

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

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

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

Deputy Mayor Crippen presided with Committeemembers: Glembocki, DiCicco, and O'Connor present, Mayor Murphy was absent.

Motion was made by O'Connor, seconded by Glembocki, with 4 ayes and 1 absent (Murphy), that the following minutes were approved:

Regular Meeting	-	November 01, 2011
Worksession Meeting	-	November 01, 2011

Jessica Daher of the American Littoral Society – Delaware Bayshore Program commented on proposed Resolution No. 2011-162, Requesting Cape May County Freeholders to Consider Submitting a New Jersey Department of Environmental Protection Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development. Ms. Daher thanked the Committee for their support.

Let the record reflect that the following Resolution Nos. 2011-158 thru 2011-163 were part of a consent agenda with a block roll call vote.

Motion was made by O'Connor, seconded by DiCicco, with 4 ayes and 1 absent (Murphy), that the following resolutions were adopted:

**RESOLUTION NO. 2011-158**

**RESOLUTION AUTHORIZING A TAX REFUND FOR A  
DUPLICATE TAX PAYMENT**

**WHEREAS**, the Tax Collector, Michele T. Heim, has notified the Clerk of a tax overpayment on Block 119, Lot 14; and

**WHEREAS**, the overpayment was a result of the title company and mortgage company making duplicate payments; and

**WHEREAS**, the amount of the overpayment requested to be refunded for Block 119, Lot 14 is seven hundred two dollars and fifteen cents (\$702.15).

**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 total amount of \$702.15 to: Shore Title Agency, 15 South Main Street, Cape May Court House, NJ 08210.

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

**RESOLUTION NO. 2011-159**

**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**WHEREAS**, said Planning/Zoning application project has been completed or withdrawn and the escrow fund balance remains.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>
70	6	\$ 400.50	James M. & Carol L. O'Hara P.O. Box 184 Dennisville, NJ 08214

**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 Dennis M. Crippen, Deputy Mayor

**RESOLUTION NO. 2011-160**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT  
FOR  
POGUE, INC. TO COORDINATE  
ALCOHOL AND DRUG TESTING SERVICES**

**WHEREAS**, the Township's Alcohol and Drug Testing Services Agreement expires on 12/31/2011; and

**WHEREAS**, Pogue, Inc. has submitted a proposal for Alcohol and Drug Testing Services in the Township of Dennis; and

**WHEREAS**, the Clerk has reviewed the proposal and finds that it meets the needs of the Township and has recommended acceptance by 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, as follows:

1. The averments of the preamble are incorporated herein by reference.

2. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Service Contract with Pogue, Inc. for services related to Alcohol and Drug Testing Services for the 2012 year.
3. The Clerk shall cause of notice of the award of this contract to be published in the official newspaper of the Township of Dennis as required by N.J.S.A. 40A: 11-5(1)(a)(i).
4. This contract is awarded without competitive bidding, pursuant to the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq. and the total sum of the contract does not exceed the limits established in P.L. 2004 c. 19.
5. This resolution shall take effect immediately.

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

**RESOLUTION NO. 2011-161**

**RESOLUTION WAIVING THE CONSTRUCTION PERMIT FEES FOR THE TRINITY UNITED METHODIST CHURCH**

**WHEREAS**, the Clerk has received a request from the Trinity United Methodist Church to waive the building permit fees associated with the installation of a new roof on their site located at 834 Route 47; and

**WHEREAS**, the Trinity United Methodist Church is a non-profit organization that services the residents of Dennis Township and Cape May County; and

**WHEREAS**, the Trinity United Methodist Church 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 Trinity United Methodist Church 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                      Dennis M. Crippen, Deputy Mayor

**RESOLUTION NO. 2011-162**

**RESOLUTION REQUESTING CAPE MAY COUNTY FREEHOLDERS TO CONSIDER SUBMITTING A NEW JERSEY DEPARTMENT OF**

**ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM LOCAL  
GOVERNMENT ASSISTANCE APPLICATION FOR LAND ACQUISITION  
AND PARK DEVELOPMENT**

**WHEREAS,** Cape May County is eligible to receive up to \$900,000.00 for land acquisition and park development for the County Open Space and Farmland Preservation Program by applying for a matching grant offered through NJDEP Green Acres Program; and

**WHEREAS,** Green Acres matching funding can be used to acquire land for recreation and conservation purposes that will provide opportunity for both physical and visual public access; and

**WHEREAS,** Green Acres matching grant funds may be used to assist in efforts to complete the Cape May County National Wildlife Refuge, which has only acquired 11,800 acres of the 21,820 acres that congress envisioned necessary to protect wetlands and wildlife resources of international importance; and

**WHEREAS,** the 2007 Cape May County Open Space and Recreation Plan recognizes that the County has an open space deficit of 4,001 acres and is in need of additional public recreational land and open space and therefore, recommends the maintenance and expansion of the existing County Park System, and the continuation of the County's Open Space Preservation Program in conjunction and coordination with other public and private open space preservation programs; and

**WHEREAS,** ecotourism in Cape May County generates over \$522 million annually; and

**WHEREAS,** over \$260 million was approved through the last funding round of the "2009 Green Acres Bond Act" for local government open space acquisition and park development projects.

**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 does hereby request the Cape May County Board of Freeholders consider submitting an NJDEP Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development.

**BE IT FURTHER RESOLVED,** that a certified copy of this Resolution shall be forwarded to the Cape May County Board of Freeholders.

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

**RESOLUTION NO. 2011-163**

**RESOLUTION ADOPTING A FLEXIBLE SPENDING PLAN**

**WHEREAS,** recent revisions were made to Chapter 78 regarding Pension and Health which requires municipalities to provide employees with a 125 Cafeteria Plan and a Flexible Spending Account; and

**WHEREAS,** a Flexible Spending Account allows an employee to voluntarily set aside a portion of his or her earnings to pay for qualified medical expenses; and

**WHEREAS,** AFLAC can provide a Flexible Spending Account plan for the Township.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the AFLAC Flexible Spending Account Plan is hereby adopted.

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

Committeeman Glembocki and the Township Committee questioned the Solicitor on the language in the proposed Ordinance No. 2011-05 and indicated that in all the discussions at the worksessions the Committee agreed to grant an easement not sell. The Township Solicitor made the necessary language adjustments to Ordinance No. 2011-05.

Motion was made by DiCicco, seconded by O'Connor, with 4 ayes and 1 absent (Murphy), that the following Ordinance No. 2011-05 be introduced for first reading:

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

**ORDINANCE NO. 2011-05**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS,  
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY  
TO GRANT EASEMENT OVER TOWNSHIP OWNED LAND  
TO A CONTIGUOUS OWNER OF BLOCK 71, LOT 1.02 IN DENNISVILLE**

**WHEREAS**, New Jersey Statute 40A:12-13 provides the procedure for the granting of an interest in Township owned land, and allows for the granting of land to the owner of the real property contiguous to the real property owned by the Township, provided the property or interest being granted is less than the minimum size required for development, and that when there is just one owner contiguous to the property, and the property is less than 1/8 of the minimum lot size required for development by the zoning ordinance and has no capital improvements on it; and

**WHEREAS**, the Township owns a parcel of land identified as Block 71, Lot 1.02 in the Dennisville section of the Township; and

**WHEREAS**, Block 71, Lot 2 was owned for many years by Arthur and Marjorie Lathers who used a driveway which is over Block 71, Lot 1.02 to access their home, the side door to which opens nearly onto the driveway, and a garage which does open onto the driveway, and

**WHEREAS**, the Lathers improved the driveway with asphalt and concrete; and

**WHEREAS**, the Lathers used the driveway for at least 40 years; and

**WHEREAS**, the use of the driveway and improvements made thereto have existed without a formal deed of easement; and

**WHEREAS**, Arthur Lathers passed away several years ago, and Marjorie Lathers passed away more recently, and the estate desires to resolve this issue; and

**WHEREAS**, the Township desires to grant the easement, which easement is less of an interest than a fee simple interest in the land, and the easement interest is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and

**WHEREAS**, there is just one (1) property owner contiguous to this easement, being The Estate of Marjorie Lathers, owner of Block 71, Lot 2; and

**WHEREAS**, the parties agree to a grant of easement in light of the limited nature of the interest in the property, the amount of time that the Lathers used the driveway, the evident improvements made to their home and the garage in reliance on the use of the driveway, and their obvious belief that they had an interest or right to use the driveway, and also to avoid any expense associated with other means of resolving this issue; and

**WHEREAS**, The Estate of Marjorie Lathers has deposited funds for the preparation of the survey and metes and bounds description, and Deed, by the Township's professionals, and

**WHEREAS**, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

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

1. The Township Committee of the Township of Dennis shall grant an easement over Block 71, Lot 1.02 to the Estate of Marjorie Lathers, which easement is described pursuant to an Easement Plan prepared by R. Thomas Hugg, P.L.S. and dated October 22, 2011 attached hereto as Exhibit A, and further described by a metes and bounds description attached hereto as Exhibit B.

2. The Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

3. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to prepare and to sign those documents necessary to effectuate this conveyance; and

4. Any and all costs associated with this transaction, including advertising and postage, and professional fees, are to be paid by The Estate of Marjorie Lathers.

5. Grantee shall make no improvements to the easement without the written consent of Grantor and the easement shall remain not improved for any purpose other than as a means of ingress and egress.

**BE IT FURTHER ORDAINED**, that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**BE IT FURTHER ORDAINED**, that 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.

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

**ABSENT**

---

John Murphy, Mayor

---

Dennis M. Crippen, Deputy Mayor

---

Brian O'Connor, Committee Member

---

Albert M. DiCicco, Committee Member

---

Eugene L. Glembocki, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on November 15, 2011. Publication will be held on November 23, 2011 and a Public Hearing will be held at a meeting of the said Township Committee to be held on December 06, 2011 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

**ATTEST**

---

**Jacqueline B. Justice, RMC/Clerk**

Motion was made by O'Connor, seconded by DiCicco, with 4 ayes and 1 absent (Murphy), that providing that proper vouchers have been filed and that funds are available, the following bills are authorized to be paid:

**GENERAL ACCOUNT:**

033996-Advantage Rental Center, Inc.	\$ 410.40
033997-Atlantic City Electric	3,349.68
033998-A T & T	182.46
033999-Donna L. Batchelor	200.00
034000-Deborah M. Berg	200.00
034001-Belleplaine Emergency Corp.	8,900.00
034002-Belleplaine V.F.W. Post #6257	75.00
034003-Cub Scout Pack 56	1,600.00
034004-Kathleen Bresan	200.00
034005-Burlington Cnty Assn of Assessors	50.00
034006-Cape May Carriage Company	400.00
034007-Caproni Portable Toilets, Inc.	200.00
034008-John S. Champion	225.00
034009-Coastal Landscaping	950.00
034010-Country Barn Florist, Inc.	50.00
034011-Kelly Cramer	225.00
034012-Nelson B. Creamer	131.40
034013-Dennis Township	534.00
034014-Sheree L. Dever	120.00
034015-Thomas F. Duffy	200.00
034016-East Coast Distributors	470.94
034017-Jeanette M. Ennis	101.01

034018-Johnson Wilshire, Inc.	197.37
034019-Township of Dennis	150.00
034020-Nina Fuqua	200.00
034021-Gall's, Inc.	1,587.44
034022-Mike Gardner & Son, Inc.	167.27
034023-Gentilini Ford, Inc.	134.11
034024-Girl Scout Troop #42198	400.00
034025-Donna Sue Glembocki	200.00
034026-Paul Glynn	200.00
034027-Robert A. Grace	200.00
034028-Gramco Business Communications	179.00
034029-Anna I. Haig	225.00
034030-Marie T. Trout	225.00
034031-Melinda K. Haig	200.00
034032-Meggan Haig	225.00
034033-Gerald C. Harris	117.42
034034-Kimberly A. Herron	600.00
034035-Roy J. Hope	321.42
034036-J & B Disc Jockey Service	170.00
034037-Seaville NAPA Auto Parts	494.88
034038-Johnson & Towers, Inc.	627.00
034039-Keen Compressed Gas Co., Inc.	20.57
034040-Kel-Tex Imprints, Inc.	270.00
034041-Heidi Kern	200.00
034042-K-Mart	152.58
034043-Sara C. Koczur	200.00
034044-Korney Board Aids, Inc.	351.80
034045-Edward F. Leith, Jr.	185.66
034046-Robin S. Light	200.00
034047-C. Douglass Longenecker	200.00
034048-Immaculata Maier	200.00
034049-Modern Gas Co., Inc.	403.54
034050-Nextel Communications	502.72
034051-N.J.C.M.	395.00
034052-N.J.P.O.	100.00
034053-N.J. Dept. of Health/Senior Services	33.60
034054-Ocean View Volunteer Fire Company	225.00
034055-Tully M. O'Clisham	200.00
034056-Patti's Party World	224.14
034057-Cynthia Pikolycky	225.00
034058-Pitchforks & Buckets 4-H Club	500.00
034059-Frank R. Podlaski	200.00
034060-Pole Tavern Equipment, Inc.	111.19
034061-Geraldine Porter	225.00
034062-Positive Promotions	529.02
034063-Rental Country, Inc.	102.66
034064-Rodio Tractor Sales, Inc.	519.21
034065-Service Tire Truck Centers	104.20
034066-Shop Rite	99.84
034067-Shore Animal Control	650.00
034068-Gertrude Singer	200.00
034069-Richard F. Spille, Jr.	200.00
034070-S.S.C.I.	100.00
034071-Jeffrey Trout	200.00
034072-Noel Turner	200.00
034073-The Southwest Council	550.00
034074-Mary Jane Tyrrell	200.00
034075-Township of Upper	33,162.59
034076-Verizon	1,397.06
034077-V. E. Ralph & Son, Inc.	275.40
034078-James H. Waltz	225.00
034079-Deborah A. West	200.00

Deputy Mayor Crippen indicated that the record should reflect that Mayor Murphy's previous appointment of Lorraine Baldwin to the Alt. #2 vacancy on the Environmental Commission with the term expiring 12/31/2012 and James Herlihy appointment to a full seat expiring 12/31/2011 be reversed so that Mrs. Baldwin, a member of the Planning Board, can serve as the crossover to the Environmental Commission.

Committeeman DiCicco indicated that it is a sound decision and that Lorraine Baldwin is good.

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

Committeeman DiCicco commented on the OEM meeting and indicated that they will definitely be meeting with County Engineer, Dale Foster, and County Emergency Management Director, Frank McCall in December to discuss issues such as snow removal from County Route 550.

John Berg, Dennis Township's OEM Coord., commented on the need to keep County Route 550 open during bad weather for emergency services.

Committeeman DiCicco commented on Atlantic City Electric's tree trimming taking place this week in the South Dennis area. He commented on the Electric Company also evaluating the infrastructure in South Dennis as well as Belleplain who has experienced outages also. Committeeman DiCicco indicated that two State Troopers from the Bass River Barracks that patrol the 90 miles of the Parkway were in attendance at their Emergency Services meeting. He stated that they were there to discuss coordinating emergency services with regard to Parkway accidents. Committeeman DiCicco stated that copies of the Museum's newsletter are here and available to anyone and that they are looking into having a "mini-exhibit" possibly in the Museum of local area resident Bill Maher's photos of Dennis Creek.

Bill Maher commented on taking pictures of the Dennis Creek over 15 years while he drove to work and how friends matted and framed some after he retired and how Judy Gollatz urged him to share them.

Committeeman DiCicco indicated that he volunteers at St. Casimir's food bank and urged everyone to donate to any of the food banks.

John Berg, OEM Coord., advised the Committee that he had received word that we have been approved for the 2012 EMAA Grant in the amount of \$5,000.00 that can be used to off-set costs associated with Emergency Management.

Committeeman DiCicco and Mr. Berg commented on grants totaling approximately \$23,000 that we have received due to the storms.

Committeeman O'Connor asked Committeeman Glembocki of the status of his discussions with the County regarding the solar speed limit signs.

Committeeman Glembocki indicated that he had not had the opportunity to do so and that he was keeping his eye on the issue and hopefully we will be moving forward on receiving some of the money.

Committeeman O'Connor indicated that at a previous meeting Committeeman Glembocki had indicated that it appeared that the sod farm has damaged parts of Gracetown Road and had requested that Committeeman O'Connor have the Director of Public Works go out to inspect the roadway. Committeeman O'Connor indicated that Mr. Ryan had gone out and that there is damage. He stated that Mr. Ryan knows what it will take to repair and that he will be waiting for Committeeman Glembocki to contact him after his discussions with the sod farm owners on whether they want to repair it themselves or pay to have the Township make the repairs. Committeeman O'Connor advised everyone that the Trash & Recycling schedule has been posted on the website and it reflects the holidays that are in November.

Deputy Mayor Crippen reminded everyone that Thursday, December 1<sup>st</sup> is the Christmas Parade and he hoped we have good weather. He stated that it is a great tradition here in Dennis and that after the parade kids can come inside the School and meet Santa. Deputy Mayor Crippen indicated that the Environmental Commission & Green Team are trying to have a table set-up inside to hand-out information on "going green", reusable shopping bags and possibly the cfl light bulbs. He closed with asking everyone to definitely come to the parade and Committeeman DiCicco shared that the Museum would be open.

Motion was made by Glembocki, seconded by O'Connor, that the meeting be open for comments from the public.

Jessica Daher indicated that she wanted to advise the Committee that they are the 6<sup>th</sup> municipality to adopt a resolution to urge the County to submit application to NJDEP Green Acres Program. The Committee indicated that she had only 10 more to go and they discussed the number of municipalities in Cape May County.

William Maher, of 625 Sunset Blvd. in Lower Township, indicated that he has been an avid conservationists his whole life. He commented on the Hanson Pit on Petersburg Road and indicated that he believed that the US Fish & Wildlife had purchased all that land and questioned the Committee on how that came to be.

The Committee advised Mr. Maher that the area he is questioning is Upper Township and they discussed the Dennis Township border. Mr. Maher questioned the Committee on the regulations regarding the mining pits in Dennis Township.

Committeeman DiCicco and Deputy Mayor Crippen advised Mr. Maher that the mining pits are very rigidly regulated and that they must appear before the Planning Board every three years for a renewal process.

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

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