

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
AUGUST 06, 2012**

**4:00 P.M. TWP. COMMITTEE REGULAR MEETING**

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

Deputy Mayor Teefy asked that the flag salute, moment of silence and roll call be carried over from the Worksession.

Motion was made by Murphy, seconded by DiCicco, with 4 ayes and 1 absent (Glembocki), that the following Officer's Report were approved:

Municipal Clerk's Report	-	July, 2012
Registrar's Report	-	July, 2012
Construction Official's	-	July, 2012

Motion was made by DiCicco, seconded by Germanio, that the meeting be open for public comment. All in favor and the motion carried.

Alma George of Ocean View questioned why correspondence that she and her father, James Waltz, had sent to the Committee was not on the agenda. Mrs. George commented on an issue regarding the taxes on newly created lots due to a sub-division that they had filed. She indicated that there was confusion over the amount of taxes owed which resulted in some interest accruing which they feel should be waived. Mrs. George stated that the Tax Collector had advised her to write the letter to the Township Committee requesting that the interest be waived.

Committeeman Germanio and the Township Committee requested that the Solicitor review the issue to ascertain if the Township Committee has the power to waive said interest.

Mrs. George and Mr. Waltz continue to comment on what they feel were irregularities with the way the different lots created by the sub-division were handled.

Mr. Donohue he would look into the issue of waiving interest and have more information at the next meeting.

Mr. Waltz related his side of the discussions with the Tax Collector regarding the taxes for the newly created lots and Michele Heim, the Tax Collector, explained her side of what transpired.

Mrs. George continued on the newly created lots being treated differently and illustrated the different lots for the Committee.

Patricia Sutton, the Tax Assessor, explained the process when a sub-division is filed and indicated that she had handled the lots differently because one lot has a house on it and she was creating a paper-trail for any future title work. Mrs. Sutton and Mrs. George discussed the way the sub-division was handled.

Committeeman Germanio indicated that the Solicitor will report back to the Committee at the next meeting.

Mrs. Heim made the Committee aware that the any lot that has interest due whatever payment that is received, the computer applies it to the interest first.

Mrs. George continued with lack of things in writing and allowing for “he said/she said” to come into play.

Deputy Mayor Teefy indicated that the Solicitor would be looking into the matter of whether they have the authority to waive the interest and that it will be discussed at the next meeting.

Mrs. George and Mr. Waltz continued and Mr. Donohue reiterated that the Committee does not have the authority to instruct the Tax Assessor on how to do her job.

Jim DePetris indicated that he has been a land owner since 2005 and they own approximately 12 acres across from the Wawa in Ocean View. Mr. DePetris commented on the Town Centers and the Plan Endorsement process. He questioned if Plan Endorsement is being worked on and an approximate date the Township may get approval from the State so that they can get a forecast on their property and what they may be able to do with it.

Deputy Mayor Teefy indicated that he also serves on the Planning Board and that they are currently working on the Master Plan and that they hope to have it completed by the end of the year. He recommended that Mr. DePetris contact our Municipal Engineer, Jack Gibson, who has been working closely with the Planning Board and the State regarding these issues.

There being no further comments from those present, motion was made by Murphy, seconded by Germanio, that the public comment portion be closed. The motion carried.

Motion was made by DiCicco, seconded by Murphy, that the Municipal Clerk is authorized to execute an affidavit certifying that Belleplain Emergency Corps is a separate entity. The motion carried.

Motion was made by Murphy, seconded by Germanio, that the Township participate in the County’s Vote and Vax Flu Clinic Program during the General Election. The motion carried.

Motion was made by Murphy, seconded by Germanio, with 4 ayes and 1 absent (Glembocki), that the following resolution was adopted:

**RESOLUTION NO. 2012-106**

**RESOLUTION AUTHORIZING THE ISSUANCE OF THE 2012-2013 KENNEL LICENSE FOR CLERMONT COUNTRY KENNELS**

**WHEREAS**, the N.J.S.A. 4:19-15.8 requires persons operating a kennel to obtain a license to operate said establishment from the municipality; and

**WHEREAS**, the Township is in receipt of the application for the 2012-2013 Kennel License from Clermont Country Kennels along with the required fee; and

**WHEREAS**, the Township has received the necessary approval from the Cape May County Health Department approving the issuance of said Kennel License.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Municipal Clerk be and is hereby authorized and directed to issue the 2012-2013 Kennel License to Clermont Country Kennels.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      Brian W. Teefy, Deputy Mayor

Motion was made by Murphy, seconded by DiCicco, with 4 ayes and 1 absent (Glembocki), that the following resolution was adopted:

**RESOLUTION NO. 2012-107**

**RESOLUTION AUTHORIZING A REFUND OF VARIOUS TAX OVERPAYMENTS**

**WHEREAS**, the Tax Collector, Michele T. Heim, has notified the Clerk of a two tax overpayments; and

**WHEREAS**, the overpayments are a result of reductions in assessments for the 2012 tax year with the preliminary tax amounts reflecting the 2011 assessments.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to refund the following:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Owner</u>
219	4	\$ 105.17	John James Germanio P.O. Box 545 Woodbine, NJ 08270
53	53	\$ 691.38	DLB Holdings, LLC 1985 Route 47 Eldora, NJ 08270

**BE IT FURTHER RESOLVED**, that the Municipal Clerk forward certified copies of this Resolution to the Tax Collector and the Chief Finance Officer.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      Brian W. Teefy, Deputy Mayor

Mr. Donohue indicated that representatives of the Pines at Clermont wanted to be present to answer any questions, therefore the proposed resolution regarding the Pines at Clermont's conditional approval of a Campground Application was tabled until the next meeting.

Motion was made by Germanio, seconded by Murphy, with 4 ayes and 1 absent (Glembocki), that the following Ordinance No. 2012-09 was introduced for first reading:

**TOWNSHIP OF DENNIS**

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

**ORDINANCE NO. 2012-09**

**AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF THE TOWNSHIP  
OF DENNIS**

(Creating Certain Restrictions and Penalties Related to  
the Operation of All Terrain Vehicles)

**Section 1. Preamble**

**WHEREAS**, over the course of the past several years, certain complaints have been made with regard to the alleged unlawful or disturbing operation of all terrain vehicles within the Township of Dennis; and

**WHEREAS**, in or about 2010, an informal committee was apparently created becoming known as the Dennis Township ATV Subcommittee; and

**WHEREAS**, while several meetings have been conducted since that time with input from interested parties, no formal action has been taken by the Township; and

**WHEREAS**, the Township Committee is desirous of providing a mechanism for New Jersey State Police enforcement or private citizen complaint to address certain operations of all terrain vehicle within the Township;

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

**Section 2.**

**ARTICLE II  
ALL TERRAIN VEHICLES**

**§ 130-6. Purpose.**

The purpose of this chapter is to control and regulate all-terrain vehicles, as defined in N.J.S.A. 39:1-1 et seq. and 39:3C-1 et seq., upon public roadways or public property and certain private property, in order to preserve the public peace and order and protect the health, safety and welfare of the general public of the Township of Dennis. This section shall be in addition to and supplementary of all other applicable ordinances.

**§ 130-7. Definitions.**

**A.** Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in N.J.S.A. 39:1-1 shall be deemed to apply to such words and phrases used herein.

**B.** As used in this chapter, the following terms shall have the meanings indicated:

**ALL-TERRAIN VEHICLE**

A motor vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine not exceeding 700 cubic centimeters, but shall not include golf carts.

**PUBLIC HIGHWAY**

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**PUBLIC LANDS**

Any and all real property that is owned or controlled by a governmental entity.

**§130-8. Operation and use restrictions.**

- A. Public lands.** It shall be unlawful for any person to operate or permit to or suffer to be operated an all-terrain vehicle, as defined herein, on any public grounds or property, including playgrounds and recreational areas, except as limited in accordance with law on public streets or highways as defined in N.J.S.A. 39:1-1 and public parking areas.
- B. Limited access highways.** No person shall operate an all-terrain vehicle upon limited access highways or within the right-of-way limits thereof.
- C. Public streets or highways.** No person shall operate an all-terrain vehicle upon the main traveled portion of any public street or highway or within the right-of-way limits thereof except as follows:
- (1) Properly registered all-terrain vehicles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction of such public street or highway. Prior to making any such crossing, the operator shall bring the all-terrain vehicle to a complete stop. It shall be the responsibility of the operator of the all-terrain vehicle to yield the right-of-way to all vehicular traffic upon any public street or highway before crossing the same.
  - (2) Wherever it is impracticable to gain immediate access to an area adjacent to a public highway where an all-terrain vehicle is to be operated, it may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of an all-terrain vehicle from the point where it is unloaded from a motorized conveyance to the area where it is to be operated or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity to the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.
- D. Consent required on certain public and private property.**
- (1) No person shall operate an all-terrain vehicle on any public property or the property of another without receiving the consent of the owner of the property or the person who has a contractual right to the use of such property. This provision shall not apply to non-owner family members of the owner. Such operators shall provide to any law enforcement member the name, address and telephone number of such owner who has granted consent and shall be allowed to engage in further operation upon any such property only after such consent has been confirmed by such law enforcement member.
  - (2) No person shall continue to operate an all-terrain vehicle on public property or the property of another after consent has been denied or withdrawn.
- E. Careless, reckless or negligent operation.** It shall be unlawful for any person to operate or permit or suffer to be operated an all-terrain vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any person.
- F. Protective helmets.** Any person operating such vehicles upon any public roadway or property shall wear a protective helmet approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of the State of New Jersey. Any such helmet shall be of a type acceptable for use in conjunction with s as provided in N.J.S.A. 39:3-76.7 through 39:3-76.10.
- G. Headlights, taillights, brakes and mufflers.** It shall be unlawful for any person to operate or permit or suffer to be operated an all-terrain vehicle upon the public roadways or public lands that is not equipped with working headlights, taillights, brakes and proper mufflers as supplied by the motor manufacturer or subsequently installed for the particular model without modifications.

**H.** Rules and regulations. The Township Committee may, from time to time, adopt certain rules and regulations applicable to the use of such vehicles upon public property, which shall not be contrary to the contents of this ordinance. It shall be unlawful for any person to violate any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

**§130-9. Violations and penalties.**

- A.** Any person who shall violate any provision of this chapter or any rule or regulation promulgated pursuant to this chapter shall be punished by a fine of not more than \$1,000 for the first offense and not more than \$2,000 for any subsequent offense, in the discretion of the Court.
- B.** A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- C.** Any person under the age of 18 years who shall violate any of the provisions of this chapter shall be subject to process as a juvenile and referred to the New Jersey Superior Court for adjudication.

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

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Eugene L. Glembocki, Mayor

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Brian W. Teefy, Deputy Mayor

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John Murphy, Committee Member

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Albert M. DiCicco, Committee Member

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Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on August 06, 2012. Publication will be held on August 15, 2012 and a Public Hearing will be held at a meeting of the said Township Committee to be held on September 04, 2012 at 7:00 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

**ATTEST** \_\_\_\_\_  
**Jacqueline B. Justice, RMC/Clerk**

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

**GENERAL ACCOUNT:**

034881-Twp of Dennis Payroll Account	\$ 58,563.64
034882-Advantage Rental Center, Inc.	6.78
034883-Atlantic City Electric	8,235.22
034884-Catherine Dougherty	223.90
034885-Berco Fleet Services, Inc.	72.36
034886-Blaney & Donohue, PA	5,424.33
034887-Broadley's MDI	145.00
034888-Cape May Back Bay	270.00
034889-Computer Access Systems	90.25
034890-Comcast	515.96
034891-Nelson B. Creamer	117.90
034892-Crystal Springs	169.82
034893-Dan's Welding	8,500.00
034894-Dennis Twp Board of Education	697,106.00
034895-DLB Holdings, LLC	691.38
034896-East Coast Distributors	535.02
034897-Jeanette M. Ennis	104.51
034898-Fro Me A Party	217.50
034899-Mike Gardner & Son, Inc.	178.63
034900-The Gem Grocery & Gas	13.55
034901-John James Germanio	105.17
034902-Gerald C. Harris	99.90
034903-Herald Newspaper, Inc.	61.95
034904-Roy J. Hope	313.26
034905-Seaville NAPA Auto Parts	1,091.15
034906-Marc Publishing Co., Inc.	157.45
034907-Miss Chris Fishing Center	520.00
034908-Modern Gas Co., Inc.	949.71
034909-North American Benefits Co.	212.38
034910-NJ Dept Health/Senior Services	11.40
034911-Party Hoppers	400.00
034912-Power of Production Studio	335.00
034913-S & S	428.66
034914-Service Tire Truck Centers	1,302.20
034915-Shop Rite	35.66
034916-Shore Animal Control	650.00
034917-S.J.T.P.	90.00
034918-S.S.C.I.	20.00
034919-Carolyn P. Swagler	151.94
034920-Treasurer, State of New Jersey	9,882.46
034921-Tri State Office Solutions	26.86
034922-Uncle Oogie's	163.61
034923-U.S.T.M.S.	869.00
034924-Vital Communications, Inc.	75.00

Deputy Mayor Teefy indicated that this was the time and place for the Municipal Consent Hearing for the renewal of Comcast of South Jersey, LLC Municipal Consent to own, operate, extend, and maintain a cable television and cable communications system in the Township of Dennis.

Fred DeAndrea, Comcast Area Director of Government & Regulatory Affairs, he indicated that they are the service provider here in the Township and that they have filed for renewal. He stated that the formalities are governed by State and Federal laws and that they are nearing the end of the process. Mr. DeAndrea indicated that their approval is non-exclusive and does not

prohibit another provider from petitioning for the same type of approval. He indicated that they have filed for renewal and the application can be viewed in the Municipal Clerk's Office. Mr. DeAndrea stated that tonight's Hearing is a way the public can "way-in" on the application and service. He reviewed the 4 fundamental questions the Federal Government requires the Township Committee to base its decision of renewal on and how Comcast complies with them. He commented on the new services they were introducing and the advancements they have made. Mr. DeAndrea advised that rates and channel selection are not part of the franchise renewal and does not fall under the purview of the Governing Body. Mr. DeAndrea asked if any Committee Members have any questions before opening the Hearing up for comments from the public.

Committeeman DiCicco indicated that he and Committeeman Germanio have been on the sub-committee to work on the renewal. Committeeman DiCicco commented on two issues, obtaining a community station and internet rates for the Municipal Offices and volunteer organizations and he asked that these issues be discussed. Mr. DeAndrea indicated that they would be discussed.

Deputy Mayor Teefy indicated that the Hearing was open for public comment. There being no comment from those present, Committeeman Germanio asked Mr. DeAndrea to comment on Internet Essentials Program that Comcast has. Mr. DeAndrea commented on Internet Essentials Program which is a low costs internet service for families who have children in school K-12 who qualify for free or reduced lunch under the National School Lunch Program. He indicated that there is a training component involved where they offer classroom based training for digital literacy. Mr. DeAndrea indicated that they are also working with Dell and Acer to provide subsidized netbooks that are pre-loaded with software. Mr. DeAndrea shared that they will be at National Night Out with more information. Committeeman Germanio indicated that he was contacting the School in regards to putting something together for Back To School Night also. Mr. DeAndrea thanked the Committee.

Committeeman Murphy reminded everyone that tomorrow night is National Night Out and urged everyone to stop by and enjoy the fireworks.

Committeeman DiCicco commented on the end of the Recreation Basketball season and that everyone did a great job and it was a good season.

Committeeman Germanio thanked all the businesses that donated money so that the fireworks could go on. He indicated that he was very thankful for Brian and Kim and everyone who made that possible.

Deputy Mayor Teefy also reminded everyone that it is National Night Out tomorrow. He stated that we had raised \$5,100.00 for the fireworks from the businesses and residents. Deputy Mayor Teefy indicated that it was great how the community came together. He commented on basketball season being over and that it was a good one with the kids having a blast. Deputy Mayor Teefy indicated that football just started and that they were getting ready for hockey sign-ups.

Motion was made by Murphy, seconded by Germanio, that the meeting be adjourned. The motion carried.

**ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk

**ATTEST** \_\_\_\_\_  
Brian W. Teefy, Deputy Mayor