

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
MARCH 20, 2012**

7:00 P.M. TWP. COMMITTEE REGULAR MEETING

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

Mayor Glembocki presided with Committeemembers: DiCicco, Murphy, Germanio and Teefy present.

Let the record reflect that prior to the Moment of Silence, Committeeman DiCicco read a list of the United States casualties killed in Afghanistan and Iraq last week.

Motion was made by DiCicco, seconded by Teefy, with 5 ayes and no nays, that the following minutes were approved:

Regular Meeting	-	February 07, 2012
Worksession Meeting	-	February 07, 2012
Budget Worksession Meeting	-	February 13, 2012
Special Meeting	-	February 17, 2012

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

Chief Finance Officer's Report	-	February, 2012
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Mayor Glembocki indicated that the ACMJIF has granted us a waiver from boarding up the Ludlam School at this time as long as we comply with other stipulations that have indicated.

Motion was made by Teefy, seconded by DiCicco, with 5 ayes and no nays, that the correspondence from the ACMJIF regarding the Ludlam School be received and filed.

The Committee discussed the status of the Beaver Dam Road Project regarding flooding issues and the adoption of Bond Ordinance No. 2011-01 to finance the costs thereof. Committeeman Germanio indicated that he has spoken with the Director of Public Works and that they estimate the project taking approximately 2 weeks with two separate costs, materials which will cost around \$27,500 and rental costs for an excavator at \$675 per week and a trench box at \$600 per week which would bring the project in at about \$31,000 or \$32,000. Committeeman DiCicco indicated that the costs seemed reasonable considering the extent of the flooding in that area and Mayor Glembocki agreed the area has had substantial flooding.

The Committee discussed the status of the letter received from the City of Bridgeton regarding their application for a FCC License. The Municipal Clerk explained that the frequency that Bridgeton will be given is close to our Public Works frequency and therefore the FCC is requiring Bridgeton to get a letter of support from us. The Committee discussed the issue further with the Emergency Management Coordinator, John Berg and advised the Clerk to contact the Township's radio provider, Ted Kingston, for his guidance.

Mayor Glembocki commented on moving the Public Comment portion of the meeting asked the Committee if anyone had any concerns none were indicated and Mayor Glembocki asked for a motion to move the Public Comment portion of the meeting earlier on the agenda rather than the end. Motion was made by Teefy, seconded by DiCicco, all in favor and the motion carried.

Motion was made by Murphy, seconded by Germanio, that the meeting be open for public comment.

Alma George of Ocean View questioned how the public can comment on ordinances that they have not been made available to them .

Township Solicitor, Mike Donohue, explained the ordinance process and indicated that it allows for a lot of public input and that it is not uncommon for a proposed ordinance to get released the day of the meeting.

Mrs. George indicated that makes sense, however, how is the public suppose to comment.

Mr. Donohue indicated that the Public Hearing for Ordinance No. 2012-03 is scheduled for April 16th.

Mr. Donohue and the Clerk explained that this is the Public Comment portion of the meeting and that there are no restrictions during the Public Comment portion.

Mrs. George indicated that at this time she would defer to others in the audience and comment later.

Jody Carrara of Leesburg who works for Association of New Jersey Environmental Commissions (ANJEC) commented in favor of the Environmental Commission and supplied a letter of support from the Executive Director of ANJEC, Sandy Batty.

Ed Chelius of 82 Ravenwood Drive questioned who recommended the proposed ordinance to abolish the Environmental Commission and for a Natural Resources Committee.

Committeeman Germanio indicated that it was he and that he will be reading a statement into the record that will give a brief summary of his review. Committeeman Germanio stated that while he believes that the Environmental Commission has done a wonderful job, there are already mechanisms in place such as the Pinelands Commission and the DEP and the Environmental Commission was another layer with additional costs.

Mr. Chelius commented on other towns and Committeeman Germanio indicated that he could only comment on Dennis Township.

Donna Boyer of Ocean View commented on her concerns with the Environmental Commission being disbanded and questioned what investigating had been done.

Committeeman Germanio commented on forming the Natural Resources Committee. Mrs. Boyer questioned disbanding the Environmental Commission to form a Natural

Resources Committee and Committeeman Germanio reiterated his view of the existing agencies such as the Pinelands and the DEP that are in place.

Mrs. Boyer indicated that she was in real estate and always worked well with Environmental Commission, Pinelands and the DEP and that she did not understand rushing into changing something that has been utilized so well.

Eileen Turner thanked the Committee Members who are listening to the public comments regarding the Environmental Commission and commented on the Committeeman who has already indicated that his mind is made up. Mrs. Turner read a statement questioning why and indicating that by abolishing the Environmental Commission you were silencing dialogue. She stated that the reason was not financial, otherwise the Committee could just take the \$1,000.00 budget away and she advised that most of the projects were funded out of the Members own pockets. Mrs. Turner commented on the new Natural Resources Committee and indicated that she had served on the Environmental Commission for over 17 years. She commented on stifling democracy and she closed with indicated that normally she would say thank you, but that tonight she feels she has nothing to thank you for.

Mary D'Arcy Bittner of 15 Lake Vista Drive indicated that she was very surprised that the Committee has introduced this ordinance. She stated that she thought new blood on the Committee meant that they would be open to dialogue and differences of opinion. She questioned the reasons why this was being done and indicated that she served on the Environmental Commission and the Planning Board as the crossover member during a lot of development. Mrs. D'Arcy Bittner indicated that she feels the Environmental Commission brought a lot to the table and made those projects better. She closed indicating that she was embarrassed for the Committee.

Lisa Salimbene of South Dennis indicated that she also works at the School. Mrs. Salimbene commented on the DEP and the Pinelands and indicated that she has not dealt with them, however she has, in her capacity over at the School, dealt with the Environmental Commission and she indicated that Eileen Turner has been a constant source of support. She closed with indicating that the DEP and the Pinelands were not apart of our Community, but the Environmental Commission is.

Alma George, 2424 Route 9, Ocean View, indicated that her family has deep roots in Dennis Township and cares deeply about it. She commented on the Environmental Commission and indicated that it has been a benefit to the Township and is not a level of bureaucracy. Mrs. George indicated that she believes that they have not done their "homework" and urged them to read the Township's Master Plan as she has done. She commented on CAFRA regulations, the statutory duties of the Environmental Commission. Mrs. George commented on the Community Forestry Plan and the Shade Tree Act, mitigating liability and community outreach such as Arbor Day and working with the Watershed Ambassador. Mrs. George commented on educating the children and the Environmental Commission's participation in the County's Earth Day and National Night Out. She stated that the Environmental Commission acts as the Township's watchdog with the capability of doing research for the Zoning and Planning Boards. Mrs. George shared several publications with the Committee and commented on educating oneself and commented on the Environmental Commission's website. She requested that the Committee table Ordinance No. 2012-03 and do some research and come to an Environmental Commission meeting.

Doug Turner, 2465 Route 9, Ocean View shared with the Committee his experience with the Environmental Commission while applying for the permits for the Shore Gate Golf Course. He indicated that he feels the Environmental Commission is an asset to the

Township and a great help to both the Boards. He closed with indicating he believes that it would be a mistake and foolish to abolish them.

Walt Noll indicated that after listening to the concerned citizens regarding the Environmental Commission he is interested in know why the Committee is abolishing them. However, he indicated he was present tonight to learn the status of the Beaver Dam Road Drainage Project that he questioned last meeting. Mr. Noll stated that he heard that there is a budget set for materials, however nothing about labor and Engineer's costs. Mr. Noll also indicated that he questioned when the project would start and that the plans have been available for 9 months.

Committeeman Germanio commented on the Beaver Dam Road Drainage Project and advised Mr. Noll that the Public Works Department would be doing the labor themselves. The Clerk indicated that the Engineer's bill for the design was in the amount of \$5,256.25 and Committeeman Germanio indicated that was disbursed out of the general fund not the Bond Ordinance.

Mr. Noll questioned when the project would start and Committeeman Germanio indicated that the Solicitor may have to review the project due to timeline.

Township Solicitor, Mr. Donohue, indicated that if the funds are in place and we have the plans then they can start at any time.

Mr. Noll commented on the delay and indicated that materials are not getting any cheaper. Mr. Noll and Committeeman Germanio discussed getting a start date and Mr. Noll commented on what will happen this spring when the rains start and want to know when the flooding will be abated.

Committeeman Germanio indicated that he believes the issue started at the end of 2010 and that he wanted to get estimates in today's dollars for the material and rental fees. Mr. Noll asked if Mr. Ryan had gotten up to date estimates and Committeeman Germanio indicated that he had and that he will be following up with a start date.

Committeeman DiCicco, Committeeman Germanio and Mr. Donohue all agreed that when that area floods it is bad.

Gary Gibson of 158 Gravel Hole Road indicated that he was here regarding the road flooding at Beaver Dam Road and Gravel Hole Road. Mr. Gibson indicated that there is an issue he wanted to bring forward that has been brought forward to the Committee many times regarding land modifications that have been made on many properties on Gravel Hole Road and County Road. He commented on a grading ordinance, 185-30, that deals with issues of fill, water stagnation, and drainage. Mr. Gibson asked if it makes sense to begin to repair the problem when there is a property that continues to aggravate and create a situation. Mr. Gibson also indicated that his is submitting 5 photographs that were taken on March 20, 2010, that shows property modification at the property and flooding.

Motion was made by Murphy, seconded by Teefy, that the public comment portion of the meeting be closed.

Mayor Glembocki asked for a motion to introduce Ordinance No. 2012-03 for first reading.

Committeeman DiCicco indicated that he had spoken with the Mayor and Committeeman Germanio before tonight's meeting and that he was asking that Ordinance No. 2012-03 and Ordinance No. 2012-04 be tabled. He stated that he believed that they needed more discussion regarding the Environmental Commission. Committeeman DiCicco commented on his past service on the Environmental Commission and Planning Board as well as his 6 years on Township Committee. He stated that the Environmental Commission has not been a hindrance and that he is asking that we take a time out to discuss it and table it for now. Committeeman DiCicco indicated that he was in favor of Ordinance No. 2012-04, however, volunteers serve on the Planning Board and Zoning Board and he feels that it would be appropriate that the Mayor and Deputy Mayor sit down with these volunteers and discuss with them what is being done and why. He stated that Ordinance No. 2012-04 should be tabled while you extend this courtesy to the volunteers.

Township Solicitor indicated that if Committeeman DiCicco desired to table an Ordinance then it should be in the form of a motion.

Motion to table the introduction of Ordinance No. 2012-03 was made by DiCicco, seconded by Murphy, with 2 ayes (DiCicco & Murphy) and 3 nays (Germanio, Teefy & Glembocki) the motion was defeated.

Motion to table the introduction of Ordinance No. 2012-04 was made by DiCicco, seconded by Murphy, with 2 ayes (DiCicco & Murphy) and 3 nays (Germanio, Teefy & Glembocki) the motion was defeated.

Mayor Glembocki asked for a motion to introduce Ordinance No. 2012-03.

Committeeman Germanio read the following statement into the record:

DENNIS TOWNSHIP COMMITTEE
NATURAL RESOURCES COMMITTEE
3-20-12

THE ELIMINATION OF THE ENVIRONMENTAL COMMISSION IS PART OF A PACKAGE OF REFORMS DESIGNED TO ENCOURAGE BUSINESS DEVELOPMENT IN DENNIS TOWNSHIP AND SAVE THE TOWNSHIP SOME MONEY DURING THESE VERY DIFFICULT ECONOMIC TIMES. IN ITS PLACE WILL BE A NATURAL RESOURCES COMMITTEE THAT WILL ACTUALLY HAVE BROADER CAPABILITIES THAN THE ENVIRONMENTAL COMMISSION. THIS FIRST STEP IS NO REFLECTION WITH THE INDIVIDUALS WHO CURRENTLY SERVE ON THE ENVIRONMENTAL COMMISSION. WE WOULD LIKE TO THANK THE MEMBERS FOR THEIR SERVICE. ADDITIONALLY, THIS STEP HAS NOTHING TO DO WITH ANY PARTICULAR APPLICATION. IT IS DESIGNED TO REMOVE A LAYER OF THE PROCESS WHICH APPEARS TO BE REDUNDANT. ANYONE APPLYING FOR A LAND USE APPROVAL IN DENNIS TOWNSHIP MUST NOT ONLY GO THROUGH THE PLANNING OR ZONING BOARD, BUT ALSO EITHER THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OR THE NEW JERSEY PINELANDS COMMISSION- SOMETIMES BOTH. I WANT TO STRESS THAT THERE IS NO LEGAL REQUIREMENT FOR THE TOWNSHIP TO HAVE AN ENVIRONMENTAL COMMISSION AND ELIMINATING THE COMMISSION WILL HAVE NO NEGATIVE IMPACT ON THE ENVIRONMENT IN DENNIS TOWNSHIP. BY COMBINING THE PLANNING AND ZONING BOARDS AND ELIMINATING THE ENVIRONMENTAL COMMISSION, WE ARE CREATING AN EFFICIENT PROCESS FOR BUSINESSES THAT WISH TO INVEST IN DENNIS TOWNSHIP AND FOR FAMILIES THAT WISH TO BUILD HOMES IN OUR COMMUNITY. INVESTMENT IN OUR TOWNSHIP HAS THE POSITIVE EFFECT OF ADDING TO OUR RATABLE BASE BY IMPROVING PROPERTIES IN THE TOWNSHIP. BUSINESS INVESTMENT ALSO HAS THE POTENTIAL TO CREATE NEW JOBS FOR THE RESIDENTS OF DENNIS TOWNSHIP. WE SHOULD BE DOING EVERYTHING WE CAN TO ENCOURAGE SUCH INVESTMENT.

THIS DOES NOT MEAN THAT WE DO NOT CARE ABOUT OUR ENVIRONMENT. WE ALL CARE. WE ALL LIVE HERE. ONE OF THE PARAMOUNT REASONS WE LIVE HERE IS BECAUSE OF THE NATURAL SETTING WE ENJOY HERE IN DENNIS TOWNSHIP. ENVIRONMENTAL CONCERNS ARE MORE ADEQUATELY ADDRESSED BY THE STRINGENT RULES OF THE DEP AND PINELANDS COMMISSION. DENNIS TOWNSHIP IS ONE OF THE MOST HIGHLY REGULATED MUNICIPALITIES IN CAPE MAY COUNTY FROM AN ENVIRONMENTAL STANDPOINT. THERE IS NO DOUBT THAT DEP AND PINELANDS WILL ADDRESS ANY AND ALL ENVIRONMENTAL CONCERNS THAT HAVE TO DO WITH DEVELOPMENT.

ONE ASPECT OF THE REFORMS WHICH I HAVE PREVIOUSLY MENTIONED IS TO CREATE A NATURAL RESOURCES COMMITTEE. THIS COMMITTEE WILL BE AN ADVISORY COMMITTEE REPORTING DIRECTLY TO THE TOWNSHIP COMMITTEE. WE WILL ASSIGN ISSUES TO THIS COMMITTEE. THEY WILL RESEARCH THESE ISSUES AND REPORT THEIR FINDINGS TO TOWNSHIP

COMMITTEE WITH RECOMMENDATIONS. THE NATURAL RESOURCE COMMITTEE CAN BE ASSIGNED TO ADDRESS ANY ENVIRONMENTAL CONCERNS THAT THE TOWNSHIP MIGHT HAVE, NOT JUST THOSE THAT DEAL WITH DEVELOPMENT. THE TOWNSHIP COMMITTEE CAN ASSIGN ANY ISSUE IT WISHES TO THE NATURAL RESOURCES COMMITTEE. IT WILL THEN BE THE DUTY OF US, THE ELECTED OFFICIALS, TO ADDRESS ANY CONCERNS.

IF WE ARE TO BRING DENNIS TOWNSHIP FORWARD AS THE ECONOMY HOPEFULLY IMPROVES, WE MUST DO EVERYTHING WE CAN TO DEMONSTRATE THAT DENNIS TOWNSHIP IS OPEN FOR BUSINESS. BY COMBINING THE PLANNING AND ZONING BOARDS AND LEAVING ENVIRONMENTAL REGULATION TO THE DEP AND PINELANDS COMMISSION, WE ARE SENDING A VERY STRONG SIGNAL TO THE BUSINESS COMMUNITY THAT OUR TOWNSHIP IS A PLACE TO INVEST AND A PLACE WHERE NEW JOBS SHOULD BE CREATED.

COMMITTEEMAN FRANK L. GERMANIO JR.

Motion was made by Germanio, seconded by Teefy, with 2 nays (DiCicco & Murphy who stated their reasons) and 3 ayes (Germanio, Teefy & Glembocki), that the following Ordinance No. 2012-03 was introduced:

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2012-03

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING AND
SUPPLEMENTING CHAPTER 17 (ENVIRONMENTAL COMMISSION) OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENNIS,
TO ELIMINATE AND DISSOLVE THE
ENVIRONMENTAL COMMISSION AND ESTABLISH
A NATURAL RESOURCES COMMITTEE**

WHEREAS, the Township Committee of the Township of Dennis has concluded that it is in the interests of the general public to dissolve the existing Environmental Commission; and

WHEREAS, there has existed within the Township of Dennis an Environmental Commission which has been set forth within the Township Code within Chapter 17; and

WHEREAS, the Environmental Commission of the Township of Dennis has within its power and duties those powers and duties described and proscribed by N.J.S.A. 40:56A-2, et seq.; and

WHEREAS, the Township Committee of the Township of Dennis hereby deems the continued existence of this Environmental Commission to be unnecessary; and

WHEREAS, while the Township Committee of the Township of Dennis deems the Environmental Commission of the Township of Dennis to be unnecessary, the Township Committee believe it is in the best interests of the Township of Dennis and its residents to have an established committee to advise and discuss with the Mayor and Committee issues of environmental concern within the Township; and

WHEREAS, the Township Committee of the Township of Dennis believe that a Natural Resources Committee should be established within the Township of Dennis, and should consist of members of the general public and the governing body; and

WHEREAS, the Township Committee of the Township of Dennis has determined that the enactment of this ordinance will further protect the safety, health, and general welfare of the residents of this Township.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DENNIS AS FOLLOWS:

SECTION I. The Title of Chapter 17 of the Township Code is amended to read as follows:

NATURAL RESOURCES COMMITTEE

SECTION II. The existing Chapter 17 of the Township Code is hereby repealed in its entirety and the following new Chapter 17 is adopted in its place: as follows:

§17-1 Establishment and Purpose

A Natural Resources Committee is hereby established within the Township of Dennis for the sole purpose of advising the Township Committee on issues of environmental concern to the residents of the Township related to the natural resources which are under the custody and control of the Township or items which may impact such natural resources. The

committee shall be completely advisory in nature and report solely to the Township Committee on the issues assigned to it by the Township Committee.

§17-2 Membership

The Natural Resources Committee shall consist of six public members, in addition to the Mayor and one other member of the governing body. The Mayor shall appoint two public members, one of whom the Mayor shall designate as Chair. One public member each shall be appointed by each member of the Township Committee other than the Mayor, respectively. All such appointments shall be done by Resolution of the Township Committee at an open public meeting on an annual basis.

§17-3 Term of appointment; Meetings

Public members appointed to the Natural Resources Committee shall serve a term of one year or portion thereof. However, in no event shall any appointment to the Natural Resources Committee last any longer than the next annual organizational meeting of the Township Committee of the Township of Dennis, provided that such person may be annually reappointed. The Natural Resources Committee shall meet at least once per quarter and shall report at least annually to the Township Committee. The first such annual report shall be provided at the first meeting of the Township Committee in December 2012, and then annually at such first December meeting thereafter for the life of the Committee. The Committee shall also report when requested to do so by the Township Committee.

§17-4 Powers and Duties

The sole duty of the Natural Resources Committee and its members shall be to advise the Township Committee of the Township of Dennis regarding issues of environmental concern within the Township of Dennis. The Natural Resources Committee and its members shall also report to the Township Committee upon issues of environmental concern when requested by the Township Committee to do so. However, the Natural Resources Committee and its members shall have no power to take any action on behalf of the Township of Dennis, or to take any other action other than what is set forth within this subsection.

§17-5 Intent

It is the express intention and purpose of the Township Committee that the Natural Resources Committee shall provide a place for environmental issues concerning the natural resources within the custody and control of the Township, or items which may impact such natural resources, to be discussed until such time as the Township Committee takes formal action on any issue.

SECTION 3. The previously established Environmental Commission of the Township of Dennis is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Environmental Commission is hereby revoked. Any and all funds held by the Environmental Commission, barring any legal limitations, shall be immediately turned over by the Treasurer of the Environmental Commission to the Chief Financial Officer of the Township and the Chief Financial Officer shall place such funds in the general fund of the Township.

SECTION 4. Any portion, or portions, of the Township Code inconsistent herewith is (are) hereby repealed.

SECTION 5. This ordinance shall be part of the Township of Dennis Municipal Code as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Township of Dennis Code.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Eugene L. Glembocki, Mayor

Brian W. Teefy, Deputy Mayor

John Murphy, Committee Member

Albert M. DiCicco, Committee Member

Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on March 20, 2012. Publication will be held on March 28, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 16, 2012 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

The Mayor asked for a motion to introduce Ordinance No. 2012-04.

Motion was made by Germanio, seconded by Teefy, with 5 ayes (DiCicco urged the Mayor to have the courtesy to set down with the members. Mayor Glembocki and the rest of the Committee agreed. The Mayor commented on the \$350,000.00 deficit in the Budget and the ways they were trying to save money. He also indicated that the School has lost funding) and no nays, that the following Ordinance No. 2012-04 be introduced:

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2012-04

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY, AMENDING CHAPTER 185 OF THE CODE OF
DENNIS TOWNSHIP, ENTITLED "ZONING" TO VEST THE POWERS OF
THE ZONING BOARD
IN THE PLANNING BOARD IN ACCORDANCE WITH LAW**

PREAMBLE: The Township Committee of the Township of Dennis in the County of Cape May and State of New Jersey has determined that it is in the best interests of the citizens of Dennis Township to allow the Planning Board to exercise the powers of the Zoning Board of Adjustment as allowed by law. By combining the authority of the Planning and Zoning Boards into one land use board, the approval process for development applications can be streamlined and the Township can realize a financial savings.

Section 1. Chapter 185 of the Code of the Township of Dennis is hereby amended as follows:

ARTICLE VIII ~~Zoning Board of Adjustment and Planning Board~~

§ 185-67. Establishment of ~~Zoning Board of Adjustment and Planning Board~~, and powers thereunder and procedures to be followed therein.

~~There shall be established a Zoning Board of Adjustment and a Planning Board in the Township of Dennis. Said Zoning Board of Adjustment and Planning Board shall have all powers as defined in the Municipal Land Use Law, all duties thereunder and shall comply with all procedures set in the said Municipal Land Use Law. See N.J.S.A. 40:55(d)-69 et seq.~~

A. The Township of Dennis hereby exercises the option provided by N.J.S.A. 40:55D-25c, and accordingly, the Zoning Board of Adjustment is hereby terminated; provided, however, in accordance with N.J.S.A. 40:55D-72.1, that any application for development submitted to the Zoning Board of Adjustment pursuant to lawful authority before the effective date of this chapter may be continued at the option of the applicant, and the Board of Adjustment shall have every power which it possessed before the effective date of the ordinance in regard to the application.

B. When necessary for the purposes of implementing this chapter and the election to have the Planning Board exercise, to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment, the term "Planning Board" shall be substituted for the term "Zoning Board of Adjustment" or equivalent in each and every instance where "Zoning Board of Adjustment" or equivalent appears in any code, ordinance, resolution, rule, regulation or amendments thereto of the Township of Dennis.

C. Where the substitution of "Planning Board" for "Zoning Board of Adjustment" or equivalent results in an apparent duplication, redundancy, or conflict in any code, ordinance, resolution, rule or regulation, the same shall be liberally construed and interpreted in accordance with the intent and purpose of N.J.S.A. 55D-25c as adopted herein, whereby the Planning Board replaces and to the same extent and subject to the same restrictions exercises all the powers of the Zoning Board of Adjustment.

D. The Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L.1975, c. 291 (C.40:55D-70)

E. There shall be four (4) alternate members appointed to the newly empowered Planning Board in accordance with law.

F. All other provisions of this Code applicable to the Planning Board shall remain in full force and effect.

G. All other provisions of this Code and of general law delineating the powers and responsibilities of the Zoning Board of Adjustment are hereby deemed to refer to the Planning Board where applicable as the Planning Board exercises its zoning adjustment authority.

Section 2. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Section 3. The Township Clerk is hereby authorized and directed to effectuate any all notices and publications required by law.

Section 3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Eugene L. Glembocki, Mayor

Brian W. Teefy, Deputy Mayor

John Murphy, Committee Member

Albert M. DiCicco, Committee Member

Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on March 20, 2012. Publication will be held on March 28, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 16, 2012 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST
Jacqueline B. Justice, RMC/Clerk

The Mayor asked for a motion to introduce Ordinance No. 2012-05.

Motion was made by Teefy, seconded by Murphy, with 5 ayes and no nays, the following Ordinance No. 2012-05 was introduced:

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2012-05

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY APPOINTING AN ENGINEER, FIXING
COMPENSATION
AND TERM OF OFFICE**

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

WHEREAS, N.J.S.A. 40A:9-140 provides that the governing body of each municipality shall provide for the appointment of a Municipal Engineer and fix his compensation by ordinance; and

WHEREAS, John C. Gibson, P.E. and the firm of Gibson Associates, P.A., after submitting all documents and disclosures in accordance with law, and having submitted a response to a Request for Qualifications in accordance with the "Fair and Open Process," have been nominated by the Mayor to be appointed Municipal Engineer for the Township of Dennis;

NOW, THEREFORE, BE IT ORDAINED by the Members of Committee of the Township of Dennis, in the County of Cape May and State of New Jersey, that John C. Gibson, P.E. and the firm of Gibson Associates, P.A., be and are hereby appointed Municipal Engineer for the Township of Dennis for a term expiring on the date of the reorganization meeting of Township Committee in January 2015.

BE IT FURTHER ORDAINED, as follows:

1. All contract work related to Township projects requiring engineering is to be compensated out of bond funds; grant funds or other funds not part of the general fund of the Township to the greatest extent feasible and shall be done on a fixed fee basis to be negotiated between the engineer and the Township Committee prior to the commencement of work on any such project and shall include all tasks commonly associated with such projects, including but not limited to preliminary cost estimates, plans, specifications, processing of change orders, preparation of estimates for payment of contractors, negotiations with contractors when required attendance at meetings related to the project, furnishing of line and grade for contractor, casual inspections of work during construction and making final inspection of the project. The Township reserves the right to assign such projects to Alternate Engineer(s) in the sole discretion of the Township.

2. The engineer shall be reimbursed for attending all meetings Township Committee meetings at the rate of \$125.00 per hour for the time attending the meeting.

3. All other engineering work assigned by the Township to the Municipal Engineer other than work related to paragraph number 1 above, shall be compensated as per the attached fee schedule (and contract, if any), on file with the Township Clerk with an annual amount not to exceed \$24,500.00.

4. All expenses and out of pocket costs for environmental impact statements, permit fees, aerial photography, etc. shall be reimbursed at cost.

5. The position of “Township Engineer” within the Township of Dennis salary ordinance and within the Township of Dennis Civil Service position listings is hereby eliminated and such position shall be solely on the basis of a professional services award in accordance with law.

6. This ordinance shall take effect immediately upon final passage and publication in accordance with law.

Eugene L. Glembocki, Mayor

Brian W. Teefy, Deputy Mayor

John Murphy, Committee Member

Albert M. DiCicco, Committee Member

Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on March 20, 2012. Publication will be held on March 28, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 16, 2012 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

The Mayor asked for a motion to introduce Ordinance No. 2012-06.

Motion was made by Germanio, seconded by Murphy, with 5 ayes and no nays, the following Ordinance No. 2012-06 was introduced:

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2012-06

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY,
AND STATE OF NEW JERSEY ENTITLED THE CALENDAR YEAR 2012
ORDINANCE
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Dennis in the County of Cape May finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Dennis hereby determines that a 3.5 % increase in the budget for said year, amounting to \$138,342.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Dennis hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Dennis, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Dennis shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$138,342.02 and that the CY 2012 municipal budget for the Township of Dennis be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Eugene L. Glembocki, Mayor

Brian W. Teefy, Deputy Mayor

John Murphy, Committee Member

Albert M. DiCicco, Committee Member

Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on March 20, 2012. Publication will be held on March 28, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 16, 2012 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

This being the time and place for the Public Hearing on Ordinance No. 2012-01. The title was read by the Mayor. Motion was made by Germanio, seconded by DiCicco, that the Hearing be open for public comment. There being no comment from those present, motion was made by Murphy, seconded by Teefy, that the Hearing be closed.

Motion was made by DiCicco, seconded by Teefy, with 5 ayes and no nays, that the following Ordinance No. 2012-01 was adopted:

ORDINANCE NO. 2012-01

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY, AMENDING CHAPTER 80
OF THE CODE OF THE TOWNSHIP OF DENNIS ENTITLED,
“CONSTRUCTION CODES, UNIFORM”**

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Eugene L. Glembocki, Mayor

This being the time and place for the Public Hearing on Ordinance No. 2012-02. The title was read by the Mayor. Motion was made by Teefy, seconded by Germanio, that the Hearing be open for public comment. Jesse Gery of 275 Kings Highway questioned why he has to get a license. The Committee indicated that it was State Law and the Clerk explained safety issues, it requires a rabies shot. Deputy Mayor Teefy indicated that if you have a license then people know the dog has had its rabies shot. The Clerk indicated that a portion of the fees goes to off-set the rabies vaccine used for the free rabies clinics. There being no further comment from those present, motion was made by Teefy, seconded by Germanio, that the Hearing be closed.

Motion was made by Teefy, seconded by Murphy, with 5 ayes and no nays, that the following Ordinance No. 2012-02 was adopted:

ORDINANCE NO. 2012-02

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY, AMENDING CHAPTER 88, ARTICLE I,
SECTIONS 4(C) & 4(D) OF THE CODE OF THE TOWNSHIP OF DENNIS
ENTITLED, "DOGS"**

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Eugene L. Glembocki, Mayor

Let the record reflect that the following Resolution Nos. 2012-53 thru 2012-54 were part of a consent agenda with a block roll call vote.

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

RESOLUTION NO. 2012-53

**RESOLUTION NAMING THE ACTING MUNICIPAL ENGINEER AND
AUTHORIZING QUALIFICATION OF ALTERNATE ENGINEER**

WHEREAS, it has been determined by the Township that it is in the interests of the Township to designate an Acting Municipal Engineer and to prequalify an Alternate Engineer to handle projects as assigned by the Township and handle matters where the Municipal Engineer may be in conflict or not have the necessary expertise or experience; and

WHEREAS, John C. Gibson, P.E. and the firm of Gibson Associates, P.A., after submitting all documents and disclosures in accordance with law, and having submitted a response to a Request for Qualifications in accordance with the "Fair and Open Process," have been nominated by the Mayor to be appointed, by ordinance, Municipal Engineer for the Township of Dennis; and

WHEREAS, pending the final adoption of the ordinance, it is the desire of Township Committee that John. C. Gibson serve as Acting Engineer, commencing on March 21, 2012, succeeding Andrew Previti, in an amount for this interim term not to exceed \$2000.00, for which funds are available as evidenced by the certification of the Chief Financial Officer ; and

WHEREAS, Fralinger Engineering, P.A., after submitting all documents and disclosures in accordance with law, and having submitted a response to a Request for Qualifications in accordance with the "Fair and Open Process," has been nominated by the Mayor to be appointed as Alternate Engineer for the Township of Dennis; and

WHEREAS, Fralinger Engineering, P.A., as Alternate Engineer is prequalified under the "Fair and Open Process" and may be called upon by the Township to handled certain project development and management, which projects shall be the subject of agreements separately negotiated and approved by the governing body before the commencement of work by Fralinger on any such project, but all in accordance with the rates and fees as submitted by Fralinger which are on file with the Township Clerk. No "not to exceed" amount is required at this time for the Alternate Engineer, but will be required in connection with any and all projects by way of Resolution before proceeding.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, in the State of New Jersey and County of Cape May, duly assembled in public session this 20th day of March, 2012, as follows:

1. The Preamble of this Resolution is incorporate and adopted here by reference;
2. John C. Gibson, P.E. of Gibson Associates, P.A, is hereby retained as a professional services provider and named Acting Municipal Engineer commencing March 21, 2012, to succeed Andrew Previti and until such time as the ordinance appointing Mr. Gibson as Municipal Engineer is finally approved.
3. Fralinger Engineering, P.A., is hereby retained as a professional service provider as Alternate Engineer to the Township for the purposes aforesaid commencing with the adoption of this Resolution and for a period to expire at 5 p.m. on December 31, 2012.
4. The Township Clerk shall publish notice of these professional services awards as required by law.

ATTEST _____ **ATTEST** _____
Jacqueline B. Justice, RMC/Clerk Eugene L. Glembocki, Mayor

RESOLUTION NO. 2012-54

**RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION FOR
A SPECIAL PERMIT FOR A SOCIAL AFFAIR FOR
CONTACT CAPE-ATLANTIC**

WHEREAS, the organization known as CONTACT Cape-Atlantic 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 June 10, 2012 from noon to 4:00 p.m. at The Pines at Clermont, 358 Kings Highway, Clermont, NJ at a fundraiser to benefit the CONTACT Cape-Atlantic's telephone reassurance program; 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 Eugene L. Glembocki, Mayor

The Mayor asked for a motion to adopt Resolution No. 2012-55 to allow the Committee to go into an Executive Session for Contract Negotiation & Personnel. He indicated that the reasons for the Executive Session are to discuss the issues as they relate to the Budget and getting the amount to where it needs to be.

Motion was made by Teefy, seconded by DiCicco, (prior to the roll call the Township Solicitor clarified for the record that individual employees would not be discussed and that no Rice Notices were issued. He stated that it would be a general discussion about certain processes that the Committee wanted information on that have to do broadly with personnel but not any specific employee), with 5 ayes and no nays the following resolution was adopted:

RESOLUTION NO. 2012-55

**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. Contract Negotiation.

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 March 20, 2012, that an Executive Session closed to the public shall be held on March 20, 2012 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 Eugene L. Glembocki, Mayor

Motion was made by Murphy, seconded by Germanio, 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:

034428-Twp of Dennis Payroll Account	\$ 57,954.92
034429-Sturdy Savings Bank	1,534,846.50
034430-Super Valu	206.49
034431-A T & T	165.67
034432-Belleplaine Emergency Corp.	40,452.36
034433-Blaney & Donohue, PA	1,464.50
034434-Boy Scout Troop 56	2,500.00
034435-Broadley's MDI	2,101.31
034436-Cape May County M.U.A.	12,706.03
034437-Computer Access Systems	84.25
034438-Cody's Power Equipment	53.07
034439-John L. Collins	293.42
034440-Nelson B. Creamer	168.90
034441-Crystal Springs	21.69
034442-Daley's Pit	180.00
034443-Daycare Cleaning Services, Inc.	1,903.08
034444-Dennis Twp Basketball Assoc.	100.00
034445-Dennis Township	250.00
034446-Dennis Twp Football/Cheer Assoc	1,000.00
034447-Deptcor	264.00
034448-East Coast Distributors	166.85
034449-Electro Mech Scoreboard Co.	189.00
034450-Fleetwash – Bensalem	73.00
034451-Ford, Scott & Associates, LLC	5,000.00
034452-Gann Law Books, Inc.	199.00
034453-Mike Gardner & Son, Inc.	35.39
034454-The Gem Grocery & Gas	167.08
034455-Gentilini Ford, Inc.	34.16
034456-G & K Services	617.67
034457-Gerald C. Harris	107.90
034458-Seaville Napa Auto Parts	755.57
034459-Johnson & Towers, Inc.	968.40
034460-Keen Compressed Gas Co., Inc.	19.63
034461-Kel-Tex Imprints, Inc.	350.00
034462-K-Mart	501.32
034463-Edward F. Leith, Jr.	201.45
034464-M.T.H.S. After Prom Committee	500.00
034465-Modern Gas Co., Inc.	1,043.14
034466-Nextel Communications	383.92
034467-Power of Production Studio	500.00
034468-Reel Fire Protection, Inc.	152.75
034469-Sack O'Subs	155.00
034470-Seashore Asphalt Corp.	168.30
034471-South Jersey Paper Products	1,314.26
034472-Splash Zone Water Park	556.00
034473-Stewart Business Systems	13.73
034474-The Southwest Council	550.00
034475-Township of Upper	4,244.85
034476-Verizon	1,325.32
034477-Wildwood Catholics	500.00
034478-Cintas First Aid & Safety	109.46

Committeeman DiCicco announced that Dennis Township young adult, Dale Gerber, has bowled a 300 and was in the AC Press for one of the top 5 scores.

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

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

Deputy Mayor Teefy indicated that he had no comment at this time.

Mayor Glembocki indicated that the Ordinances that were introduced this evening were just an introduction and will be open for further discussions and that you can contact the Committee individually or comment at the Public Hearings.

Mayor Glembocki asked for a 2 minute recess.

Motion was made by DiCicco, seconded by Murphy, that the Committee take a 2 minute recess and then proceed with the Executive Session. All in favor and the motion carried.

Motion was made by Teefy, seconded by Germanio, that the Township Committee reconvene the regular meeting. All in favor and the motion carried.

Mayor Glembocki asked for a motion to authorize the Township Solicitor, Mr. Donohue and the Labor Counsel, Mr. Blaney to proceed with what was discussed in Executive Session.

Motion was made by Germanio and seconded DiCicco, that the Township Solicitor, Mr. Donohue and Labor Counsel, Mr. Blaney, be authorized to proceed with what was discussed in Executive Session. All in favor and the motion carried.

Motion was made by Germanio, seconded by Murphy, that the meeting be adjourned. All in favor and the motion carried.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Eugene L. Glembocki, Mayor