of participation the trip has been cancelled; and

WHEREAS, the Township has received payments for this trip that must be refunded.

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 be and is hereby authorized and directed to refund the following payment made for the cancelled September 16, 2010 trip to the Columbus Market:

Katherine & Louis Gilberti \$ 50.00
1402 Route 9 South, #192
Cape May Court House, NJ 08210

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

RESOLUTION NO. 2010-148

RESOLUTION AUTHORIZING THE HIRING OF PART-TIME TEMPORARY CLERK TYPISTS FOR THE ADMINISTRATION OFFICE

WHEREAS, the Senior Clerk Typist assigned to the Tax Assessor's Office is out on a FMLA Leave; and

WHEREAS, the Township received applications to fill the temporary vacancy; and

WHEREAS, interviews have been conducted with the various applicants; and

WHEREAS, a recommendation has been made to the Township Committee.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Danielle Hofmann of 30 Cheshire Drive, Cape May Court House, NJ 08210 be hired as part-time temporary clerk typist at the hourly rate of \$11.00 per hour.

BE IT FURTHER RESOLVED, that said hire be effective retroactive to 09/13/2010 for the duration of 3 months or the FMLA leave of the permanent employee.

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

RESOLUTION NO. 2010-149

RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR BLOCK 259, LOT 32.01 – CAPE MAY COUNTY ASSOCIATION OF REALTORS

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the refund of a Planning/Zoning Performance Bond for Block 259 Lot 32.01 due to the completion of the site improvements; and

WHEREAS, Township Engineer has authorized release of the Performance Bond in the form of a Letter of Credit #131.

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 release the Performance Bond in the form of a Letter of Credit No. 131 in the amount of \$30,525.83 to Cape May County Association of Realtors, Inc., 2045 Route 9 North, Clermont, NJ 08210.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to release any and all remaining inspection fees providing that all professional obligations have been satisfied.

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. 2010-150

RESOLUTION AUTHORIZING THE LEAVE OF ABSENCE FOR AN ADMINISTRATIVE EMPLOYEE

WHEREAS, the Clerk has received a request from a Township Employee for a leave of absence; and

WHEREAS, Monica Heim has requested a leave of absence for a medical condition ; and

WHEREAS, said leave would be effective retroactive to September 17, 2010 and would end on December 10, 2010 with Mrs. Heim returning to work on December 13, 2010; and

WHEREAS, the leave of absence shall run concurrent with a leave under the provisions of the Family Leave Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that a leave of absence be granted for Monica Heim retroactive from September 17, 2010 through December 10, 2010.

BE IT FURTHER RESOLVED, that a leave under the Family Leave Act will be granted for a portion of the leave not to exceed the Federal and State provisions of the Act.

BE IT FURTHER RESOLVED, that the 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. 2010-151

RESOLUTION WAIVING THE CONSTRUCTION PERMIT FEES FOR THE ARC OF CAPE MAY COUNTY, INC.

WHEREAS, the Clerk has received a request from the ARC of Cape May County, Inc. to waive the building permit fees associated with the installation of solar panels at the following group homes: 1) 253 Fidler Road; 2) 288 Tyler Road; 3) 163 Tattlers Road; & 4) 45 Sutton Ave. and the replacement of the boiler at 822 Route 47; and

WHEREAS, the ARC of Cape May County, Inc. is a non-profit organization that services the residents of Dennis Township and Cape May County; and

WHEREAS, the ARC of Cape May County, Inc. will be submitting applications with the Construction Office for said improvements and have previously obtained any and all necessary approvals.

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 any fees relative to the ARC of Cape May County, Inc. construction permits due the Township of Dennis are hereby waived.
2. That certified copy of this resolution shall be forwarded to the Construction Official's Office.

3. This Resolution shall take effect immediately.

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

RESOLUTION NO. 2010-152

**RESOLUTION AUTHORIZING THE EXECUTION OF A
PROMISE OF INDEMNIFICATION WITH THE COUNTY OF CAPE MAY
FOR THE TEMPORARY PLACEMENT OF HOLIDAY WREATHS ABOVE
PETERSBURG ROAD AND MAIN STREET IN DENNISVILLE**

WHEREAS, the Township has requested that the County of Cape May permit temporary placement of holiday wreaths on utility poles above portions of County Route 610 (Petersburg Road and Main Street) in Dennisville; and

WHEREAS, the Holiday Wreath Project would last approximately November 22, 2010 thru January 112 2011; and

WHEREAS, the Township has been notified by the County Engineer that the County requires the Township to execute a Promise of Indemnification in order to process our request.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the Promise of Indemnification so that the County of Cape May can approve the temporary placement of Holiday Wreaths above a portion of County Route 610 (Petersburg Road and Main Street) in Dennisville.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall accompany the executed Promise of Indemnification to the County Engineer's Office.

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

RESOLUTION NO. 2010-153

**RESOLUTION AUTHORIZING THE EXTENSION OF AN AGREEMENT BY
AND BETWEEN BELLEPLAIN EMERGENCY CORP., INC. AND THE
TOWNSHIP OF DENNIS FOR AN ADDITIONAL FIVE (5) YEARS THROUGH
DECEMBER 31, 2016**

WHEREAS, the Township of Dennis and Belleplain Emergency Corp., Inc., entered into an agreement to provide for emergency dispatch services for a period from January 1, 2007 through December 31, 2011; and

WHEREAS, the parties have agreed to extend the said contract under the same terms and conditions through December 31, 2016; and

WHEREAS, the original contract and this extension are awarded as an extraordinary unspecifiable service.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the agreement entered into by and between the Township of Dennis and Belleplain Emergency Corp., Inc. for the period of January 1, 2007 through December 31, 2011, be and the same hereby extended through December 31, 2016.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and the same are hereby authorized and directed to sign the attached contract.

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

RESOLUTION NO. 2010-154

**RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION FOR
A SPECIAL PERMIT FOR A SOCIAL AFFAIR FOR THE
PTA BISHOP McHUGH REGIONAL CATHOLIC SCHOOL**

WHEREAS, the organization known as the PTA Bishop McHugh Regional Catholic School has requested permission from the State of New Jersey Division of Alcoholic Beverage Control for a Special Permit for a Social Affair; and

WHEREAS, the request has been made to dispense alcoholic beverages on February 05, 2011 from 7:00 p.m. to 11:00 p.m. at the Bishop McHugh Regional Catholic School - Gym at a fundraiser to benefit the Catholic Church and education of Bishop McHugh and students; and

WHEREAS, the Clerk has certified that not more than 25 special permits have been authorized for these premises during this calendar year.

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 sign the aforementioned permit application.

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

Motion was made by Crippen seconded by DiCicco, with 5 ayes and no nays, that the following Ordinance No. 2010-05, be introduced for first reading:

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2010-05

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY,
AND STATE OF NEW JERSEY VACATING PORTION OF WASHINGTON
STREET WITHIN THE TOWNSHIP OF DENNIS**

BE IT ORDAINED, by the Township Committee of the Township of Dennis as follows:

SECTION 1. The Public Right, Title, and Interest in, along, upon and over the following described land is hereby vacated, surrendered, and extinguished:

Beginning at a point in the Southeast line of Washington Street (50 feet wide), where the same is intersected by the division line between Lot 11 and Lot 19 in Block 27 (tax map), said point being North 43 degrees 12 minutes 00 seconds East a distance of 360.00 feet as measured along the said line of Washington Street from the intersection of the same with the Northeast line of Joe Mason Road a/k/a 6th Street (30 feet wide); and extending thence

- (1) North 46 degrees 48 minutes 00 seconds West, across Washington Street being the newly created Northeast terminus of said street, a distance of 50.00 feet to a point in the Northwest line of Washington Street; thence
- (2) North 43 degrees 12 minutes 00 seconds East, along the Northwest line Washington Street, a distance of 210 feet more or less to a point in the South line of Lot 23 in Block 28 said point also being the Northeast terminus of said Washington Street; thence
- (3) Northeastwardly, along the said line, a distance of 83 feet more or less to an angle point in the said terminus of Washington Street; thence
- (4) South 46 degrees 48 minutes 00 seconds East, still along the said terminus of Washington Street also being the Southwest line of Lot 28 in Block 28, a distance of 27 feet more or less to a point; thence
- (5) South 43 degrees 12 minutes 00 seconds West, along the aforementioned Southeast line of Washington Street, a distance of 290.00 feet more or less to the POINT BEGINNING.

Being a portion of Washington Street to be vacated on the Tax Map of the Township of Dennis.

SECTION 2. Nothing contained herein shall be deemed to vacate, surrender, or extinguish any right or privilege of any Public Utility as defined in N.J.S.A. 48:5A-1, et seq. to maintain, repair, and replace their existing facilities in, adjacent to, over, or under the Street and Alleys herein vacated, or any part or parties thereof.

SECTION 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. The Official Road Map and Taxing Map of the Township of Dennis shall be revised to reflect this vacation immediately upon this Ordinance taking effect.

SECTION 6. The party requesting the vacation shall bear full fiscal responsibility in the costs associated with its adoption.

SECTION 7. 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 September 21, 2010. Publication will be held on September 23, 2010 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 05, 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:

032490-Twp of Dennis Payroll Account	\$ 56,540.94
032491-Tri-County Animal Control Services	700.00
032492-A. C. Moore, Inc.	45.18
032493-Albertsons	364.41
032494-Advantage Rental Center, Inc.	670.50
032495-Barone Capital, LLC	125.00
032496-Baumans Bouncys	235.00
032497-Belleplain Emergency Corp.	40,452.36
032498-Brown & Connery, LLP	1,066.70
032499-Cape May Wicker	230.49
032500-Cape May County M.U.A.	15,270.78
032501-Computer Access Systems	80.25
032502-Cherry Valley	1,040.80
032503-Coastal Landscaping	1,509.48
032504-John L. Collins	432.45
032505-Nelson B. Creamer	150.40
032506-Daycare Cleaning Services, Inc.	1,903.08
032507-Dennis Twp Fire District #1	82,000.00
032508-Dennis Twp Fire District #2	61,509.00

032509-Dennis Twp. Fire District #3	37,245.50
032510-Township of Dennis	350.00
032511-East Coast Distributors	76.56
032512-Barbara A. Festa	200.00
032513-Mike Gardner & Son, Inc.	102.37
032514-The Gem Grocery & Gas	113.91
032515-Katherine & Louis Gilberti	50.00
032516-G & K Services	463.51
032517-Gopher	689.68
032518-Gerald C. Harris	110.61
032519-Herald Newspaper, Inc.	409.76
032520-Home Depot Credit Services	88.36
032521-Roy J. Hope	297.76
032522-J. C. Miller Co., Inc.	927.86
032523-Keen Compressed Gas Co., Inc.	20.26
032524-Kohler's Auto Glass	135.00
032525-Edward F. Leith, Jr.	178.78
032526-Medianetcom	1,117.00
032527-M. G. L. Printing Solutions	475.00
032528-Nextel Communications	223.98
032529-NJ Dept Health/Senior Services	12.00
032530-Patti's Party World	188.78
032531-Peco	750.00
032532-Platinum Chemical, Inc.	2,488.00
032533-Reel Fire Protection, Inc.	742.80
032534-Seashore Food Distributors, Inc.	540.49
032535-Cooltronics, Inc.	207.00
032536-Sportime	329.85
032537-S.S.C.I.	300.00
032538-Staples Credit Plan	579.54
032539-State Treasurer	25.00
032540-TRIAD Associates	800.00
032541-The Southwest Council	550.00
032542-Township of Upper	28,750.00
032543-Sports Supply Group, Inc.	257.34
032544-U.S. Toy Co., Inc.	130.63
032545-Varsity Brands	880.50
032546-Vision Service Plan	1,070.12
032547-Maser Consulting, PA	13,245.95

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

Committeeman DiCicco commented on the Emergency Services Meeting out at Belleplain and he indicated that the Deputy Mayor attended the meeting with him. He indicated that they were able to negotiate an agreement with Belleplain Emergency Corps. for an extension of the Dispatching Agreement for an additional 5 years at the same cost. Committeeman DiCicco stated that the dispatching has been going great and that there have been no complaints with the Emergency Services and we even have people from Middle Township coming to the meetings.

Deputy Mayor Crippen commented on locking the same rate in for the next 5 years and indicated that it makes it good for us for budgeting purposes and that no increase is always a good thing.

John Berg, Township OEM Coordinator, commented on how easy Belleplain Emergency Corp is to work with and their goal is to provide the best dispatching services they can and it all seems to be running smoothly.

Committeeman DiCicco indicated that a State Police representative was at the meeting and that he requested a summary of complaints regarding ORV to see how many calls there are. Committeeman DiCicco also indicated that he has seen an increase of patrols in his neighborhood. He closed with commenting on getting laptops for the Committee so that we can go “paperless”.

Committeeman O’Connor commented Public Works starting the brush/chipping program and it will be posted on the website. He commented on the soccer being in full swing and indicated that football is doing well and that the ADA improvements at Chestnut Street Park looks fantastic.

Deputy Mayor Crippen comment on the rash of burglaries in the area and cautioned everyone to keep their doors and cars locked. He indicated that this Saturday at 10:00 am at the Music Pier in Ocean City is the Annual Walk to Defeat ALS and he invited everyone to come out and show their support.

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

Ed Kelly of 193 Hagen Road was present and thanked the Committee for the monthly email update that has been activated. He commented on the timing of the update and indicated that residents were looking for notification prior to meeting were they would be discussed.

Deputy Mayor Crippen indicated that the update is sent out the last Friday of the Month and upcoming agendas are not done yet. Committeeman O’Connor echoed the Deputy Mayor’s comments and indicated that sometimes agendas don’t get completed until 5:30 for a 6:30 meeting.

Mr. Kelly commented on the Township communication with the residents and information that will be apart of the updates.

Deputy Mayor Crippen indicated that the monthly update was a work in progress. He reiterated the fact that since the update is monthly it is difficult to have agendas as part of it. He indicated that the dates of meetings are included and that anyone could call the Township and request a copy of the agenda prior to the meeting.

Mr. Kelly, Deputy Mayor Crippen, Mayor Murphy and Committeeman DiCicco continued to discuss the difficulty of the agendas and knowing in advance what is going to be on them.

Mr. Kelly and Deputy Mayor Crippen continued to discuss the timing of the updates as it relates to agendas as well as the type of items that will be included. They discussed the pros and cons of including grants that the Township might be applying for. Mr. Kelly commented on the grant for the improvement to Hagen Road and stated it residents knew about the application prior to the Township obtaining the grant they could have voiced their concerns.

Mr. Kelly commented on the amount of land in Dennis Township that is un-developable and the Township’s COAH requirements. Deputy Mayor Crippen and Township Solicitor, Jeff April, commented on the COAH formula and Dennis Township’s requirements and requests for waivers.

Committeeman DiCicco explained he and Deputy Mayor Crippen's efforts to get the COAH required units reduced with comments from Deputy Mayor Crippen.

There being no further comments 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 Crippen, seconded by DiCicco, 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 Crippen, seconded by O'Connor, 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 the Executive Session that there was no discussion on the Pierson matter due to Mr. Harvatt being unable to attend; that he and Committeeman O'Connor brought the Committee up to date on a personnel matter regarding a coach within the Recreation Department; Committeemen O'Connor and DiCicco brought the Committee up to date regarding the Union Contract negotiations. He indicated that no formal action was required and non taken.

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

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