

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
MARCH 15, 2011**

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: Glembocki, DiCicco, O'Connor, and Crippen present.

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

Tax Collector's Report	-	February, 2011
Construction Official's Report	-	February, 2011

Mayor Murphy asked if anyone from the audience had any questions or comments regarding the agenda items. Let the record reflect that no members of the public had any comment.

Let the record reflect that the following Resolution Nos. 2011-61 thru 2011-63 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. 2011-61

**RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION FOR
A SPECIAL PERMIT FOR A SOCIAL AFFAIR FOR THE
CAPE MAY COUNTY BOARD OF AGRICULTURE**

WHEREAS, the organization known as the Cape May County Board of Agriculture 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 May 21, 2011 from 4:00 p.m. to 8:00 p.m. at Windy Acres, Inc., 153 Main Street, South Seaville, NJ at a fundraiser to benefit the Cape May County Board of Agriculture Farmer's Memorial Scholarship; 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

RESOLUTION NO. 2011-62

**RESOLUTION AUTHORIZING THE RECYCLING COORDINATOR TO
SUBMIT THE 2010 TONNAGE GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Township of Dennis hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Clarence F. Ryan, Director of Public Works/Recycling Coordinator, 571 Petersburg Road, P.O. Box 204, Dennisville, NJ 08214, to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the Recycling Tonnage Grant be used solely for the purposes of recycling.

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

RESOLUTION NO. 2011-63

**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.

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 March 15, 2011, that an Executive Session closed to the public shall be held on March 15, 2011 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 Crippen, with 5 ayes and no nays, that providing proper vouchers have been filed and that funds are available, the following bills are authorized to be paid:

GENERAL ACCOUNT:

033105-Twp of Dennis Payroll Account	\$ 58,441.81
033106-Super Valu	584.93
033107-Advantage Rental Center, Inc.	256.50
033108-A.G.A.	125.00
033109-Atlantic City Electric	5,328.29
033110-A T & T	138.26
033111-AJM & Co. Inc.	119.85
033112-Belleplaine Emergency Corp.	40,452.36
033113-Building Safety Conference	150.00
033114-Business Radio Licensing	110.00
033115-Cape May County M.U.A.	11,241.95
033116-Cape May Cnty Tax Assess Assoc	330.00
033117-Computer Access Systems	83.25
033118-John L. Collins	308.72
033119-Comcast	571.28
033120-Country Barn Florist, Inc.	160.00
033121-Nelson B. Creamer	191.40
033122-Crystal Springs	96.13
033123-Daley's Pit	280.00
033124-Daycare Cleaning Services, Inc.	1,903.08
033125-Dennis Twp Basketball Assoc	100.00
033126-Dennis Twp Fire District #1	85,250.00
033127-Dennis Twp Fire District #2	58,933.25
033128-Dennis Twp Fire District #3	37,990.50
033129-Jeanette M. Ennis	101.01
033130-Gentilini Ford, Inc.	2,174.10
033131-Gerald C. Harris	111.40
033132-Herald Newspaper, Inc.	71.31
033133-Home Depot Credit Services	97.69
033134-Roy J. Hope	283.74

033135-James M. Rutala Associates, LLC	310.50
033136-J. C. Miller Co., Inc.	168.79
033137-Keen Compressed Gas Co., Inc.	19.16
033138-Kel-Tex Imprints, Inc.	323.80
033139-Edward F. Leith, Jr.	192.19
033140-Masune First Aid & Safety	309.05
033141-M. G. L. Printing Solutions	107.00
033142-Modern Gas Co., Inc.	1,228.89
033143-George B. Neidig, Jr.	690.09
033144-Nextel Communications	287.90
033145-N.J.P.O.	360.00
033146-NJ Dept Health/Senior Services	112.80
033147-Paper Direct, Inc.	178.32
033148-Patti's Party World	74.38
033149-Pogue, Inc.	522.00
033150-Power of Production Studio	262.50
033151-Pro-Tuff Decals	112.07
033152-Seashore Food Distributors, Inc.	628.42
033153-Seashore Asphalt Corp.	150.00
033154-Cooltronics, Inc.	280.00
033155-Service Tire Truck Centers	624.35
033156-Shore Animal Control	1,300.00
033157-Thomas G. Smith, P.C.	270.00
033158-S.S.C.I.	40.00
033159-Staples Credit Plan	891.11
033160-Stewart Business Systems	15.11
033161-Carolyn P. Swagler	118.04
033162-Tamerlane Campground, Inc.	20.00
033163-Somers Tozer	3,692.01
033164-The Southwest Council	550.00
033165-USI, Inc.	104.50
033166-United States Treasury	1,041.11
033167-Township of Upper	32,859.55
033168-Verizon	1,344.25
033169-Vital Communications, Inc.	75.00
033170-Maser Consulting, PA	6,976.25
033171-Walnut Street Theatre	100.00

Committeeman Glembocki indicated that he had no comments at this time.

Committeeman DiCicco commented on the Public Safety Meeting and he indicated that our OEM Coordinator had advised him that we are set to receive approximately \$10,000.00 from FEMA for reimbursement from the storm. He commented on the iamresponding.com program to coordinate our three fire companies. He commented on the costs and indicated that he may be recommending that the Township assist the fire companies in this endeavor.

John Berg, OEM Coordinator, explained the program and indicated that the fire companies are getting a two (2) month free trial and that the company does everything and sets everything up with a monitor at the station. Mr. Berg answered questions regarding the system that the Committee had.

Committeeman O'Connor asked everyone to keep our Tax Assessor, Patty Sutton, and her family in your prayers with the loss of her mother.

Deputy Mayor Crippen commented on the Recreation's Basketball Championship game this evening and he indicated that he is coaching. He advised everyone that our "resident leprechaun" Kim Gansert will be preparing the St. Patty's Day luncheon at the Senior Center tomorrow.

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

David Weygand of 142 Chestnut Street, Belleplain, questioned if the Township Committee was adopting a noise ordinance.

Mayor Murphy indicated that they were looking into adopting a noise ordinance.

Mr. Weygand questioned the proposed noise ordinance and asked if he comes home around midnight on his motorcycle with loud pipes if something like that would be a violation.

Mayor Murphy indicated that he did not believe something like that would constitute a violation. He stated that we were looking at an ordinance similar to the noise ordinance that Upper Township recently adopted and that it is basically mild.

Jeff April, Township Solicitor, commented on the proposed noise ordinance and indicated that it is designed to compel neighbors who are having problems to go to mediation. He said that it is a very mild ordinance that gets into unreasonableness and takes into consideration people's recreational and business activity. Mr. April continued to explain the draft as it relates to the court.

Mr. Weygand questioned if the proposed ordinance allows a neighbor to call the State Police or sign a complaint against you.

Mr. April indicated that they could also sign a "notice of complaint".

Committeeman DiCicco stated that this is just a draft ordinance that is being discussed and that nothing is being voted on this evening.

Mr. Weygand indicated that was his next question and that this is not anything yet.

Committeeman DiCicco indicated that it is a work in progress.

Mr. April indicated that an actual ordinance has not been introduced as of yet.

Mr. Weygand commented on the "Spout-Offs" and indicated that he does not live in that area and that in the area he lives they really do not have any situations and if there happen to be one he would go talk to his neighbor. He commented on frequency of occurrence having a bearing on the problem and he indicated that he does not want to have the police in his driveway just because some of his friends come over on their motorcycles.

Committeeman Glembocki stated that the proposed ordinance will give a resident the ability to take action after having tried to talk with their neighbor.

Mr. Weygand clarified that nothing has been done regarding this proposed ordinance and prior to any enactment notification will be in the newspapers.

Mr. April commented on times in the past during his tenure that a noise ordinance has been discussed. He also commented on the proposed ordinance not having decibel readings and being based on community standards and standards change from community to community.

Dave Weygand commented on the speed limit on the road coming into Belleplain some area it is 35 m.p.h., which it should be, and than this one section it is 50 m.p.h.

The Township Committee indicated that it was a County Road and that we would forward a letter to the County.

Committeeman DiCicco commented on County Route 550 and the snow plowing situation. He indicated that the Fire Chiefs had requested that the Township reach out to the County to make County Route 550 a priority due to it being the main access for the Rescue Squad to respond. Committeeman DiCicco stated that he has spoken to the County's OEM Coordinator, Frank McCall and that he is receptive and requested a letter from the Mayor.

Mayor Murphy instructed the Clerk to forward a letter.

Committeeman O'Connor joked that he is always receptive in April, but try to get him on the phone in February.

Trooper Leo gave a report of the calls for the month of February.

John Dworak of 354 Head of the River Road, Belleplain commented on the noise ordinance and indicated he does not want to have trouble with his neighbors over lawn care equipment. Mr. Dworak also commented on the high speed of Bailey's Seafood trucks that go by his house.

Committeeman DiCicco asked Mr. Dworak to leave his contact info with the Clerk and that he would contact the Woodbine State Police Barracks Station Commander, Lt. Donlan.

Mr. Dworak indicated that he has called them with no success. He commented on the difficulties with lowering the speed limit.

Troy Lewis of 170 Gravel Hole Road commented on the ATV issue and certain "Spout-offs" that have indicated that riding the ATV's on property devalues the property in the neighborhood. Mr. Lewis commented on the population of Dennis Township and having a chosen few speak for the masses. He went on to comment about the proposed noise ordinance and how his neighbor loves to work on his lawn and he has no problems with that. Mr. Lewis indicated that his direct neighbors have no problem with his ATV's. He commented on existing laws such as not riding on public roadways and it is not necessary

to adopt an ordinance prohibiting the same. Mr. Lewis commented on ATV Parks in the State of New Jersey and stated that he found 1 in Atco. He commented on his dealings with the State Police and that they have advised him the only place he can ride is his private property as well as the Game Warden. Mr. Lewis asked the Committee were they draw the line between what some people like and don't like and he indicated that he felt it was ridiculous to pass an ordinance for the few. He reiterated on the devaluation of property issue and indicated that the "Spout-offs" crack him up. Mr. Lewis commented on the real estate boom and the re-value and the tax dollars as well as the state of the market today. Mr. Lewis indicated that he cuts wood on the weekends and has a saw and log splitter which are louder than any ATV and he has never had a complaint. He asked the Committee what their plans were regarding ATV's and motorcycles and commented on the Township opening up the old landfills or other property for people to ride.

The Committee indicated that they could not do that because of insurance reasons.

Mr. Lewis indicated that you can write a law stating that you were riding at your own risk and you would not be able to sue.

Mr. April commented on the Tort Claims Act. Mr. April, Mr. Lewis and Committeeman O'Connor commented on the legal aspects and Mr. April stated that you can not write a law like that on the municipal level.

Mr. Lewis asked if you were going to be able to continue riding on your own property.

Mr. April indicated that until such time as an ordinance is introduced, has a public comment and adopted you can.

Committeeman DiCicco indicated that the Committee is looking into a series of items and that nothing is written in stone and it is basically a moving target.

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

Township Solicitor indicated that the Township Committee was going into an Executive Session to discuss the Union negotiations and that when the meeting is reconvened there may be formal action taken.

Motion was made by DiCicco, seconded by O'Connor, 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 the record should reflect that in closed Executive Session the Committee discussed the final negotiations with the Public Works Union and are team of Committeeman O'Connor who was assisted by Committeeman

DiCicco that the Township Committee agrees upon the contract with the condition that the 03/01/2011 letter from IBEW Local 1293's lawyer, Robert F. O'Brien, of O'Brien, Belland & Bushinsky be rescinded.

Mr. April asked for a motion to adopt the resolution authorizing the contract between the I.B.E.W. Local 1293 and the Township of Dennis. Motion was made by DiCicco, seconded by O'Connor, with 5 ayes and no nays, the following resolution was adopted.

RESOLUTION NO. 2011-64

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
BETWEEN THE TOWNSHIP OF DENNIS AND THE I.B.E.W. LOCAL 1293
COVERING THE REGULARLY EMPLOYED BLUE COLLAR EMPLOYEES
OF THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Township of Dennis has previously recognized the International Brotherhood of Electrical Workers (I.B.E.W.) Local 1293 as a collective bargaining unit for the Department of Public Works; and

WHEREAS, designated representatives of the Township of Dennis and the I.B.E.W. have met countless times to discuss the contract; and

WHEREAS, the representatives have come to a mutual agreement with regards to the contract for the regularly employed blue collar employees of the Department of Public Works.

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 authorizes and directs the Mayor and Municipal Clerk to execute a contract between the Township of Dennis and the I.B.E.W. Local 1293 covering the regularly employed blue collar employees of the Department of Public Works on the condition of receipt of a letter from the I.B.E.W. Local 1293 legal counsel, Robert F. O'Brien of the firm O'Brien, Belland & Bushinsky, LLC withdrawing his letter of 03/01/2011 regarding I.B.E.W. Local 1293 – Dennis Township.

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

Motion was made by DiCicco, seconded by Crippen, that the meeting be adjourned.

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