

**TOWNSHIP OF DENNIS
PLANNING BOARD**

**571 Petersburg Road
Dennisville, NJ 08214
(609) 861-9705**

JUNE 23, 2011

MINUTES

This meeting was published in accordance with the "Open Public Meetings Act". Notice of this meeting was published in an annual meeting notice in the Cape May County Herald and posted in Township Hall.

The meeting was called to order by Chairman Stevens. The following members were present: Mr. Stevens; Mr. Watson; Mr. Bittner; Mr. McManus; Mr. Burian; Mr. Steinman; Mr. Turner; Ms. Morgan; and Mr. Crippen. Also present was Frank Corrado, Esquire, Board Solicitor.

Mr. Stevens thanked everyone for coming this evening and announced that there were no pending applications and the only business were several items for Board discussion.

APPLICATIONS: None.

Other Business:

Board Discussion:

Consider Solicitor's Recommendation On How To Handle Conflict Of Interest Allegations:

Mr. Corrado made sure everyone had a copy of the letter. He then reviewed the background: In 2009 Mr. Gibson and Mr. Noll came to the Township complaining about ATV's. They had recommendations on how to control ATV's. The matter was referred to the Planning Board by the Township Committee. Mr. Noll and Mr. Gibson appeared before the Board in September, 2009. In January, 2010 Mr. Corrado prepared a legal opinion which, in essence, said the Township could regulate ATV's but best considered as a nuisance ordinance and police regulation. The Board adopted his opinion and sent it to the Township Committee. Mr. Gibson has now written a letter saying former Board member, Paul Johnson, had a conflict of interest as he had an ATV track on his property for his kids. Mr. Gibson also said Mr. Corrado had a conflict of interest since his brother-in-law, Tom Barry, also had set up an area for his family use to ride ATV's on his property. He reviewed the letter that was sent and Mr. Gibson's reasoning for the conflict of interest. Mr. Corrado advised that both Tom Barry and Steve Barry were not his immediate family and because

Tom Barry has an ATV and Steve Barry and he are members of the same law firm have nothing to do with a conflict of interest allegation. Mr. Gibson wants Mr. Corrado to be disqualified with regard to anything to do with ATV's. The question is what to do about the situation. He advised that he has talked to the Township Solicitor as well. His suggestion to Board is if they are going to do something about this, the Board Chairman should be authorized to talk to Eileen McFillin and have the Zoning Board Solicitor, Tony Harvatt, make a determination as a neutral party. He told The Board it was probably better for the Board to have it reviewed neutrally (only the conflict, not the ATV matter).

Mr. Stevens said it is something that has to be addressed and he would like to move forward with Mr. Corrado's recommendation, but wants the Board's input.

Mr. Steinman said he understands that Mr. Corrado has a family relationship with the Barry family, and he wanted to know if they (the Barry family) have a business with ATV's. Mr. Corrado indicated that they did not and referred back to Mr. Gibson's letter and the reference made to Tom Barry's property where there is a dirt track and multiple ATV's ride there. The property belongs to Tom Barry. Mr. Gibson complained to the Township. The Township Committee asked for Planning Board review, Mr. Corrado made a legal opinion as to ATV's. If Tom Barry had come before the Board on any application, Mr. Corrado said he would have to disqualify himself.

Mr. Crippen added that Mr. Corrado's opinion never mentions the Barry property, it's only an opinion on ATV's.

Mr. Stevens indicated that the Board asked Mr. Corrado for an opinion, the Board understands ethics and ethics and standards are being questioned.

Mr. Crippen said that Mr. Gibson is looking for Mr. Corrado not to be involved anytime there is an ATV issue. The Board is addressing this by turning this issue over to a neutral party to make a determination as to whether or not there is a conflict of interest. That conflict attorney will make his recommendation to the Township Committee, who will confer with their Solicitor.

Mr. Stevens indicated that he wants this done the right way and brought to a conclusion, whatever it is.

Mr. Crippen said he believes it is an emotional issue to a small group. It boils down to enforcement. There are people riding their ATV's in the roadways and in other illegal areas.

Mr. Corrado said it is all about process and how the Board wants to handle the complaint.

Mr. McManus asked if Mr. Corrado has a conflict, would it be a conflict for all members of his firm as well. To which Mr. Corrado responded that it would be.

Mr. Stevens asked the Board if the matter should be moved forward and a determination made by another party. Board members were in agreement.

Mr. Burian wondered why it took so long to get to this point, as it has been festering for a while. Mr. Crippen said there was a delayed response which was essentially that the Township did not believe there was a conflict.

Mr. Stevens ask for a motion to get an independent opinion. A motion to approve was made by Mr. Watson, seconded by Mr. Burian and unanimously carried.

Solar Panel Bill:

Mr. Stevens gave everyone a minute to read the letter provided if they have not already done so.

Mr. Corrado summarized the letter for Board members and said he is not sure where the Bill is with the Legislature at this time.

Mr. Crippen believes the Bill does not have the Governor's blessing.

Mr. Stevens asked if there was anything in the correspondence that the Township Committee has a comment on. Mr. Crippen said it is a proponent of making things easier for people who want to be green; talking about small systems.

Mr. Corrado said that applicants under the proposed Bill would only have to pay whatever fee is assessed by the Township.

Mr. Steinman believes it only applies to residential applications and the matter would go to the Zoning Board.

Mr. Crippen advised that our Ordinance does not allow panels in the front yard, and per this Bill if size requirements were met, panels could be placed in the front yard.

Mr. Corrado advised that if this actually became law, the Township could not apply it's Ordinances to any application that met the requirements.

Ms. Morgan has concerns with set backs from property lines and asked what the current Township Ordinance says about solar panels. Mr. Crippen said there are a list of conditions and if conditions are not met, an application has to be made to the Zoning Board. Asked if it was the Board's opinion that the Bill was something the Township Committee can back. Mr. Stevens polled the Board, and the members were in agreement.

Amendments To Pinelands Comprehensive Management Plan:

Mr. Stevens doesn't think this it is something that can be discussed tonight.

Mr. Crippen indicated that Andy Previti has gone through it, and he agrees that discussion should be put off and would like Andy Previti present for discussion.

Mr. Corrado asked who made modifications to reference Dennis Township. Mr. Crippen said he doesn't know if it was sent that way or if it was modified in the Township. Ms. Morgan said it has been modified to Township regulations.

Mr. Burian asked if portions of the Master Plan have to be re-done if adopted. Mr. Corrado advised that they would not.

Mr. Stevens suggested that it be reviewed at the next meeting, whether or not there is an application, and asked that all members be present to discuss.

Resolutions: None.

Bills:

A motion was made by Mr. Crippen, seconded by Ms. Morgan and unanimously carried to pay all outstanding bills.

There being no further business to come before the Board, a motion to adjourn was made, seconded and unanimously carried to adjourn meeting.

Meeting adjourned at 7:58 p.m.

Carla A. Coffey, Secretary
Dennis Township Planning Board