

**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE –
SEPTEMBER 17, 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

Discussions:

Best Practices Inventory.

Public Comment on Agenda Items:

Review of Consent & Regular Agenda Items:

Consent Agenda

Motion	Authorizing the Mayor to execute the Business Associate Agreement with Marsh & McLennan Agency regarding the "Final Rule".
Res. #2013-122	Appointing a Municipal Alliance Coordinator. (Anthony McCurdy).
Res. #2013-123	Certifying the Governing Body Reviewed the 2013 Best Practice Inventory.

Regular Agenda:

Res. #2013-124	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 .</u>
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**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE -
SEPTEMBER 17, 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

Tax Collector's Report August, 2013
Engineer's Report 09/17/2013

General Public Comments

Committee Comments

Executive Session

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 - Collective Bargaining – Negotiations with United Food & Commercial Workers Union Local 152.

Adjournment

LFN 2013-20

September 3, 2013

Local Finance Notice

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Distribution
 Municipal Clerks
 Chief Financial Officers
 Municipal Elected Officials

CY 2013/SFY 2014 Best Practices Inventory

The State's Fiscal Year 2014 Appropriations Act (P.L. 2013, c.77) requires the Division of Local Government Services ("Division") to determine how much of each municipality's final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory ("Inventory") to be completed by each municipality. The Inventory encourages municipalities to embrace practices that promote financial accountability and transparency. This Local Finance Notice provides guidance on how the Division will implement this statutory requirement.

Municipalities operating on a Calendar Year or Transition Fiscal year (SFY reversions) must return their completed Inventory to the Division by **October 15, 2013**. Those municipalities operating on State Fiscal Year budgets must return their completed Inventory by **April 1, 2014**. Completion and filing instructions are included in an Appendix to this Notice. Weblinks are provided on the bottom of the Inventory to items cited in questions 4, 5, 9, 13, 17, 29, 33, 40 and 50.

The CY2013/SFY2014 Inventory remains 50 questions, 12 of which are completely new. In light of the Comptroller's recent report on local government legal fees, one question asks whether your municipality follows certain best practices with respect to its legal work. Another new question highlights the need for municipalities to review their emergency management plans in light of Superstorm Sandy.

For purposes of clarification, some repeat questions may be in a different form as compared to last year; however, the same information is being sought. Perfect scores are not required to receive the final 5% State aid payments.

Items of note include:

- 1. User Friendly Format.** The Inventory is in the form of an Excel worksheet that must be filled out and emailed to the Division. In addition to allowing "yes" or "no" answers, for certain questions the form allows the option of answering each question as "not applicable" or that compliance will be "prospective." "Not applicable" is only an appropriate answer if a municipality concludes that the requirement is impossible to meet given the municipality's circumstances.

Using "not applicable" requires an explanation of why it is not applicable in the "comment" space provided. The "prospective" answer should only be used to indicate that compliance with a practice will be forthcoming in the upcoming year based on good faith efforts and direction from appropriate officials to implement the practice. The spreadsheet automatically computes the score, with "prospective" and "not applicable" counted as positive answers for purposes of scoring.

2. **Repeat Questions cannot be answered "Prospective".** These are questions the Division found to be critical performance measures worthy of continued monitoring. The CY2013/SFY2014 Inventory will not allow an answer of "prospective" to any question color keyed in red or green. As stated in Local Finance Notice 2012-18, a "prospective" answer in the prior year's Inventory reflected a commitment toward compliance in the upcoming year. The Division will actively review completed Inventories and may withhold credit if requisite good faith efforts to comply are not apparent.

3. **Certain Questions Cannot Be Answered "Non-Applicable".** The Division has identified certain questions that should be applicable to all municipalities. As a result, answers of "non-applicable" will not be allowed for those questions color-coded blue or green.

4. **Criteria for Withholding Aid.** This year's criteria withholds aid in an identical manner to that used in last year's inventory, using a sliding scale up to the full amount of final aid payment:

# of Questions scored yes, prospective, or "not applicable"	Amount of Aid Disbursed	Impact on final 5% aid payment/impact on total aid
41-50	100%	No penalty
33-40	80%	Lose 20% which equals 1% of total aid
25-32	60%	Lose 40% which equals 2% of total aid
17-24	40%	Lose 60% which equals 3% of total aid
9-16	20%	Lose 80% which equals 4% of total aid
0-8	0%	Lose 100% which equals 5% of total aid

5. **Appeals Permitted.** The State Appropriations Act requires the Director of the Division of Local Government Services to exercise discretion and flexibility in scoring the Best Practices Inventory and reasonable accommodations will be considered where circumstances warrant. Appeals to the Director must be submitted **no earlier than the submission deadline, but no later than October 25, 2013 (or April 11, 2014 for SFY Municipalities).**

Important changes to the Inventory include:

- **Inventory Certification.** The municipality's Chief Administrative Officer, in addition to the Chief Financial Officer, must certify this year's Inventory; the space for which is provided on the worksheet. The Division made this change due to the varied nature of the questions being asked. Both officials must provide their certification number for all licenses they have been issued by the Division of Local Government Services.
- **Governing Body Acknowledgement.** As for the governing body's acknowledgement, the completed form must be an agenda item for discussion at a municipal governing body meeting. In contrast to last year's process, the Municipal Clerk must certify **on the worksheet** that the Inventory and the results thereof were discussed publicly, with the inventory results and the certification of same by the chief administrative and financial officers referenced in the meeting minutes. There is no separate certification submission

for municipal clerks this year. The purpose of the acknowledgement requirement is to ensure that local officials have been apprised of their municipality's Best Practices Inventory response.

- **No Inventory Amendments Permitted Except Upon Appeal to Director.** Once the municipality's Best Practices Inventory is transmitted to the Division, the worksheet cannot be amended and resubmitted except by making an appeal to the Director through the process outlined on Page 2.

Approved: Thomas H. Neff, Director.

APPENDIX**INSTRUCTIONS TO COMPLETE AND SUBMIT THE CY 2013/SFY 2014
BEST PRACTICE INVENTORY**

Step 1 -- Download the Excel spreadsheet from the Division's Best Practice webpage at http://www.nj.gov/dca/divisions/dlgs/programs/best_practices.html. The worksheet is locked and allows access only to relevant fields.

Step 2 – Select Name of Municipality: follow the instruction at the top of the worksheet. (Click in cell C1, then click on the down arrow on the right side of the cell, then choose the name of municipality.)

Step 3 – for each inventory question, click in the "Select" cell in Column C and choose the appropriate response.

For those questions that permit a non-applicable answer, if the answer to a question is "Not Applicable" insert an explanation in the "comment" cell (Column E). The cell can expand to fit the size of the comment.

Step 4 – The Chief Administrative Officer and Chief Financial Officer for the municipality insert their name, certifying to the application's accuracy, and provide any license number that has been issued to them by the Division of Local Government Services. For example, if a certified Chief Financial Officer is also a Certified Tax Collector, their CTC license number should also be provided.

Step 5 – The Municipal Clerk will certify that the Inventory results, and the certification of same by the Chief Administrative Officer and Chief Financial Officer, was discussed with the governing body at a public meeting and will be incorporated into the minutes thereof.

Step 6 – Save the file using the following naming structure: *2013_best_practice_XXXX.xls* and replace *XXXX* with the municipality's 4-digit municipal code # (it appears in Cell B2 after the municipality's name is chosen).

Step 7 – Email the worksheet to: bestpractices@dca.state.nj.us Please include in the Subject Line the name of the municipality and the phrase "Best Practice Submission."

Email questions concerning completing the worksheet to dlgs@dca.state.nj.us. The deadline for submitting the CY 2013 filing is October 15, 2013; the SFY 2014 deadline is April 1, 2014.

Best Practices Worksheet CV 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504		
Answer	Question	Comments
General Management - GM		
yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement in the preceding year?	
no	Has your municipality reviewed its policies and staffing requirements for providing traffic safety around utility and construction work, and implemented policies to assure that the most efficient and cost-effective approach is taken? Traffic safety policies for utility and construction work should balance the interests of public safety with those of controlling costs. For example, uniformed police officers controlling a cul-de-sac may be excessive; while parking a policeman in a patrol car on a major highway to act in lieu of a "crash truck" may be insufficient and could endanger the officer. An appropriate traffic safety plan should include parameters governing when police officers, flag men and safety apparatus are used in different circumstances.	
yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles, and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)?	
yes	Has the appropriate administrative official reviewed the <u>State Comptroller's June 25, 2013 Report</u> with respect to local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?	

Best Practices Worksheet CV 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504	Answer	Question
		Comments
yes	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	
yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget including the full adopted budget for current year when approved by governing body; most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; easily accessible contact information for elected and appointed officials, municipal administrator or manager, municipal clerk, police chief, municipal court administrator and all department heads; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
no	Does your municipality require its elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology etetera)? This item may also be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations.	
yes	Are ordinances codified on an annual basis, with both the code and any uncodified ordinances (including salary ordinances) made available online?	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504		
	Question	Comments
9	<p>With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term? An example of such analysis can be found on the "<u>PERC Summary Form: Public Sector: Non-Police and Non-Fire</u>;" <u>Section V Impact of Settlement</u>" and "<u>PERC Summary Form: Police and Fire</u>;" <u>Section VII Impact of Settlement</u>"</p>	
Financial Standards & Requirements		
10	<p>Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. Does your CFO evaluate and discuss this risk assessment annually with your governing body or an appropriate subcommittee of the governing body (such as the Audit or Finance Committee) with a focus on developing accounting control processes, procedures and authorizations designed to limit the risk of loss or misstatement?</p>	
11	<p>An accounting policy manual documenting all internal accounting control processes, procedures and authorizations is of great value for staff to understand these safeguards. Are internal accounting control processes, procedures and authorizations documented and communicated to staff?</p>	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Question	Comments
0504	Answer	
12	yes	
13	yes	
14	no	

With respect to note sales, proper disclosure and communication with potential bidders can yield optimal results for a municipality. Knowing when to sell on a negotiated or competitive basis, aggregating note sales as much as possible, along with casting a "wide net" to attract the maximum number of bidders for a competitive note sale, is critical to achieving the lowest possible interest rate. Is your municipality doing all of the following:

- 1) comparing any negotiated proposals with actual market data to assess whether a competitive sale is more optimal;
- 2) marketing note sales beyond publishing the notice required by N.J.S.A. 40A:2-30 and beyond displaying a notice on your municipal website;
- 3) consolidating note sales to a single sale per year, unless unexpected circumstances lead to an unavoidable need for a second sale;
- 4) issuing a prospectus, official statement or other document to potential lenders disclosing all material financial and budget information; and
- 5) refraining from conducting competitive note sales around the time of major holidays (such as, but not limited to, the period between Christmas and New Year's Day) except only changes in energy markets could potentially offer substantial savings for local governments. Local Finance Notice 2012-12 provides important guidance on the competitive procurement of energy. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) whether the cooperative or competitive procurement of energy would benefit your municipality?

Having a Finance Committee can provide an efficient means to represent the governing body by performing in depth research, plans and reviews in fiscal areas such as audit, budget and accounting workflow rules, as well as evaluating vendor, professional and labor contracts. Does your municipality have a Finance Committee made up of at least one governing body member, the chief administrative officer, CFO, head purchasing agent and other appropriate personnel, as may be needed, that meets at least monthly and discusses all significant financial issues?

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Question	Comments
0504		
Answer		
15	<p>yes</p> <p>Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2011 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2012 audit? If the answer is no, please list the repeat findings in the comments section and, upon appeal by the municipality, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a "no" answer.</p> <p>The CFO should be capable of preparing the annual financial statement, annual debt statement and budget schedules. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At a minimum, each CFO should prepare balanced and reconciled financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract information necessary to prepare financial and debt statements. This requires that, within acceptable tolerance, all financial transactions (cash and non-cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. A "yes" answer is appropriate for this question if 1) your CFO prepares the annual financial statement, annual debt statement and annual</p>	
17	<p>yes</p> <p>The Local Finance Board recently adopted new rules, outlined in <u>Local Finance Notice 2013-17</u>, expanding municipalities' ability to purchase goods and services with procurement cards. The most significant change is the elimination of the prior per-transaction monetary limitation on P-Cards (15% of local unit's bid threshold) where a Qualified Purchasing Agent manages a local unit's P-Card program. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) how and whether a procurement card program could benefit the municipality or, if a procurement card program already exists, whether the program complies with the new regulations?</p>	

Best Practices Worksheet - CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504	Answer	Comments
	Question	
18	yes	
	Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues, along with their corresponding appropriations, reviewed at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?	
Budget Preparation and Presentation - BP		
9	yes	
	Has your municipality fully and accurately disclosed in the "Budget Message" section of your CY2013/SFY 2014 budget the following: Revenues at Risk; Non-Recurring Cost Reductions; Anticipated CY2014/SFY 2015 Appropriation Increases; and Structural Balance Offsets as detailed in <u>Local Finance Notice 2011-37</u> ?	
20	yes	
	In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?	
21	yes	
	In preparing your annual budget for the current year it is important that the impact that these decisions may have on future years' budgets be presented, evaluated and considered before final action is taken. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical toward sustaining (or achieving) a solid fiscal condition. Are projections calculated and discussed in sufficient detail so that the governing body understands the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two (2) future year's budgets?	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504		
	Question	Comments
22	N/A Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in the event a lender calls in the guarantee?	
23	Do elected officials receive status reports at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?	
24	Given the potential fiscal impact of property tax appeals on municipalities, the Tax Assessor and CFO should review the status of filed appeals on a regular basis to determine their effect on future budgets and plan accordingly. With input and approval from the governing body, this plan should include an evaluation of current assessment values and should consider setting aside an adequate estimated reserve to fund potentially successful state tax court appeals. <u>Has your municipality considered a property reassessment/reevaluation to counter the effect of successful residential tax appeals?</u> In answering this question, a yes answer indicates that the municipality either 1) determined after reviewing assessed values that a reassessment/reevaluation is unnecessary due to assessed values accurately reflecting market values (resulting in a small number of successful appeals); or 2) if the impact of appeals is significant, a revaluation plan has been filed with your County Board of Taxation.	
25	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?	

Best Practices Worksheet CV 2013/SFY2014

Dennis Township (Cape May)		
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	Question	Comments
0504	Answer	
26	no N.J.S.A. 40A:4-62.1 allows for the creation of a dedicated trust fund to reserve funds budgeted during years with relatively little snowfall for use in future years when excessive snowfalls may exceed budgeted funds. In your 2013 Budget, has your municipality appropriated at least the average of snow removal expenses incurred over a minimum of 3 years?	
27	yes Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)?	
28	yes Does your municipality conduct a monthly review of health benefit covered lives itemized on health insurance invoices to determine that health insurance invoices do not include employees, former employees, spouses or dependents who should no longer be receiving coverage?	
29	yes As explained in Local Finance Notices 2011-20R and 2011-34, P.L. 2011 c. 78 requires employees to contribute toward healthcare based on a percentage of total premium cost, subject to a four-year phase-in. Has your municipality implemented the employee healthcare contribution provisions contained in P.L.2011 c. 78?	
30	no Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. <u>If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments set at a flat-fee rather than on a commission basis (so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees)?</u>	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Question	Comments
0504	Answer	
31	N/A The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. If your municipality has non-SHBP coverage, as your collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP or another non-SHBP plan of lesser cost?	
32	n/a If your municipality does not participate in the State Health Benefits Program (SHBP), have competitive proposals for health insurance been solicited in the last three years (including from the Division of Pensions and Benefits for SHBP health insurance coverage)?	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Question	Comments
0504	Answer	
33	<p>yes</p> <p>N.J.S.A. 43:15A-7.2 and 43:15C-2(b)(4) preclude independent contractors and individuals performing professional services for any municipality or agency (e.g. municipal attorney, auditor, planner) under a professional services contract awarded pursuant to the Local Public Contracts Law from membership in the Public Employees' Retirement System (PERS) and Defined Contribution Retirement Program (DCRP). This is discussed further in Local Finance Notice 2007-28. Has your municipality reviewed the status of your independent contractors and professional services providers to ensure they are not deemed eligible for PERS and/or DCRP?</p>	
34	<p>no</p> <p>The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, municipal managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and are not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with your labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA?</u> In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training sessions</p>	
35	<p>yes</p> <p>N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC?</p>	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Question	Comments
36	yes Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel and additional documents that would allow the public to view how your municipality's salaries have changed over a three year period?	
37	yes Accurate records of employee time are critical not only for financial accountability but also effective management of your workforce. Is your municipality ensuring that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?	
38	no Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?	
39	yes Does your municipality limit the carry forward of accrued vacation time to no more than the amount earned in the previous year (meaning no employee hired after the effective date of the limitation policy can keep in any given year more vacation time that they earned in the prior year)?	
40	yes Does the municipal governing body approve all payments for accumulated absences pursuant to the requirements of <u>N.J.A.C. 5:30-15.4</u> , as discussed in <u>Local Finance Notice CFO-2002-1</u> ?	
41	yes Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?	

Best Practices Worksheet CV 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504	Question	Comments
Answer		
42	yes	
	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?	
43	no	
	The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. Does your municipality limit benefits for work-related injuries to the above statutory benefit? The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
44	yes	
	The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$584 for disabilities beginning on or after 1/1/13. Does your municipality refrain from supplementing the Temporary Disability benefit? The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
45	yes	
	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?	
46	yes	
	For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0504		
Answer	Question	Comments
47	yes	
<p>Has your municipality 1) reviewed within the past year its master plan and zoning ordinances and, if changes are recommended by your engineer, planner or land use board to ensure greater resiliency in the face of flooding and storm damage, with a plan to implement such changes; and 2) amended your zoning ordinances as necessary to allow homeowners to raise conforming structures to the Base Flood Elevation (BFE) set by the new FEMA maps?</p>		
48	yes	
<p>Has your municipality within the past year reviewed and updated as necessary its emergency management plan, taking into account lessons learned from the impact of Superstorm Sandy and other recent natural disasters? <u>P.L. 2013, c. 37, known as the "Sandy Integrity Monitor Law", requires the State Treasurer to assign monitors to recovery and rebuilding-related contracts \$5 million or above, and grants the Treasurer discretion to assign monitors on contracts below \$5 million. Pursuant to authority granted under the law, all Sandy-related recovery and rebuilding contracts over \$2 million awarded by local governments must be reported to the State Department of Treasury. Please access Treasury's Sandy website at http://www.state.nj.us/treasury/news-sandy.shtml for more information on your municipality's responsibilities under the Sandy Integrity Monitor Law.</u> Has your municipality reported all Sandy-related contracts over \$2 million to the State Treasurer?</p>		
49	n/a	
<p>Has your municipality reported all Sandy-related contracts over \$2 million to the State Treasurer?</p>		
50	yes	
<p>A municipality's participation in FEMA's National Flood Insurance Program Community Rating System can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system, and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm. Does your municipality have a Community Rating System ranking of at least Class 9?</p>		

Best Practices Worksheet CY 2013/SFY2014

Dennis Township (Cape May)		
0504	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
0	Select	
38	Yes	
8	No	
4	N/A	
0	Prospective	
50	Total Answered:	
42	Score (Yes + N/A + Prospective)	
84%	Score %	
0%	Percent Withheld	
	Chief Administrative Officer's Certification	
	I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.	Certification #(s)
	Name & Title	Date
	Chief Financial Officer's Certification	
	I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.	CMFO #N0055
	Name	Date
	Municipal Clerk's Certification	
	I hereby certify that the Governing Body of the <insert Municipality> in the County of <insert County> discussed the CY 2013/SFY 2014 Best Practice Inventory as completed herein at a public meeting on <insert date>, with the Inventory results, and the certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to be stated in the minutes of said public meeting.	Certification #(s)
	Name	Date



Maryanne C. Lyman, HIPAAA
Contract & Licensing Manager

Marsh & McLennan Agency LLC
66 Route 17 North
P.O. Box 285
Paramus, NJ 07653-0285

1 201 845 6000
1 866 795 0931
mlyman@mma-ne.com
www.marshmcclennanagency.com

Glenn Clarke
Township Of Dennis
571 Petersburg Road
Dennisville, NJ 08214

August 12, 2013

Subject: *Business Associate Agreement – The “Final Rule”*

Dear Glenn Clarke,

On January 25, 2013 the Department of Health and Human Services (HHS) published in the Federal Register modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act (HITECH) along with Genetic Information Nondiscrimination Act (the “Final Rule”).

The, Final Rule, requires covered entities (e.g.: our client’s health plans) to enter into an agreement requiring it’s business associate (e.g.: its employee benefits insurance broker) to implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected information that they create, receive, maintain, or transmit on behalf of the covered entity as it relates to your medical, dental, and or vision coverage as required by the Security Rule. This also ensures that any agent to whom they provide such information to agrees to implement reasonable and appropriate safeguards to protect the information. The general compliance date for the Final Rule is September 23, 2013.

As such, in order for both your company’s health plan and us to fulfill its HIPAA obligations, we ask that you sign the attached document and return it to Maryanne C. Lyman, HIPAAA via email: mlyman@mma-ne.com or fax (866) 795-1194.

If you should have questions regarding the enclosed document, please feel free to contact your Benefit Specialist or the undersigned directly.

Thank you.

Very truly yours,
Maryanne C. Lyman, HIPAAA
Contract & Licensing Manager

Copy: Kellie Seib

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-122

RESOLUTION APPOINTING A MUNICIPAL ALLIANCE COORDINATOR

WHEREAS, the Township of Dennis is entitled to \$6,062.00 in State Funds for the 2013 Municipal Alliance Grant Program; and

WHEREAS, Township Resolution No. 2012-100 authorized the Township to coordinate the 2013 Municipal Alliance Grant and appointed Monica DiVito as the Municipal Alliance Coordinator; and

WHEREAS, the Municipal Alliance Coordinator, Monica DiVito has resigned as the Municipal Alliance Coordinators effective 09/07/2013.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Anthony McCurdy, 75 Holly Glen Lane, Cape May Court House, NJ 08210 be appointed as the Municipal Alliance Coordinator for the.

BE IT FURTHER RESOLVED, that the new Coordinator's annual salary be \$4,500.00 effective 09/17/2013.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING :
ABSENT :

RESOLUTION NO. 2013-122
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 September 17, 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. 2013-123

**RESOLUTION CERTIFYING THE GOVERNING BODY REVIEWED THE
2013 BEST PRACTICE INVENTORY**

WHEREAS, the State of New Jersey, Department of Community Affairs, Division of Local Government Services requires the governing body of every local unit to review the Best Practice Inventory; and

WHEREAS, the 2013 Best Practice Inventory Questionnaire has been filed by the Chief Financial Officer and a copy has been received by each member of the governing body; and

WHEREAS, the Township Committee of the Township of Dennis, does hereby comply with the promulgation of the Division of Local Government Services of the State of New Jersey.

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Dennis does hereby direct the Municipal Clerk to forward a certified copy of this resolution and the required affidavit to said Division to show evidence of compliance.

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

PRESENTED BY:

SECONDED BY:

ROLL CALL VOTE:

AYES :
NAYS :
ABSTAINING:
ABSENT :

RESOLUTION NO. 2013-123
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 September 17, 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. 2013-124

**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.

- (5) Matters Relating to the Purchase, Lease or 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 September 17, 2013, that an Executive Session closed to the public shall be held on September 17, 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

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 September 17, 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

Collector's Report of Receipts and Disbursements

To the COMMITTEE of the TOWNSHIP of DENNIS, N. J.

Gentlemen:

I herewith submit to you my report of Receipts and Disbursements for ^{year} ending:

AUGUST 31 2013

Dated SEPTEMBER 11 2013

Michele T. Heim, CTC
MICHELE T. HEIM, CTC Collector.

COLLECTIONS

Taxes Year 2013	2,697,742.32								
" " 2014	160,606.53								
" "									
" "									
" "									
Gross Receipts Tax, Year									
Franchise Tax									
Property Redeemed									
Interest and Costs	1,567.34								
Fees for Searches									
<u>TOTAL Receipts</u>	2,859,916.19								
Discount on Taxes									
<u>Net Receipts</u>	2,859,916.19								

DISBURSEMENTS

Paid to Treasurer	2,859,916.19								
Total Disbursements	2,859,916.19								
Cash on hand AUGUST 31, 2013	100.00								

Remarks:

ENGINEERS REPORT: September 17, 2013

The perimeter fence at the "Cape Con "soil extraction facility on Rte. 83 has been completed and the twenty four hour security has been discontinued.

I inspected the location and approved a South Jersey Gas Company road opening application on Eddie Lane.

I inspected a small sink hole by a catch basin on West Halbe Lane as requested. It was promptly corrected by Public Works.

Mario and I inspected a "Sandy" damaged property in Eldora as requested.

I continue to review the Dennis Township section of the Cape May County recently released FEMA Work maps .I notified the DEP that I would be the"contact person" for updating the flood damage prevention ordinance.

I expect to attend the NJ Pinelands hearing regarding our new master plan and Zoning and Subdivision Ordinances on October 2.

RESPECTFULLY SUBMITTED,

JOHN C. GIBSON, P.E. 9/17/2013