

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
APRIL 23, 2013**

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

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

Mayor Glembocki requested that the roll call be carried over from the Board of Health Meeting which reflected DiCicco, Murphy, Germanio, Teefy and Glembocki present.

Mayor Glembocki asked that everyone please stand for the flag salute, moment of silence and reading of the names of the lost soldiers.

Committeeman DiCicco read the names of the fallen soldiers. Deputy Mayor Teefy requested a moment of silence for the victims of the Boston Marathon Bombing as well.

The Mayor indicated that up for discussion are the quotes for the Employee Assistance Program. The Committee reviewed the 3 quotes and indicated that they would proceed with proposed Resolution No. 2013-72 which is on the consent agenda and award to the low bid of Shore Counseling, LLC.

Mayor Glembocki indicated that the Committee would now have the public comment period on our Agenda items and anyone wishing to address the Committee on the Agenda items may do so at this time by coming forward and stating their name and address for the record.

There being no comment from the public on agenda items, Mayor Glembocki questioned the Committee if they had any questions or concerns with the consent agenda.

Committeeman DiCicco requested that the Engineer, Mr. Gibson, review the core changes within the Zoning Ordinance No. 2013-03. Mr. Gibson indicated that most of the changes center around the centers and he recommended reviewing the copy of the ordinance that showed the changes. Committeeman DiCicco asked if there were any changes to the Zoning Map. Mr. Gibson indicated that other than the centers there were only 2 changes that the Committee had authorized, the change in Eldora on the farmland piece going from Conservation to R3 and a five acre section in the Marina zone.

There being no further comment from the Committee regarding the consent agenda, Mayor Glembocki asked for a motion approving the consent agenda, motion was made by Teefy, seconded by Murphy, with 5 ayes and no nays, that the consent agenda be adopted.

The following Resolution Nos. 2013-70 thru 2013-72 were apart of the consent agenda and hereby approved.

**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 23<sup>rd</sup> 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.

**ATTEST**

Jacqueline B. Justice, RMC/Clerk

**ATTEST**

Eugene L. Glembocki, Mayor

#### **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

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

**TOWNSHIP OF DENNIS**

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

**ORDINANCE NO. 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” & “ZONING” RESPECTIVELY.**

**Statement:**

This ordinance repeals and replaces Chapter 165 and Chapter 185 of the Code of the Township of Dennis entitled, “Subdivision of Land” & “Zoning” respectively. The ordinance incorporates the recommendations of the new Master Plan, including a reduction in density of the TCC (Town Center Core) in the Ocean View Town Center from five (5) units per acre to three (3) units per acre. It also amends the Zoning Map to expand the Marina Zone to encompass an existing Marina and changes an Eldora area from Conservation Zone to R3 Zone.

Copies of the ordinance may be obtained, at no charge, between the hours of 8:30 a.m. and 4:00 p.m. Monday thru Friday at the Administration Office located at 571 Petersburg Road, Dennisville, NJ up to the time of the Public Hearing.

The foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Dennis held on April 23, 2013. Publication will be held on May 08, 2013 and a Public Hearing will be held at a regular meeting of the Dennis Township Committee to be held at the Municipal Building, 571 Petersburg Road, Dennisville on June 03, 2013 at 4:00 p.m.

**ATTEST**

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

Motion was made by Murphy, seconded by Germanio, with 5 ayes and no nays, that the following resolution was adopted:

**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 23<sup>rd</sup> day of April, 2013, as follows:

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

Motion was made by Murphy, seconded by Germanio, with 5 ayes and no nays, that the following resolution was adopted:

**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:

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.

**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.

**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 Teefy, with all in favor that providing that proper vouchers have been and filed and that funds are available, the following bills are authorized to be paid:

**GENERAL ACCOUNT:**

035666-Twp of Dennis Payroll Account	\$ 50,471.99
035667-A.C. Moore, Inc.	30.17
035668-Advantage Rental Center, Inc.	86.40
035669-Atlantic City Electric	4,000.92
035670-A T & T	100.35
035671-Airline Hydraulics Corp.	29.34
035672-Blaney & Donohue, PA	1,039.50
035673-Cape May County M.U.A.	11,787.07
035674-Cape May Technical High School	400.00
035675-Computer Access Systems	79.25
035676-Nelson B. Creamer	152.11
035677-Daycare Cleaning Service, Inc.	1,903.08
035678-Delta Dental	2,904.31
035679-Dunbar Armored Inc.	342.30
035680-Mike Gardner Plumbing	1,107.66
035681-Mike Gardner & Son, Inc.	193.62
035682-The Gem Grocery & Gas	384.38
035683-John C. Gibson, P.E.	3,750.00
035684-G & K Services, Inc.	646.18
035685-Gerald C. Harris	140.90
035686-Herald Newspaper, Inc.	631.80
035687-Home Depot Credit Services	284.79
035688-Genuine Parts Company	520.30
035689-Johnson & Towers, Inc.	2,798.55
035690-Keen Compressed Gas Co., Inc.	20.57
035691-Maser Consulting, P.A.	570.00
035692-McManimon, Scotland	1,744.30
035693-Modern Gas Co., Inc.	977.28
035694-North American Benefits Co.	220.93
035695-NJ Dept Health/Senior Services	48.00
035696-S.S.C.I.	40.00
035697-Staples Credit Plan	159.84
035698-Treasurer, State of New Jersey	25.00
035699-Township of Upper	4,080.92
035700-Verizon	1,465.48
035701-Vision Service Plan	882.68

Motion was made by Teefy, seconded by Germanio, all in favor and the motion carried, that the following Administrative Reports were adopted:

Engineer's Report

04/23/2013

The Mayor indicated that we will now have the second public comment period. Anyone wishing to address Township Committee may do so at this time by coming forward to the microphone and stating your name and address for the record. He asked if you have commented earlier in the meeting, please limit your comments to items not previously discussed.

Carol Donovan of Academy Lane in Ocean View commented on her concerns with Pine Haven Campground. She questioned the status of Mr. Gibson's review of their approved site plan and whether or not they were in compliance with those requirements. Ms. Donovan also commented on information she found on the internet about Pine Haven and the advertisement of cabins that sleep 9 and have flat screen tvs. She indicated that in light of this she has additional concerns regarding the parking for all of these. The Committee discussed the location of the "cabins" and whether they were registered as trailers. Mr. Donohue commented on a tax court decision regarding these types of trailers which ruled they are considered trailers.

Mr. Gibson indicated that he and the previous engineer signed off on Phase I which conforms with their requirements. He commented on the number of sites which was confirmed by the Construction Official and indicated that he the size is not under the Township's jurisdiction. Mr. Gibson indicated that he is currently looking into requirements for the pool.

Ms. Donovan continued to comment on her concerns regarding the trailers and parking and condition of the roads (dirt, paved, etc). Mr. Gibson reiterated that the Phase I items conformed with their approved site plan. Committeeman Murphy questioned the planting of trees and Mr. Gibson commented on planting that had been done.

Ms. Donovan commented on the plans that showed when the trailers moved with the Committee. Mayor Glembocki confirmed with Mr. Gibson that they complied. Mr. Donohue clarified Mr. Gibson's comments regarding the conformity. Ms. Donovan commented on wanting to review the plans and Committeeman DiCicco indicated that he would set with her and review the plans. Ms. Donovan requested a tour of the campground and Committeeman DiCicco indicated that Mr. Gibson would look into it.

The Mayor asked for comments from the Committee.

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

Committeeman DiCicco commented the School's Strategic Plan. He indicated that Mr. Miller has offered April 30<sup>th</sup>, May 2<sup>nd</sup> or May 6<sup>th</sup> as possible dates to meet with Committeeman Germanio and himself to discuss joint venture with Comcast regarding Channel 2. Committeeman DiCicco also commented on the status of the South Jersey Gas project.

Committeeman Germanio indicated that he had reached out to South Jersey Gas representative Deb Spinella and the issue remains on the number of residents that must commit to converting.

The Clerk indicated that she had been advised by the President of the Dennisville Historic Home Owners Association that they would be conducting a door to door canvas regarding the South Jersey Gas Project. The Committee discussed the number required by the gas company

to proceed and the possibility of including other areas. The Committee also commented on the costs associated with doing a whole conversion and perhaps they could just commit to converting their hot water heater. Committeeman Murphy commented on the process.

Committeeman Germanio commented on the dedication ceremony for the Michael Fisher Hockey Rink scheduled for June 2<sup>nd</sup> at 1:00 p.m. He indicated that there would be skating and Cat Country broadcasting and that they would be accepting donations for an AED cabinet. Committeeman Germanio indicated that local business, Papa Luigi's donated. Committeeman Germanio indicated that Labor Counsel, Mr. Blaney, had looked into the issue of C.P.W.M. and requested that Mr. Blaney explain.

Mr. Blaney commented on his review of using an existing employee's C.P.W.M. certification and indicated that it could be done. Mr. Blaney and Deputy Mayor Teefy will meet with the employee.

Committeeman Germanio requested that Mr. Donohue comment on the proper way to address outside boilers in Dennis Township. Mr. Donohue indicated that this is an issue in several areas not just Dennis Township. He shared with the Committee Lower Township's attempt to ban their use. Mr. Donohue commented on court complaints filed under Lower's noxious odor ordinance and the charges being reversed by the Superior Court because it was preemptive by the State regulations. He commented on the difficulty of enforcing the State regulations and indicated residents could contact the County Health Department as well as the NJDEP. Mr. Donohue commented further regarding to regulating and possible restrictions thru Zoning. Committeeman Germanio asked if he recommended that drafting a letter to the Consolidated Land Use Board asking for their recommendation. Motion was made by Germanio, seconded by Teefy, that the Solicitor send a letter to the Consolidated Land Use Board and the Natural Resources Committee requesting their recommendation regarding outside boiler regulation. The motion carried with all in favor. The Committee discussed the differences of woodstoves, fireplaces, etc. with Mr. Donohue.

Mr. Donohue indicated that he had the opportunity to discuss the speeding issue on Petersburg Road with the Freeholder Director who indicated that he would like to have a letter from the Township Engineer which would prompt them coming out and possibly doing a traffic study. Mr. Donohue indicated that he would work with Mr. Gibson to get that letter out.

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

Mayor Glembocki indicated that this month will have two great causes, Donate Life where you can register to be an organ donor and Autism Awareness.

Motion was made by Teefy, seconded by Murphy, with all in favor that the Township Committee take a brief recess prior to the Executive Session.

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

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