

**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE –
NOVEMBER 19, 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/Presentations:

Alma George of the Natural Resources Committee will be present to discuss the Outside Wood Furnaces ordinance they have been working on.

Public Comment on Agenda Items:

Review of Consent & Regular Agenda Items:

Consent Agenda

Minutes	Approval of the September 17, 2013 (Regular).
Res. #2013-136	Authorizing the Execution of the Construction Agreement, Mortgage and Mortgage Note for the Emergency Housing Rehabilitation Under the Recaptured Funds of the Small Cities Program – 48 Ocean View Drive.
Res. #2013-137	Authorizing the Refund of Various Planning/Zoning Escrow Fees.
Res. #2013-138	Authorizing the Release of Performance Bond for Block 251, Lots 8, 9, 13-16, 18 & 22 – Pine Haven Campground.
Res. #2013-139	Approving the Emergency Appropriation of the Dennis Township Fire District #2 and Certifying said Approval to the Fire District.

Regular Agenda:

Res. #2013-140	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>
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**REGULAR MEETING OF THE DENNIS TOWNSHIP COMMITTEE –
NOVEMBER 19, 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	11/19/2013
Administrator's Report	11/19/2013

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 & the International Brotherhood of Electrical Workers Local 1293.

Adjournment

Township of Dennis

County of Cape May

State of New Jersey

Statement: Although the use of outdoor wood furnaces may provide an economical alternative to other heating systems, reasonable concerns have been raised regarding the safety and environmental impacts of their use. It is recognized that Outdoor Wood Furnaces potentially create noxious or hazardous smoke, soot, fumes, odors, and air pollution. Their operation can be harmful to human health and deprive neighbors of the enjoyment of their property. It is the purpose of this ordinance to establish and impose restrictions on the construction and operation of currently operating and proposed future outdoor wood furnaces in order to promote and safeguard public health, safety, and comfort of residents of the Township of Dennis.

Ordinance 2013 _____

This ordinance amends the code of the Township of Dennis in Cape May County, New Jersey by adding a new chapter to the code entitled, “**Outdoor Wood Furnaces**”.

Be it enacted by the Township of Dennis as follows:

Ordinance ____ concerning **Outdoor Wood Furnaces**, also referred to as **Outdoor Wood Boilers, Outdoor Wood-Fired Hydronic Heaters** reads as follows:

1. Definitions

A. Outdoor Wood Furnace: any device, appliance, apparatus, equipment, or any component thereof, which is installed or situated out of doors for the purpose of combusting fuel to produce heat or other energy to be used for the purpose of providing heat for an interior space or water source.

For the purpose of this definition, and this ordinance, **Outdoor Wood Furnace** can also be referred to as an **Outdoor Wood Boiler, Outdoor Wood-Fired Hydronic Heater, or Outdoor Hydronic Heater**.

B. Outdoor Wood Pellet Furnace: any device employing wood pellets or biomass pellets for the same purpose as described in Definition A.

C. Chimney: flue (or flues) that carry off exhaust generated by the firebox or burn chamber of an Outdoor Wood Furnace.

D. EPA HH (Hydronic Heater) Phase 2 Program. A program administered by the US Environmental Protection Agency which defines the particulate matter emission limit of .32 parts per million BTUs output.

E. Qualified Model: A hydronic heater that has been EPA HH Phase 2 Program qualified and is labeled accordingly.

F. Existing Outdoor Wood Furnace: Any outdoor wood furnace installed prior to the effective date of this ordinance.

G. New Outdoor Wood Furnace: Any outdoor wood furnace installed after the effective date of this ordinance.

H. Natural Wood: Wood that has not been treated, painted, varnished, or coated with similar material. Wood that has not been pressure treated with preservatives and contains no resins or glues.

2. Requirements for Outdoor Wood Furnaces

A. As of the effective date of this ordinance, no person shall build, install, operate, or maintain an Outdoor Wood Furnace other than in compliance with the terms of this ordinance.

B. No person shall operate an existing Outdoor Wood Furnace unless such operation conforms with that device's manufacturer's instructions regarding such operation and in compliance with requirements set down in this ordinance regarding specific fuel (s) permitted to be burned as set forth below.

C. No new "homemade" Outdoor Wood Furnaces are permitted. Only those devices designed and constructed by licensed manufacturers of outdoor wood furnaces will be considered for permitting.

D. All new Outdoor Wood Furnaces shall be constructed, established, installed, and operated only in conformance with manufacturer's instructions and the requirements set forth in this ordinance. In those instances where manufacturer's instructions may conflict with this ordinance, the terms of the ordinance shall apply with the sole exception of the instances in which the manufacturer's instructions are more stringent. In such instances, those instructions shall take precedence.

E. As part of the permitting process, any applicant seeking to install a new Outdoor Wood Furnace shall provide the manufacturer's owner's manual or installation instructions to the office of the Dennis Township Code Enforcement Officer, who will review said information as part of the permitting application process set forth below.

F. To be considered for permitting, any new Outdoor Wood Furnace must be lab-tested and listed to appropriate safety standards (such as UL, ANSI, or other applicable safety standards).

G. Any existing Outdoor Wood Furnace (see **F** under definitions) must obtain a permit from the Township of Dennis Code Enforcement Office or the appropriate officer designated by the Township of Dennis, in order to operate.

As part of the permitting process for an existing Outdoor Wood Furnace, code enforcement will conduct an on-site investigation of said device. If it is determined by that official that the device creates a verifiable nuisance, as defined by law (local, county, state, and/or federal), owner of said Outdoor Wood Furnace must:

- 1) Cease operating said unit until the cause of the nuisance is eliminated.
- 2) Complete modifications to the unit to eliminate the nuisance.
- 3) Have unit re-inspected prior to restarting to verify that the problem has been corrected.

H. Spark Arrestor. All Outdoor Wood Furnaces shall be equipped with a properly functioning spark arrestor.

I. Particulate Standard Requirement. No person will be permitted to install and operate and Outdoor Wood Furnace unless, at minimum, it meets a particulate matter emission limit of .32 parts per million BTU output. (This qualifies under EPA Phase 2.) (SEE ATTACHED.)

3. Additional Requirements for Compliance

In order to obtain and maintain approval to operate an Outdoor Wood Furnace shall be constructed, established, installed, operated, and maintained as follows:

A. Fuel: natural untreated wood, properly seasoned firewood, or wood pellets only. **All other materials are prohibited.** (See **Addendum** for a partial list of such materials.)

B. Setbacks:

1) Outdoor Wood Furnace must be located at least **300 feet** from any property line.

2) Outdoor Wood Furnace must be at least **300 feet** from any residence not served by said unit.

3) Outdoor Wood Furnace must be located in such a way that it complies with manufacturer recommendations and testing/listing requirements for combustible materials.

C. Chimney Height:

1) Chimney must be at least three feet higher than the peak of residence served.

D. Control Technology: All new or existing Outdoor Wood Boilers must install any control devices deemed necessary under DEP standards in effect at the time of installation, to reduce emissions of smoke and potentially harmful gases during start-up and reload.

4. Permitting.

A. New Outdoor Wood Furnace. Anyone wishing to install and operate said device must be granted a permit to do so from the local municipality through the **Code Enforcement Officer**

Cost per permit application is _____

In addition to this application fee, applicant must provide:

1) Site plan showing the exact location for the proposed Outdoor Wood Furnace. Site plan will also show all neighboring property lines and will show that the proposed site meets set back requirements as stated above.

2) Applicant will also provide information from the manufacturer of the Outdoor Wood Furnace to be installed. This information will show that the unit proposed falls within the requirements of this ordinance.

These requirements also apply to anyone seeking a permit for an existing Outdoor Wood Furnace.

B. Upon being granted a permit and prior to commencement of operation of the unit, Outdoor Wood Furnace and the site on which it is (or is to be) located will be inspected by the local municipal Code Enforcement Officer in order to verify compliance with the terms of the permit granted under the terms of this ordinance.

C. Should either the permit application be denied or pre-operation inspection result in that permit being revoked, applicant shall have the right of appeal.

In the first instance, a re-application for permit may be submitted with changes made to bring the application into compliance in accordance with the terms of this ordinance. Said reapplication will include a fee of _____. Further, the reapplication will require documentation showing that that the required changes were made.

In the second instance, when an approved permit is revoked as a result of an unsatisfactory site inspection prior to start-up, applicant must proceed, following the steps outlines in the paragraph above.

Further, applicant must submit to site re-inspection prior to start-up to establish that necessary changes have been completed to bring the Outdoor Wood Furnace into compliance with this ordinance.

5. Causes for Suspension of Permit

One or more of the following are cause for suspension of permit for operating an Outdoor Wood Furnace.

A. Emissions from Outdoor Wood Furnace fail to meet the standard established in New Jersey Air Pollution Regulations, NJAC 7:27-3, “Control and Prohibition of Smoke from Combustion of Fuel” The regulation stipulates that stationary indirect heat exchangers produce smoke for a period of no longer than three minutes in any consecutive 30 minute period.

B Malodorous air contaminants are detectable outside the property of the individual on whose property Outdoor Wood Furnace is located. Odors as air pollution are regulated under the Air Pollution Control Act, under NJAC 7:27-5.

Odor investigations are initiated by a complainant and are investigated and verified by individuals certified in odor investigations (such as the Cape May County Health Department Division of Environmental Health Services).

C Emissions from Outdoor Wood Furnace interfere with reasonable (neighbors) enjoyment of life and property as defined under NJAC 7:27-5.

D. If statutes cited above are superseded, rules promulgated under said amended statutes shall take precedence.

6. Complaints

Any resident who has secured a permit to install and operate an Outdoor Wood Furnace agrees to allow the applicable or designated Township of Dennis Code Enforcement official to inspect said device at any time after it has begun operation, if a complaint is filed in writing relative to a possible violation as delineated in this ordinance.

7. Enforcement.

The Cape May County Health Department Division of Environmental Health Services, acting on behalf of the Township of Dennis, shall have the authority to enforce the provisions of this ordinance and may issue such orders as are necessary to assist in the enforcement of same in response to a valid complaint.

Such orders may include, but are not limited to, order to cease use of an Outdoor Wood Furnace, order to take corrective action as determined by the township Code Enforcement Officer (or other designee), order to produce information if required to determine whether a public nuisance may exist.

Any order issued shall take effect upon notice. Any appeal of said order shall not supersede the order until, and if, the appeal is resolved in favor of the appellant.

8. Appeals.

In the event that further appeal is sought, or in such instances that an applicant wished to seek a variance to allow for installation of an Outdoor Wood Furnace that does not comply with the terms of this ordinance, such appeal or request for variance must be submitted in writing to the local municipal Land Use Board, following applicable procedures established by that body.

A. Criteria for variance. In deciding whether to grant or deny a requested variance, the primary consideration of the Land Use Board should be to weigh the benefit accruing to the applicant vs. the detriment to both adjoining neighbors and the community as a whole.

Factors to be considered include:

- 1) Health and environmental impact of smoke and soot on air and water quality

2) Quality of Life issues such as noise and aesthetics.

In addition, the board can determine if granting a variance will negatively impact the character of the surrounding community, including but not limited to neighboring properties. The board can also consider whether the sought variance represents the only recourse available to the applicant to obtain the benefit sought.

9. Violations and Fines.

Any person who installs and operates an Outdoor Wood Burning Furnace in violation of the terms of this ordinance shall be subject to a fine as follows:

First Offense violation of NJAC 7:27-3 range from \$300-\$1000 (depending on boiler capacity). First Offense violation of NJAC 7:27-5 begin at \$1000.

Failure to cease operation of an Outdoor Wood Furnace after an initial violation has been established shall incur subsequent fines for every day that the violation continues.

10. Severability.

The provisions established in this ordinance are severable. If any particular element should be subsequently found to be invalid, those elements of the law not so determined shall still apply.

11. Applicability.

This ordinance does NOT apply to grilling or cooking outdoors using charcoal, wood, propane, or natural gas in a cooking/grilling appliance. Nor shall it apply to outdoor recreational campfires, fire pits, or chimineas.

This ordinance does NOT apply to burning in a stove, furnace, fireplace, or other heating device self-contained within a residence.

12. Civil Proceedings.

In addition to procedures for establishing violations and fines for same, established above, any person who violates any provision of this law can be subject to a civil penalty of not more than

\$500, to be recovered by the Township of Dennis via civil action.

In addition, the violator may be held liable for all necessary costs incurred related to the prosecution of civil action, including, but not limited to, attorney's fees.

Such amounts shall be included on the next annual tax levy for the subject property.

Addendum.

Examples of materials prohibited for use in Outdoor Wood Furnace include: wood that has been painted, varnished, or coated with similar material; wood that has been pressure treated with preservatives and contains resins or glues (such as plywood or composite wood).

Other prohibited materials include, but are not limited to: rubbish, garbage, food wastes, food packaging or wraps, any plastic materials including nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and containers, rubber tires or any synthetic rubber products, newspaper, cardboard or any paper containing ink or dye.

In addition, the following are prohibited: lawn clippings, leaf waste, asphalt, manure, used cooking oils, tires, construction debris, lighter fluid, gasoline, chemicals, animal waste, naphtha, railroad ties, furniture, coal, or salt water driftwood.

Nor is an Outdoor Wood Furnace to be used as a waste incinerator.

TOWNSHIP OF DENNIS

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

RESOLUTION NO. 2013-136

**RESOLUTION AUTHORIZING THE EXECUTION OF THE CONSTRUCTION
AGREEMENT, MORTGAGE AND MORTGAGE NOTE FOR THE
EMERGENCY HOUSING REHABILITATION UNDER THE RECAPTURED FUNDS
OF THE SMALL CITIES PROGRAM**

WHEREAS, the Township of Dennis has participated in Small Cities Program for Housing Rehabilitation; and

WHEREAS, from time to time funds for said program are recaptured for various reasons and are then eligible to be disbursed throughout the Township for emergency rehabilitation; and

WHEREAS, a property has qualified for emergency rehabilitation and require the execution of various documents.

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. That the following property is hereby approved for the Emergency Housing Rehabilitation under the Recaptured Funds of the Small Cities Program
 - a) 48 Ocean View Drive, Ocean View
2. That the Township Officials are hereby authorized and directed to execute the necessary documents (i.e. Construction Agreement, Mortgage and Mortgage Note).

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

PRESENTED BY:

SECONDED BY:

RESOLUTION NO. 2013-136
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 November 19, 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. 2013-137

**RESOLUTION AUTHORIZING THE REFUND OF VARIOUS
PLANNING/ZONING ESCROW FEES**

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the refund of various Planning/Zoning Escrow Fees; and

WHEREAS, said Planning/Zoning application projects have been completed or withdrawn and the escrow fund balance remains.

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 refund the following Planning/Zoning Escrow balances:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Applicant</u>
119	19.01	\$ 222.50	John F. Galia, Jr. P.O. Box 173 South Seaville, NJ 08246
262	11.14	\$ 128.50	Daniel Barry Barry's Flooring & Carpet Cleaning P.O. Box 173 Sea Isle City, NJ 08243

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:

RESOLUTION NO. 2013-137
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 November 19, 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. 2013-138

**RESOLUTION AUTHORIZING THE RELEASE
OF A PERFORMANCE BOND FOR BLOCK 251, LOTS 8, 9, 13-16, 18 & 22 –
PINE HAVEN CAMPGROUND**

WHEREAS, the Administrator to the Planning and Zoning Boards has requested the release of the Planning/Zoning Performance Bond for Block 251, Lots 8, 9, 13-16, 18 & 22 due to the completion of the site improvements; and

WHEREAS, Township Engineer has authorized the release of the performance bond which is in the form of an Irrevocable Letter of Credit #147.

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 \$42,302.00 performance bond in the form an Irrevocalbe Letter of Credit No. 147 and to refund any remaining inspection fees providing that all professional cost 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 :

RESOLUTION NO. 2013-138
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 November 19, 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. 2013-139

**RESOLUTION APPROVING THE EMERGENCY APPROPRIATION OF THE
DENNIS TOWNSHIP FIRE DISTRICT #2 AND CERTIFYING SAID APPROVAL
TO THE FIRE DISTRICT**

WHEREAS, on May 7, 2013, the Commissioners of the Fire District #2 held a regular meeting; and

WHEREAS, the Fire District owns a tanker truck which is the primary means of providing water to any fire scene in the Fire District; and

WHEREAS, the tank was reported as having a serious leak, and upon investigation it was determined that the tank was significantly compromised, including all baffles being broken, and the outside shell of the tank leaking due to holes near the discharge; and

WHEREAS, it was determined that this situation presented an immediate danger to the drivers and passengers of the truck as the lack of baffles makes the truck less stable, and

WHEREAS, it has been determined that the possible sudden failure of the tank is a danger to the public because it could fail on the road, or at a fire scene; and

WHEREAS, the Commissioners determined that the tank presents an actual or imminent emergency that affected the health, safety and welfare that required immediate services; and

WHEREAS, the Commissioners sought a company that could make repairs or replace the tank, and found just one that could replace the tank, and has letters from other vendors who stated that they cannot fix or replace the tank as they lacked the expertise; and

WHEREAS, the one company that can replace the tank is Custom Composites; and

RESOLUTION NO. 2013-139
PAGE 2

WHEREAS, the Commissioners approved Resolution No. 8-13 that authorized the appropriate officials to enter into an emergency contract with Custom Composites for an amount not to exceed \$35,840.00, all of which is money that was in accounts held by the Commissioners for emergency purposes, and which results in no additional taxes to the District; and

WHEREAS, the Commissioners did enter into a contract with Custom Composites, and the work has in fact been done; and

WHEREAS, New Jersey Statute 40A:14-78.11 reads as follows:

40A:14-78.11. Emergency appropriations

A fire district may make emergency appropriations, after the adoption of a budget approved by the Director of the Division of Local Government Services pursuant to P.L. 1983, c. 313 (C. 40A:5A-1 et seq.), for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. This appropriation shall be made only to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare.

40A:14-78.12. 3% Limit

An emergency appropriation, together with all prior emergency appropriations made during the same year, shall not exceed 3% of the total of current operating appropriations made in the budget adopted for that year.

40A:14-78.13. Emergency appropriation resolution

Emergency appropriations shall be made as follows:

- a. The board of fire commissioners of any fire district shall, by resolution adopted by not less than 2/3 of its full membership, declare that an emergency exists requiring a supplementary appropriation.
- b. The resolution shall be in the form and content to be prescribed by the municipal governing body and shall set out the nature of the emergency in full.
- c. A copy of the resolution shall be filed immediately with the governing body.
- d. The resolution shall not take effect until the municipal governing body shall by a vote of not less than 2/3 of its full membership approve the emergency appropriation and certify its approval to the fire district; and

RESOLUTION NO. 2013-139

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WHEREAS, the failed water tank was clearly the kind of emergency appropriation allowed by the statute at Section 78.11; and

WHEREAS, while the \$35,840.00 expense needed to make the expense does exceed the amount allowed by Section 78.12 this was a situation that mandated taking action immediately to protect the public health, safety and welfare; and

WHEREAS, Section 78.13 required that the emergency expenditure obtain approval from the governing body, which step was not done at the time, and which would have slowed this emergency measure even longer; and

WHEREAS, the Commissioners ask that Township Committee now ratify the expenditure;

NOW THEREFORE BE IT RESOLVED the following:

1. The Fire Commissioner's resolution is accepted as being filed with Township Committee; and
2. The form of the Resolution is acceptable to Township Committee; and
3. The emergency appropriation and expenditure is hereby approved.

4. Although the statutory process in this matter was not followed to the "T", this Resolution is intended to at least meet the spirit of the statute, and to comply to the extent possible at this point. Township Committee expects that in the future such emergency appropriations will follow the statute as written and will make itself available to assist in the timely disposition of its obligations to assist in making these appropriations quickly.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

ATTEST _____
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 November 19, 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. 2013-140

**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.

RESOLUTION NO. 2013-140

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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 November 19, 2013, that an Executive Session closed to the public shall be held on November 19, 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.

RESOLUTION NO. 2013-140
PAGE 3

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 November 19, 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

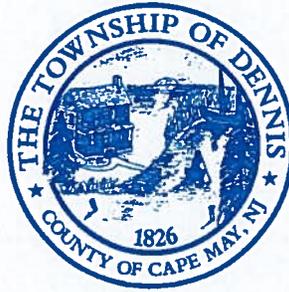
MAYOR
EUGENE L. GLEBOCKI

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

DEPUTY MAYOR
BRIAN W. TEEFY

Administration
Board of Health
Revenue & Finance
Public Works
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
Recreation, Public Safety
Emergency Management
911 Coordinator/Fire/Rescue
Construction Office

Township of Dennis
Interim Administrator Services
Activities Report: October 28 - November 8, 2013

Jersey Professional Management and Senior Vice President Tom Shannon were contracted to perform Interim Township Administrator and Management Consulting Services by the Township Committee on October 8, 2013.

Service was provided by Tom Shannon during the period of October 28–November 8, 2013 as follows;

- ! Tuesday 10/29/13 - full day services
- ! Wednesday 10/30/13 - full day services
- ! Friday 11/1/13 – full day services
- ! Monday 11/4/13 – full day services and attendance of Township Committee meeting
- ! Wednesday 11/6/13 – full day services
- ! Friday 11/8/13 – full day services

37.5 hours of service were provided during the period.

The following are some of the matters dealt with over this period;

- Substantial attention has been provided to the general conditions associated with the Public Works Department. An in-depth review of current DPW

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
Public Works
Code Enforcement
Planning & Zoning Boards
School Liaison

MUNICIPAL CLERK
JACQUELINE B. JUSTICE, RMC



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

operations has been conducted. DPW equipment and facilities have been reviewed and evaluated. In depth interviews with DPW staff are ongoing. A cursory assessment of the Township road network has been performed.

- Attention to the Township's collection of trash and recycling has been provided. Preliminary concepts regarding alternative approaches have been developed.
- Attention has been provided to the performance of janitorial services by the Experience Works organization. A recommendation in this regard may be forthcoming soon.
- A thorough review of the 2012 operating budget has been performed. The 2011 and 2012 audits have been reviewed. Both topics have been discussed in depth with the Municipal Auditor.
- Continued attention to acquiring quotes for the cleaning, waxing, and shampooing of floors in Township buildings.
- Day to day Township business and staff interactions / support have been provided.

Tom Shannon

ENGINEERS REPORT: November 19, 2013

The December quarterly JIF safety committee meeting has been rescheduled for Monday, December 9 at 1:30 Pm. at the Recreation center.

I prepared for and attended the Cape May County Flood Risk Review Meeting in order to prepare for Dennis Township's participation in the next county hazard mitigation plan.

I again contacted the general contractor for the recreation building relative to the roof leaks. He has taken the position that the twenty year roof warranty (now almost nineteen years old) applies to the subcontractor who provided the prefabricated metal building and is not his obligation. I previously reported that the costs are prorated and are based on the original cost not current costs which limit our potential benefit. The Construction office and the Clerk's office will try to locate the original roof warranty, which should have been provided at the acceptance of the job, so that any follow up can continue. A copy of the general contractor's recent E-mail reply is included for your information.

RESPECTFULLY SUBMITTED,

JOHN C. GIBSON, P.E. 11/19/2013