

**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE -
APRIL 23, 2013 – 7:00 P.M.**

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence/List of the Fallen
Roll Call & Determination of Quorum

Discussion:

Discuss quotes for the Employee Assistance Program.

Public Comment on Agenda Items:

Review of Consent & Regular Agenda Items:

Consent Agenda

- | | |
|---------------|---|
| Res. #2013-70 | Reappointing James Birchmeier as Municipal Court Judge in Accordance with a Shared Services Agreement with the Township of Upper. |
| Res. #2013-71 | Authorizing the Release of a Stormwater Maintenance Guarantee for Block 224, Lot 74.03 – William & Ronald Walters. |
| Res. #2013-72 | Authorizing the Execution of a Professional Services Contract to Shore Counseling, LLC for the Employee Assistance Program. |
| Ord. #2013-03 | An Ordinance of the Township of Dennis, County of Cape May and State of New Jersey Repealing and Replacing Chapter 165, and Chapter 185 of the Code of the Township of Dennis, Entitled, “Subdivision of Land” and “Zoning” Respectively. (For introduction and first reading). |

Regular Agenda:

- | | |
|---------------|---|
| Res. #2013-73 | Setting Forth Reasons, as Required by N.J.S.A. 40:55D-62, for Adopting a Zoning Ordinance that Reduces Certain Density Recommendations of the Master Plan. |
| Res. #2013-74 | 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 - <u>Collective Bargaining – Negotiations with United Food & Commercial Workers Union Local 152 & the International Brotherhood of Electrical Workers Local 1293.</u> |

**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE -
APRIL 23, 2013 – 7:00 P.M. (page 2)**

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

Engineer's Report 04/23/2013

General Public Comments

Committee Comments

Executive Session:

Collective Bargaining – Negotiations with United Food & Commercial Workers Union Local 152 & the International Brotherhood of Electrical Workers Local 1293.

Adjournment

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-70

**RESOLUTION REAPPOINTING JAMES BIRCHMEIER AS MUNICIPAL COURT
JUDGE IN ACCORDANCE WITH A SHARED SERVICES AGREEMENT WITH THE
TOWNSHIP OF UPPER**

WHEREAS, the Township of Dennis, via Resolution 2009-169, entered into a Shared Services Agreement with the Township of Upper; and

WHEREAS, that agreement required the Township of Dennis to reappoint the Municipal Court Judge appointed by Upper Township during the term of the Shared Services Agreement; and

WHEREAS, via Resolution 2010-05, the Township of Dennis made an initial appointment of James Birchmeier, Esquire, as Municipal Court Judge for a term "to run concurrent with that of his Upper Township Term;" and

WHEREAS, the Upper Township term expired on July 31, 2011, and no action was requested of the Township of Dennis until a recent inquiry from the Upper Township Municipal Court; and

WHEREAS, it is clear from the Shared Service Agreement authorized by Dennis Township Resolution 2009-169 and the language of Dennis Township Resolution 2010-05, that it is the intention of the parties that the appointment of the Judge for Dennis Township be concurrent with the appointment for Upper Township;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, duly assembled in open session this 23rd day of April, 2013, that in accordance with the provisions of NJSA 2B:12-4, James Birchmeier, Esquire, is hereby appointed Judge of the Municipal Court, for a term commencing on August 1, 2011, and expiring on July 31, 2014, all in accordance with the Shared Services Agreement between the Township of Dennis and the Township of Upper as authorized by Dennis Township Resolution 2009-169.

BE IT FURTHER RESOLVED, that Judge Birchmeier shall be compensated by the Township of Upper in accordance with the Shared Services Agreement.

BE IT FURTHER RESOLVED, that the Clerk shall provide a true copy of this Resolution upon adoption to James Birchmeier, Esquire, as well as the Court Administrator and Township Clerk of the Township of Upper.

**RESOLUTION NO. 2013-70
PAGE 2**

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 April 23, 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. 2013-71

**RESOLUTION AUTHORIZING THE RELEASE
OF A STORMWATER MAINTENANCE GUARANTEE FOR BLOCK 224, LOT 74.03 –
WILLIAM & RONALD WALTERS**

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the refund of a Stormwater Maintenance Guarantee for Block 224 Lot 74.03 due to compliance with site plan approval; and

WHEREAS, Township Engineer has authorized release of the Maintenance Guarantee in the form of a cash.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to release the Stormwater Maintenance Guarantee in the form of cash in the amount of \$3,000.00 to William & Ronald Walters, c/o Walters Marine Construction, 414 Woodbine/Ocean View Road, Ocean View, NJ 08230.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to release any and all remaining inspection fees providing that all professional obligations have been satisfied.

BE IT FURTHER RESOLVED, that the Clerk forward a certified copy of this resolution to the Administrator to the Planning and Zoning Boards and the Chief Financial Officer.

ATTEST _____ **ATTEST** _____
Jacqueline B. Justice, RMC/Clerk 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 April 23, 2013 at 7:00 p.m. (prevailing time) 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. 2013-72

**RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT TO
SHORE COUNSELING, LLC FOR THE
EMPLOYEE ASSISTANCE PROGRAM**

WHEREAS, the Township of Dennis established an Employee Assistance Program in October, 1997; and

WHEREAS, the Clerk has received one (3) quotes from: The Southwest Council, Inc., Care Plus Solutions and Shore Counseling, LLC for the Employee Assistance Program; and

WHEREAS, the Committee has reviewed the program and quotes and has deemed it beneficial to the Township to continue this program as part of the Drug Free Workplace Act; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contracts of "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The Mayor and Clerk are directed to execute a contract with Shore Counseling, LLC, 217 North Main Street, Suite 204, Cape May Court House, NJ 08210.
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with N.J.S.A. 40A: 11-5 (a) of the Local Public Contracts Law because the services are to be rendered by a person authorized by law and the services require a prolonged formal course of specialized instruction and that the total sum will not exceed the limits established in P.L. 2004 Chapter 19.
3. A notice of this action shall be printed once in the official newspaper of the municipality.
4. This Resolution shall take effect immediately.

ATTEST

Jacqueline B. Justice, RMC/Clerk

ATTEST

Eugene L. Glembocki, Mayor

RESOLUTION NO. 2013-72
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 April 23, 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. 2013-73

**RESOLUTION SETTING FORTH REASONS, AS REQUIRED BY NJSA 40:55D-62,
FOR ADOPTING A ZONING ORDINANCE THAT REDUCES CERTAIN DENSITY
RECOMMENDATIONS OF THE MASTER PLAN**

WHEREAS, the Township Committee of the Township of Dennis was presented by the Township of Dennis Consolidated Land Use Board with a Master Plan that included certain recommendations for density of units of construction for certain areas of the Township; and

WHEREAS, the Township Committee intends to adopt a newly revised Zoning Ordinance which incorporates the recommendations of the new Master Plan; and

WHEREAS, the Township Committee on February 19, 2013, indicated its intention to reduce the density of the TCC (Town Center Core) in the Ocean View Town Center from five units per acre to three units per acre; and

WHEREAS, the Township Committee plans to adopt the aforementioned Zoning Ordinance with this change in density as a part thereof, which would be inconsistent with the Ocean View TCC section of the Master Plan; and

WHEREAS, the Township Committee believes that the lesser density is more reflective of the nature of the Township as a less dense community with more open area and increased light, air and space between structures; and

WHEREAS, the Township Committee believes that the lesser density will allow for a more modest build out of the Ocean View TCC, while still allowing for reasonable development and providing the potential for future compliance with housing element requirements; and

WHEREAS, the Township Committee believes that the lesser density is in the best interests of the health, safety and welfare of the community as a whole;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, in the County of Cape May and the State of New Jersey, duly assembled in public session this 23rd day of April, 2013, as follows:

RESOLUTION NO. 2013-73

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1. That the preamble to this Resolution is hereby adopted as the finding of fact of the Township Committee;
2. That this Resolution is adopted in compliance with NJSA 40:55D-62 and shall be adopted only upon the affirmative vote of the majority of the full governing body (at least 3 of 5 votes); and
3. That this Resolution, upon adoption, shall be recorded in full in the minutes of the meeting of its adoption and the introduction of the aforementioned Zoning Ordinance.

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 April 23, 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. 2013-74

**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:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual, unless the individual concerned (or in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body. UnionNegotiations – UFCW & IBEW.

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- (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving, the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) 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.
- (8) 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.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

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 April 23, 2013, that an Executive Session closed to the public shall be held on April 23, 2013 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.

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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

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 April 23, 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