

**WORKSESSION/REGULAR MEETING OF THE DENNIS TOWNSHIP
COMMITTEE - MARCH 05, 2013 – 7:00 P.M. (page 2)**

- | | |
|---------------|--|
| Res. #2013-48 | Documenting the Emergency Purchase of a New Well for the Municipal Building. |
| Res. #2013-49 | Authorizing the Shared Services Agreement for Certified Recycling Coordinator with the Township of Upper. |
| Res. #2013-50 | Authorizing the Receipt of Bids for the Sale of One (1) Plenary Retail Consumption License for the Sale of Alcoholic Beverages in the Township of Dennis. (possible adoption). |

Regular Agenda:

Motion for the Bills

Motion authorizing the payment of the bills, providing that proper vouchers have been filed and that funds are available.

General Account \$

Administrative Reports

Municipal Clerk's Report	February, 2013
Registrar's Report	February, 2013
Construction Official's Report	February, 2013
Engineer's Report	03/05/2013

General Public Comments

Committee Comments

Adjournment

MAYOR
EUGENE L. GLEMBOCKI

Administration
Revenue & Finance
Public Works
Recreation Department
Senior Center
Emergency Management

DEPUTY MAYOR
BRIAN W. TEEFY

Administration
Board of Health
Revenue & Finance
Recreation Department
Code Enforcement
Planning & Zoning Boards
School Liaison

MUNICIPAL CLERK
JACQUELINE B. JUSTICE, RMC



571 Petersburg Road
P.O. Box 204
Dennisville, NJ 08214
(609) 861-9700 Fax: (609) 861-9719

COMMITTEE MEMBER
JOHN MURPHY

Administration, Grants
Municipal Court
Municipal Alliance
Clean Communities

COMMITTEE MEMBER
ALBERT M. DICICCO

Administration, Grants
Cultural & Heritage
Museum & History Center

COMMITTEE MEMBER
FRANK L. GERMANIO, JR.

Administration
Public Works, Public Safety
Emergency Management
911 Coordinator/Fire/Rescue
Construction Office

March 05, 2013

Mr. Charles M. Norkis, P.E., Executive Director
C.M.C. Municipal Utilities Authority
1523 Route 9 North
P.O. Box 610
Cape May Court House, NJ 08210

Dear Mr. Norkis:

As you know the new requirements for the Recycling Tonnage Grants indicate that a Certified Recycling Professional must sign the completed grant. Please take this letter as my official request to have Lyn Crumbock to review and sign Dennis Township's Recycling Tonnage Grant, as we are currently in the process of negotiating a Shared Services Agreement and do not anticipate that it will be complete prior to the April 30, 2013 deadline.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eugene L. Glembocki, Mayor

ELG/jj

pc: John R. Baron, Deputy Director-CMCMUA
Lyn Crumbock, Recycling Coord.-CMCMUA
file

Dennis Township Fire District #1
Profit & Loss Budget Overview
January through December 2013

	<u>Jan - Dec 13</u>
Income	
Tax Revenue	368,000.00
Total Income	<u>368,000.00</u>
Expense	
Fire Contract	164,000.00
Insurance	20,000.00
LOSAP	40,000.00
Maint & Repairs	17,000.00
Miscellaneous	2,000.00
Prof Services	8,000.00
Reserve	117,000.00
Total Expense	<u>368,000.00</u>
Net Income	<u><u>0.00</u></u>

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-43

**RESOLUTION REGARDING THE 2013 DENNIS TOWNSHIP
FIRE DISTRICT #1 BUDGET**

WHEREAS, at the regular election of the Dennis Township Fire District #1 - Station 17, held on February 16, 2013 the voters of the fire district rejected the proposed budget of \$368,000.00 submitted by the Board of Fire Commissioners for the tax levy fire purposes; and

WHEREAS, pursuant to N.J.S.A. A40A:14-78.5, the Township Committee of the Township of Dennis received the proposed fire budget and supporting documentation from the Board of Fire Commissioners on February 19, 2013 consulted with said Board of Fire Commissioners with respect to the defeated budget; and

WHEREAS, pursuant to N.J.S.A. 40A:14 - 78.5, all of the proper notices for this meeting have been given, and a public hearing on the rejected budget having been held on March 05, 2013 by the Township Committee of the Township of Dennis; and

WHEREAS, the Township Committee has reviewed the matter carefully and being required, pursuant to the aforesaid statute, to certify to the Cape May County Board of Taxation the amount necessary for general fund expenses to provide a thorough and efficient fire system in the district.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, New Jersey, as follows:

1. The allegations statements of the preamble are incorporated herein as if set forth in full.
2. After the public hearing, which included discussion with the Dennis Township Fire District #1 – Station 17, it was agreed that deductions to the proposed budget, as noted, could be made without jeopardizing the ability for a thorough and efficient fire system public safety in the Township.
3. The Township Committee of the Township of Dennis in the County of Cape May and the State of New Jersey hereby certifies that pursuant to the provisions of N.J.S.A. A40A:14-79, the amount necessary for the general fund expenses for the fire district to provide a thorough and efficient fire system fire fighting services in the Township of Dennis is \$355,000 (total budget amount) of which a total of \$355,000 shall be raised by tax levy. . , calculated as follows:

Original tax levy submitted to voters \$368,000

Deductions made by Committee \$ -13,000

Reserve for Future Capital Outlays

Tax levy for general fund expenses \$355,000

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING :
ABSENT :

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-50

**RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR THE SALE OF ONE (1)
NEW PLENARY RETAIL CONSUMPTION LICENSE FOR THE SALE OF
ALCOHOLIC BEVERAGES IN THE TOWNSHIP OF DENNIS**

WHEREAS, the voters of the Township of Dennis, County of Cape May, State of New Jersey approved a referendum permitting the sale of alcoholic beverages in the Township of Dennis; and

WHEREAS, pursuant to the U.S. Bureau of the Census Resident Population Estimate, the population of the Township of Dennis permits the sale of one (1) new plenary retail distribution license and two (2) new plenary retail consumption license; and

WHEREAS, there are currently one (1) plenary retail consumption license issued in the Township of Dennis; and

WHEREAS, it has been deemed necessary and desirable to issue the remaining plenary retail consumption license and to sell same at public sale.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, the municipal issuing authority for the Township of Dennis, County of Cape May, State of New Jersey, as follows:

1. The appropriate township officials are hereby authorized to issue a new retail plenary consumption license for the sale of alcoholic beverages.
2. The new license shall be sold using the public sale option in the Intoxicating Liquors Law (N.J.A. 33:1-1 et seq.).
3. The Township will accept open bids for acquisition of the license from any interested party. The sale shall take place on _____ at _____
_.m.
4. An opening bid of \$500,000.00 shall be required.

RESOLUTION NO. 2013-50

PAGE 2

5. Each bidder shall be qualified to have an interest in a retail alcoholic license under the standards set forth by the New Jersey Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable Township Ordinance.
6. A bidders list of qualified bidders shall be prepared at _____.m. on _____ by the Municipal Clerk. In order to become a qualified bidder a person shall (a) prepare an affidavit of qualification for ownership interest in or association with a New Jersey Alcoholic Beverage License or Permit; and (b) provide a certified or cashiers check in the amount of \$50,000.00 representing a deposit.
7. The deposit of the highest two (2) bidders shall be retained by the Municipal Clerk. All others will be returned on the date of the bid.
8. The successful bidder shall provide the balance of the purchase price within 21 days of the bid. Failure to submit the required monies within the designated time frame shall result in disqualification of the bid and the second highest bidder shall be notified and have 21 days to provide the balance of the purchase price. In the event that the difference is greater than \$50,000.00, then the deposit of the first highest bidder shall be retained as liquidated damages by the Township. If the difference of the second highest bid is less than \$50,000.00, then the difference shall be retained by the Township as liquidated damages and the balance refunded to the first highest bidder within fourteen (14) days. In the event that the first highest bidder pays the balance then the deposit check of the second highest bidder shall be forthwith returned. On the date of the final payment the successful bidder shall also submit the required state form.
9. In the event that neither the first or second highest bidder pays the balance, then the Township shall establish a new sale date and procedures.
10. Upon payment of the balance of the highest bid the Township shall award the license to the bidder as a Person to Person Transfer. A determination of where the license will actually be sited will be determined as a Place to Place Transfer.
11. The Township Clerk is hereby authorized and directed to forthwith send a copy of this Resolution and Notice to Bidders to the Cape May County Chamber of Commerce and to any individual who has submitted any requests for information received by the Township Clerk.

RESOLUTION NO. 2013-50
PAGE 3

12. The Township Clerk be and is hereby authorized and directed to purchase a block advertisement at least ninety (90) days and again at least thirty (30) days prior to the date of the receipt of bids advertising the sale of the said new plenary retail distribution license in the Atlantic City Press, the Philadelphia Inquirer, the Newark Star Ledger and the Wall Street Journal.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING :
ABSENT :

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ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-44

RESOLUTION AUTHORIZING THE CLOSURE OF HAGEN ROAD FROM DENNISVILLE ROAD TO KINGS HIGHWAY ON SATURDAY, MARCH 23, 2013 FOR THE 3RD ANNUAL DENNIS TOWNSHIP SPRING SCAMPER

WHEREAS, the 3RD Annual Dennis Township Spring Scamper 5K Race and 1 Mile Walk/Run is scheduled for Saturday, March 23, 2013; and

WHEREAS, the event takes place on Hagen Road from the Dennisville Road intersection and the Kings Highway intersection and requires that said portion of Hagen Road be closed to ensure the safety of the participants.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Hagen Road from the Dennisville Road intersection to the Kings Highway intersection be closed from 7:30 a.m. to approximately 11:00 a.m. on Saturday, March 23, 2013 to accommodate the 3RD Annual Dennis Township Spring Scamper 5K Race and 1 Mile Walk/Run.

ATTEST

Jacqueline B. Justice, RMC/Clerk

ATTEST

Eugene L. Glembocki, Mayor

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :

NAYS :

ABSTAINING:

ABSENT :

RESOLUTION NO. 2013-44
PAGE 2

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

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

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-45

**RESOLUTION AUTHORIZING THE RECYCLING COORDINATOR TO
SUBMIT THE 2012 TONNAGE GRANT**

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

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

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

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

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

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

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

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

ATTEST _____
Jacqueline Justice, RMC/Clerk

ATTEST _____
Eugene L. Glembocki, Mayor

**RESOLUTION NO. 2013-45
PAGE 2**

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING:
ABSENT :

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-46

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT WITH THE CAPE MAY COUNTY
MUNICIPAL UTILITIES AUTHORITY
FOR THE REVIEW AND SUBMISSION OF THE TOWNSHIP OF DENNIS'
2012 ANNUAL RECYCLING TONNAGE REPORT**

WHEREAS, in accordance with N.J.S.A. 13:1E-96 5.b(1), commencing in 2012, each New Jersey municipality is required by the Recycling Enhancement Act ("REA") to have mandatory Annual Recycling Tonnage Reports approved and signed by a Certified Recycling Professional ("CRP"); and

WHEREAS, the State of New Jersey (State) requires that municipalities submit their Annual Recycling Tonnage Reports by April 30 of each year; and

WHEREAS, the Township of Dennis (Township) will not be able to secure the Shared Services Agreement prior to April 30, 2012; and

WHEREAS, the Cape May County Municipal Utilities Authority (Authority) has one or more employees that have obtained designation as a CRP; and

WHEREAS, the Authority has indicated a willingness to assist the Township of Dennis in securing their rightful recycling fund allotment from the State for its 2012 recycling activities; and

WHEREAS, the Authority desires to memorialize each party's responsibilities in a Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) ("Shared Services Act"), whereby the Authority would review, certify, and submit, via email, to the NJDEP, the Township of Dennis' 2012 Recycling Tonnage Report; and

WHEREAS, under the Shared Services Act, any local unit may enter into an agreement with any other local unit or units to provide and/or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Dennis, as follows:

RESOLUTION NO. 2013-46

PAGE 2

1. The Township of Dennis hereby approves the "Shared Services Agreement Between the Township of Dennis and the Cape May County Municipal Utilities Authority to Review, Sign/Submit the 2012 Annual Recycling Report", in substantially the same form as currently on file with the Municipal Clerk.
2. The Mayor is authorized to execute said Agreement.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING:
ABSENT :

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ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-47

**RESOLUTION SETTING FORTH THE SPECIAL EMERGENCY APPROPRIATION
PURSUANT TO N.J.S. 40A:4-55**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by the preparation and execution of a complete program of revaluation of real property for the use of the local Assessor, or of any program to update and make current any previous revaluation program when such is ordered by the County Board of Taxation and for tax map updates/revisions; and

WHEREAS, NJS 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT RESOLVED (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

1. An emergency appropriation is hereby made for the preparation and execution of a complete program of revaluation of real property for the use of the local Assessor, or of any program to update and make current any previous revaluation program when such is ordered by the County Board of Taxation and for tax map updates/revisions in the total amount of \$350,000.00.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$70,000.00.
3. That an “emergency note”, not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by Glenn O. Clarke, Chief Financial Officer.
5. That said note shall be dated _____, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
_____ (insert further detail, i.e. place of payment)

RESOLUTION NO. 2013-46
PAGE 3

6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING:
ABSENT :

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-48

**RESOLUTION DOCUMENTING THE EMERGENCY PURCHASE OF A NEW WELL
FOR THE MUNICIPAL BUILDING**

WHEREAS, an emergency condition existed at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville; and

WHEREAS, this condition constitutes an emergency affecting the immediate health of the public; and

WHEREAS, the condition is the need for a new well to provide water to the Municipal Building and operational restrooms; and

WHEREAS, this emergency occurred on 02/05/2013.

WHEREAS, it is necessary to invoke N.J.S.A. 40A:11-6 (emergency purchases) in order to obtain a new well and the attached quote with the estimated cost of \$8,000.00 to furnish a new well.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Purchase Order No. 2013-00147 was issued without quotes pursuant to the above cited statute.

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

PRESENTED BY:

SECONDED BY:

RESOLUTION NO. 2013-48
PAGE 2

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING:
ABSENT :

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-49

**RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE TOWNSHIP OF UPPER FOR RECYCLING COORDINATOR SERVICES**

WHEREAS, the Township Committee of the Township of Dennis, in the County of Cape May and State of New Jersey, finding it in the interest of the health, safety and welfare of the residents of the Township to enter into a Shared Services Agreement, a copy of which is attached as Exhibit A, with the Township of Upper for the provision of Recycling Coordinator services; and

WHEREAS, such interlocal Shared Services Agreements are encouraged by the State of New Jersey, as codified at NJS 40A:65-1 et seq., the New Jersey Shared Services Act; and

WHEREAS, entering into this agreement will result in a savings; will allow the Township of Dennis to advance the Recycling Coordinator function which has been lacking and may help to generate a greater reimbursement from the Cape May County Municipal Utilities Authority in connection with recycling tonnage; and

WHEREAS, the Township of Upper has been a cooperative partner in this effort and this agreement will continue to foster good will and productive avenues for more efficient government by and between the Township of Upper and the Township of Dennis;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, duly assembled in public session this 5th day of March, 2013, as follows:

1. The Preamble of this Resolution is herein adopted and made the findings of the Township Committee;
2. The Mayor and Clerk are hereby authorized and directed to execute the agreement on behalf of the Township of Dennis for the purpose aforesaid;
3. That a copy of this Resolution, along with a copy of the agreement, be sent to the Clerk of the Township of Upper with a request for similar action by the Township of Upper.

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

RESOLUTION NO. 2013-49
PAGE 2

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING :
ABSENT :

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ATTEST _____
Jacqueline B. Justice, RMC/Clerk

Exhibit "A"

Shared Services Agreement
For
Certified Recycling Coordinator

THIS AGREEMENT, made this day of March, 2013, between the TOWNSHIP OF UPPER (hereinafter referred to as "Upper Township"), whose address is 2100 Tuckahoe Road, Petersburg, New Jersey 08270 and the TOWNSHIP OF DENNIS (hereinafter referred to as "Dennis Township"), whose address is 571 Petersburg Road, P. O. Box 204, Dennisville, NJ 08214.

WITNESSETH

WHEREAS, the New Jersey Recycling Enhancement Act (REA) requires that all recycling reports submitted to the State must be signed by a Certified Recycling Professional; and

WHEREAS, Upper Township has an employee that is a Certified Recycling Professional; and

WHEREAS, Dennis Township does not have an employee that is a Certified Recycling Professional and has asked Upper Township to provide Certified Recycling Professional services; and

WHEREAS, the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.) authorizes and empowers Upper Township and Dennis Township to enter into this Agreement.

NOW, THEREFORE, it is agreed, stipulated and understood between the parties, in consideration of the mutual promises contained herein, as follows.

1. Scope of Services

A. Upper Township will prepare and certify the Municipal Annual Tonnage Report for

Dennis Township.

- B. Upper Township will visit commercial establishments throughout Dennis Township to determine who is collecting recycling material and verify compliance with municipal recycling requirements for four (4) hours per month.
- C. Upper Township will send letter inquiries to vendors and commercial businesses annually to determine the amount of recycling they received and/or collected from sources within Dennis Township.
- D. Dennis Township shall send monthly log of the types and amounts of solid waste and recyclable materials to Upper Township.

2. Term

This Agreement shall extend from _____ to _____. The term shall be extendable for an additional six years (through _____, 2020) upon agreement of both parties. Either party may cancel this Agreement upon 60 days' written notice to the other.

3. Billing and Compensation

Dennis Township shall pay Upper Township \$2,800 for the above reference services.

Upper Township will provide an invoice to Dennis Township along with a signed voucher at the commencement of the services and on a yearly basis thereafter. Dennis Township agrees to promptly process the Upper Township's vouchers for payment and to pay all bills within 45 days of submission by Upper Township to Dennis Township.

4. Contact Person

The Contact person for the Dennis Township will be the _____:

Name: _____

- i. Phone Number: _____
- ii. Fax Number: _____
- iii. Email: _____

The Contact person for Upper Township will be the Supervisor of Roads:

Name: Roy Shone

- i. Phone Number: 609-628-2011 ext. 350
- ii. Fax Number: 609-628-2133
- iii. Email: roaddepartment@uppertownship.com

The Alternate Contact person for Upper Township will be the Municipal Recycling Coordinator:

Name: William McDaniels

- i. Phone Number: 609-628-2011 ext. 359
- ii. Fax Number: 609-628-2133
- iii. Email: recycling@uppertownship.com

The parties shall immediately notify each other in the event of any change in their respective designated Contact Person.

5. Effective Date

This Agreement shall become effective as of _____ upon passage of an authorizing Resolution by Upper Township and Resolution by the Dennis Township as required by the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.).

6. Indemnification

No party shall be liable for any negligent, reckless or intentional acts or omissions of any other(s) and each shall indemnify, defend and hold the other(s) harmless from all losses, injuries or damages caused by the negligent, reckless or intentional acts or omissions of itself or any of

its respective employees or independent contractors in rendering the services set forth in this Agreement. Such indemnification shall include payment of reasonable attorneys' fees and costs in the defense of any claim made by a third person incident to such negligent, reckless or intentional acts or omissions. The terms and conditions of this paragraph shall survive the execution, delivery, and performance of this Agreement and any succeeding documents, shall be binding upon the heirs, successors, administrators and assigns of each of the parties hereto. No party to this Agreement waives any immunity to which it may be entitled pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.

7. Insurance

It is recognized and understood that both Upper Township and Dennis Township are currently insured through the Municipal Joint Insurance Fund. The Dennis Township agrees that it will name the Upper Township as an additional insured on any insurance policies it separately maintains. These policies shall include, without limitation, comprehensive general liability, automobile liability, errors and omissions and workers compensation with limits and deductibles as mutually agreed upon. Dennis Township shall provide the others with certificates of insurance setting forth the above coverage and naming the other as additional insured promptly upon the execution of this Agreement, and providing that said policies cannot be cancelled except upon sixty (60) days notice to Upper Township. In the event either party ceases to participate in its insurance program as is in effect on the date of this Agreement, such party shall provide alternative insurance comparable to the coverage in effect on the date of this Agreement subject to the approval of the other parties, which approval shall not be unreasonably withheld, conditioned or delayed.

8. Miscellaneous

This Agreement may only be modified in writing, duly authorized and signed by the

parties' authorized representatives. All notices, statements or other documents required by this Agreement shall be hand-delivered or mailed to the following addresses:

For Upper Township:

Wanda Gaglione, Clerk
PO Box 205
Tuckahoe, NJ 08250-0205

For the Dennis Township:

Jacqueline Justice, Clerk
571 Petersburg Road, P. O. Box 204
Dennisville, NJ 08214

9. Authorization

Each party represents and warrants to the other that all municipal or county action necessary to enter into and perform all obligations required by this Agreement has been validly taken and that the undersigned are authorized to execute this Agreement.

10. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

11. No Assignments

One party without the written consent of the other may not assign this Agreement.

12. Entire Agreement

This Agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this Agreement shall be valid unless the same shall be in writing and signed by all the parties hereto.

13. Severability

If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

IN WITNESS WHEREOF, the parties affix their signatures to this Agreement, intending to be legally bound. If a party is a corporation, this Agreement is signed by its proper corporate officers and its corporate seal is affixed.

Township of Upper

Date

By: _____
Richard Palombo, Mayor

ATTEST: _____
Wanda Gaglione, Clerk

Approved as to Form and Legality:

Dan Young, Municipal Attorney

Township of Dennis

Date

By: _____
Eugene Glembocki, Mayor

ATTEST: _____
Jacqueline Justice, Clerk

Approved as to Form and Legality:

Michael Donohue, Municipal Attorney

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-50

**RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR THE SALE OF ONE (1)
NEW PLENARY RETAIL CONSUMPTION LICENSE FOR THE SALE OF
ALCOHOLIC BEVERAGES IN THE TOWNSHIP OF DENNIS**

WHEREAS, the voters of the Township of Dennis, County of Cape May, State of New Jersey approved a referendum permitting the sale of alcoholic beverages in the Township of Dennis; and

WHEREAS, pursuant to the U.S. Bureau of the Census Resident Population Estimate, the population of the Township of Dennis permits the sale of one (1) new plenary retail distribution license and two (2) new plenary retail consumption license; and

WHEREAS, there are currently one (1) plenary retail consumption license issued in the Township of Dennis; and

WHEREAS, it has been deemed necessary and desirable to issue the remaining plenary retail consumption license and to sell same at public sale.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, the municipal issuing authority for the Township of Dennis, County of Cape May, State of New Jersey, as follows:

1. The appropriate township officials are hereby authorized to issue a new retail plenary consumption license for the sale of alcoholic beverages.
2. The new license shall be sold using the public sale option in the Intoxicating Liquors Law (N.J.A. 33:1-1 et seq.).
3. The Township will accept open bids for acquisition of the license from any interested party. The sale shall take place on _____ at _____
_.m.
4. An opening bid of \$500,000.00 shall be required.

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5. Each bidder shall be qualified to have an interest in a retail alcoholic license under the standards set forth by the New Jersey Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable Township Ordinance.
6. A bidders list of qualified bidders shall be prepared at _____.m. on _____ by the Municipal Clerk. In order to become a qualified bidder a person shall (a) prepare an affidavit of qualification for ownership interest in or association with a New Jersey Alcoholic Beverage License or Permit; and (b) provide a certified or cashiers check in the amount of \$50,000.00 representing a deposit.
7. The deposit of the highest two (2) bidders shall be retained by the Municipal Clerk. All others will be returned on the date of the bid.
8. The successful bidder shall provide the balance of the purchase price within 21 days of the bid. Failure to submit the required monies within the designated time frame shall result in disqualification of the bid and the second highest bidder shall be notified and have 21 days to provide the balance of the purchase price. In the event that the difference is greater than \$50,000.00, then the deposit of the first highest bidder shall be retained as liquidated damages by the Township. If the difference of the second highest bid is less than \$50,000.00, then the difference shall be retained by the Township as liquidated damages and the balance refunded to the first highest bidder within fourteen (14) days. In the event that the first highest bidder pays the balance then the deposit check of the second highest bidder shall be forthwith returned. On the date of the final payment the successful bidder shall also submit the required state form.
9. In the event that neither the first or second highest bidder pays the balance, then the Township shall establish a new sale date and procedures.
10. Upon payment of the balance of the highest bid the Township shall award the license to the bidder as a Person to Person Transfer. A determination of where the license will actually be sited will be determined as a Place to Place Transfer.
11. The Township Clerk is hereby authorized and directed to forthwith send a copy of this Resolution and Notice to Bidders to the Cape May County Chamber of Commerce and to any individual who has submitted any requests for information received by the Township Clerk.

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12. The Township Clerk be and is hereby authorized and directed to purchase a block advertisement at least ninety (90) days and again at least thirty (30) days prior to the date of the receipt of bids advertising the sale of the said new plenary retail distribution license in the Atlantic City Press, the Philadelphia Inquirer, the Newark Star Ledger and the Wall Street Journal.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING :
ABSENT :

This is to certify that this is a true copy of a Resolution adopted by the Dennis Township Committee at their regular meeting held on March 05, 2013 at 7:00 p.m. at the Dennis Township Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk