

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
JUNE 02, 2014**

**4:00 P.M. (PREVAILING TIME) TWP. COMMITTEE REGULAR MEETING**

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

Mayor Murphy requested the roll call. The Clerk called the roll with: Germanio, DiCicco, O'Connor and Murphy present, Committeeman Teefy was absent.

Mayor Murphy 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 and commented on the total number of soldiers lost.

Mayor Murphy indicated that there will be a meeting with the Ocean View Volunteer Fire Company to discuss insurance issues.

Let the record reflect that Mr. Orlando of the Pines at Clermont has been rescheduled to the June 17<sup>th</sup> meeting to discuss the Township's sign regulations.

Mayor Murphy commented on the salary increase that he had placed in the Resolution No. 2014-87 and indicated that he had done so as a thank you to the Committee for what all the hard work he asks of them. He questioned the Solicitor of the proper way to notify the Finance Officer of the Committee's desire to refuse said increase. The Solicitor indicated that a letter could be sent providing that everyone is in favor of declining the raise, which everyone is in agreement of.

Committeeman DiCicco indicated that the Mayor was being kind regarding the raise and commented on the funds expended by the prior administration for the temporary Administrator.

Committeeman Germanio commented on the previous administration measures that had to be taken to get the Township back on firm financial footing and Committeeman DiCicco commented on the layoff that had adverse effects on various employees. Committeemen Germanio and DiCicco continued their discussion and then the Mayor advised them that it could wait for another time. Committeeman Germanio commented on taking shots and Committeeman DiCicco commented on items being on the record and Committeeman Germanio's right to disagree. Committeeman Germanio commented on Committeeman DiCicco's change of heart concerning the \$500.00 increase for the Committee Members when he voted yes to Resolution No. 2014-87 at the last meeting. Mayor Murphy indicated that Committeeman DiCicco did not want to embarrass him by voting no without talking with him first. Committeeman Germanio indicated that he felt that anyone with concerns regarding the agenda could have questioned it and had the resolution amended to remove the increase. Mayor Murphy commented on the time frame when the agenda went out and stated that was the way it happened and this is the way he was handling it.

Let the record reflect that the Clerk received a cell phone call from Committeeman Teefy regarding an accident involving Sea Isle and that he will be unable to make the meeting.

Mayor Murphy asked for public comment regarding the agenda items, there being none from those present, he asked for a motion adopting the consent agenda, motion was made by O'Connor, seconded by Germanio, with 4 ayes and 1 absent (Teefy) that the consent agenda be adopted.

The following resolutions 2014-90 thru 2014-99 were a part of the Consent Agenda:

**RESOLUTION NO. 2014-90**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FOR THE CAPE MAY COUNTY HISTORICAL & GENEALOGICAL SOCIETY**

**WHEREAS**, the organization known as the Cape May County Historical & Genealogical Society has requested permission from the State of New Jersey Division of Alcoholic Beverage Control for a Special Permit for a Social Affair; and

**WHEREAS**, the request has been made to dispense alcoholic beverages on September 06, 2014 from 6:00 p.m. to 9:30 p.m. at the Ocean View Resort Campground at a fundraiser to benefit and preserve county history and educate the public; and

**WHEREAS**, the Clerk has certified that not more than 25 special permits have been authorized for these premises during this calendar year.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Clerk is hereby authorized and directed to sign the aforementioned permit application.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2014-91**

**RESOLUTION AUTHORIZING THE HIRING OF SEASONAL PART-TIME EMPLOYEES FOR THE RECREATIONAL SUMMER CAMP PROGRAM**

**WHEREAS**, the Dennis Township Recreation Department is running a Summer Camp Program from June 24, 2014 to August 14, 2014, which requires the hiring of part-time seasonal employees; and

**WHEREAS**, the Recreation Director has conducted interviews with the various applicants; and

**WHEREAS**, the Recreation Director has made her recommendations to the Township Committee.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the following people be hired as seasonal part-time employees with the title Recreation Attendant: Anna Ay - \$11.00 per hour, Craig Smith - \$10.50 per hour, Kristina Startare - \$10.50 per hour, Joy Hampton - \$10.50 per hour, Jon Pat Gansert - \$10.50 per hour, Paul Roller - \$10.00 per hour, Steven Gurdgiel - \$10.00 per hour and Kelsey Frazier - \$10.00 per hour.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2014-92**

**RESOLUTION PROVIDING FOR THE INSERTION OF A  
SPECIAL ITEM OF REVENUE IN THE 2014 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive \$18,800.88 from the State of New Jersey Clean Communities Program and wishes to amend its 2014 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$18,800.88 which is now available as a revenue from:

Miscellaneous Revenues  
Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Local Government Services:  
Public And Private Revenues Off-Set with Appropriations:  
Clean Communities Grant Program

**BE IT FURTHER RESOLVED**, that a like sum of \$18,800.88 be and the same is hereby appropriated under the caption of:

General Appropriations  
(a) Operations Excluded from "Caps"  
Public and Private Programs Off-Set by Revenues:  
Clean Communities Grant Program  
Other Expenses

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2014-93**

**RESOLUTION AUTHORIZING THE RENEWAL OF THE LIQUOR LICENSES  
FOR THE YEAR 2014-2015**

**WHEREAS**, application has been made by the persons, firms, and/or corporations hereinafter named for renewal of Plenary Retail Consumption Licenses and Plenary Retail Distribution License, heretofore granted by this issuing authority; and

**WHEREAS**, all things required to be done by the said applicants have been done, including the payment of the required fees and all laws and regulations for the control of alcoholic beverages; and

**WHEREAS**, no objections have been filed; and

**WHEREAS**, this governing body is of the opinion that said applications should be granted and licenses issued.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, the Municipal Issuing Authority, that the license be issued to the person, firms and/or corporations named on the attached Schedule "A" for the period of one year commencing July 1, 2014 through June 30, 2015.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**2014-2015 LIQUOR LICENSES RENEWAL**

**SCHEDULE "A" – RESOLUTION NO. 2014-93**

<b><u>Number</u></b>	<b><u>Name &amp; Address</u></b>	<b><u>Type</u></b>	<b><u>Amount</u></b>
0504-33-001-002	Shore Gate, Inc 35 School House Lane Ocean View, NJ 08230 Dennis Twp.	PRC	\$1,200.00
0504-44-002-003	Gleeson Liquors, Inc. 565 Sea Isle Boulevard Ocean View, NJ 08230 Dennis Twp.	PRD	\$1,200.00

**RESOLUTION NO. 2014-94**

**RESOLUTION PROVIDING FOR THE INSERTION OF A  
SPECIAL ITEM OF REVENUE IN THE 2014 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive \$1,358.84 from the State of New Jersey Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund for 2013 and wishes to amend its 2014 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$1,358.84 which is now available as a revenue from:

Miscellaneous Revenues  
Special Items of General Revenue Anticipated with

Prior Written Consent of the Director of Local Government Services:  
Public And Private Revenues Off-Set with Appropriations:  
Alcohol Education, Rehabilitation,  
And Enforcement Fund.

**BE IT FURTHER RESOLVED**, that a like sum of \$1,358.84 be and the same is hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from "Caps"  
Public and Private Programs Off-Set by Revenues:  
Alcohol Education, Rehabilitation,  
And Enforcement Fund  
Municipal Court Other Expenses

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

#### **RESOLUTION NO. 2014-95**

#### **RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2013 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive \$15,821.62 from the County of Cape May Municipalities Utilities Authority – 2013 IPF Recycling Rebate and wishes to amend its 2014 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$15,821.62 which is now available as a revenue from:

Miscellaneous Revenues  
Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Local Government Services:  
Public And Private Revenues Off-Set with Appropriations:  
Intermediate Processing Facility 2013 Recycling Rebate

**BE IT FURTHER RESOLVED**, that a like sum of \$15,821.62 be and the same is hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from "Caps"  
Public and Private Programs Off-Set by Revenues:  
Intermediate Processing Facility 2013 Recycling Rebate

Other Expenses

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2014-96**

**RESOLUTION APPOINTING A MUNICIPAL ALLIANCE COORDINATOR**

**WHEREAS**, the Municipal Alliance Coordinator, Anthony McCurdy has resigned as the Municipal Alliance Coordinators effective 05/28/2014; and

**WHEREAS**, the previous Coordinator, Monica DiVito has volunteered to act as the Municipal Alliance Coordinator while the Township searches for a replacement.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Monica DiVito, 895 Towerview Road, Erma, NJ 08204 be appointed as the Municipal Alliance Coordinator.

**BE IT FURTHER RESOLVED**, that the new Coordinator’s annual salary be \$4,500.00 effective 05/28/2014.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      John Murphy, Mayor

**RESOLUTION NO. 2014-97**

**A RESOLUTION TO CALLING FOR IMMEDIATE ACTION TO LOCATE AND SAFELY RETURN THE YOUNG WOMEN ABDUCTED IN NIGERIA BY THE TERRORIST GROUP BOKO HARAM**

**WHEREAS**, Known terrorist group Boko Haram abducted at least 276 female students, most of them between 15 and 18 years old, on April 14, 2014, from the Government Girls Secondary School, a boarding school located in the northeastern province of Borno in the Federal Republic of Nigeria; and

**WHEREAS**, All public secondary schools in Borno state were closed in March 2014 because of increasing attacks that killed hundreds of students, but the young women at the Government Girls Secondary School returned to take their final exams; and

**WHEREAS**, The militants burned down several buildings before they opened fire on soldiers and police who were guarding the school and forced the students into trucks, with only some students successfully escaping their captors; and

**WHEREAS**, Abubakar Shekau, Boko Haram’s leader, claimed responsibility for the militant group’s abduction and declared his plan to sell the kidnapped girls in a video recording; and

**WHEREAS**, The United States Department of State designated Boko Haram, which loosely translates to meaning “western education is sin,” as a Foreign Terrorist Organization in November 2013, recognizing the threat posed by the group’s large-scale and indiscriminate attacks against women and children; and

**WHEREAS**, Boko Haram is philosophically opposed to the education of females, and has kidnapped women and children, forced girls to serve as cooks and sex slaves, bombed churches and mosques, and assassinated politicians and religious leaders; and

**WHEREAS**, The Nigerian police indicated that the number of kidnapped school girls has risen, and an exact number has not been confirmed because many of the girls are from surrounding villages and the militants burned down the school and all of its student records; and

**WHEREAS**, On May 5, 2014, suspected Boko Haram gunmen kidnapped an additional eight girls, ranging in age from 12 to 15, from a northeastern village in Nigeria; and

**WHEREAS**, The young women abducted by Boko Haram are likely to be physically and sexually abused, raped by their captors, dispersed throughout the continent, traded or sold for money, and forced to become child brides of Boko Haram fighters or prostitutes exposed to brutality and disease; and

**WHEREAS**, Abducted children have been forced to serve as human shields in similar hostile situations; and

**WHEREAS**, This mass abduction is one of the most extreme examples of students and schools being attacked by a terrorist group, with the threat of abduction effectively halting education in certain areas, including the northern region of Nigeria where thousands of school students have recently ceased attending school out of fear of abduction; and

**WHEREAS**, Advancement of women's human rights around the world is a foreign policy priority of the United States, and the enrollment, retention, and completion of education for girls in Nigeria remains a major challenge; and

**WHEREAS**, New Jersey has a long and unwavering history of opposing human trafficking, and the reprehensible actions of Boko Haram necessitate a reaffirmed commitment to speaking out against all kinds of human trafficking; and

**WHEREAS**, On behalf of the citizens of the State of New Jersey and in the public interest of supporting the greater societal good, it is imperative to call for the immediate and safe return of the young women abducted in Nigeria by Boko Haram, and New Jersey, the United States of America, and other democratic nations around the world, are unified in supporting the rescue of the school girls abducted by Boko Haram.

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

This Committee urgently calls for the immediate and safe return of the young women abducted in Nigeria by the terrorist group Boko Haram.

Further, this Committee:

- a. expresses its strong support for the people of Nigeria, especially the parents and families of the young women abducted by Boko Haram;
- b. recognizes that every individual, regardless of gender, should have the opportunity to pursue an education without fear of discrimination or violence, and encourages the government of Nigeria to strengthen efforts to protect the ability of children to safely obtain an education;
- c. fervently supports offers of United States assistance to the government of Nigeria in the search for these abducted young women, and encourages the government of Nigeria to work with the United States and other concerned governments to resolve this tragic situation and ensure the safe and swift rescue of the young women; and
- d. encourages the United States Department of State and the United States Agency for International Development to continue their support of initiatives that promote and protect the human rights, safety, and welfare of women and girls in Nigeria.

This Committee additionally calls upon other local government entities to vocalize support for the rescue of the young women abducted in Nigeria by Boko Haram, and urges the governing body of each county and

municipal government in the State to pass a resolution calling for the immediate and safe return of those abducted.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2014-98**

**RESOLUTION SUPPORTING THE NJDOT'S RECOMMENDATION OF A "NO PASSING ZONE" NEAR MILEMARKER 22 (SUTTON LANE) IN DENNIS TOWNSHIP**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 47 in Dennis Township; and

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on Route 47 to create a "No Passing Zone" in the vicinity of M.P. 22 (Sutton Lane) for safety reasons; and

**WHEREAS**, this project will create safer driving conditions in this area of Route 47.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body does hereby support the use of a "No Passing Zone" on Route 47 in Dennis Township as recommended by NJDOT.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

**RESOLUTION NO. 2014-99**

**RESOLUTION ADOPTING THE APPLICATION TO BE USED FOR COIN DROPS/TOSSES WITHIN DENNIS TOWNSHIP**

**WHEREAS**, from time to time nonprofit charitable organizations solicit contributions along roadways in the Township of Dennis and these are know as Coin Drops/Tosses; and

**WHEREAS**, the Township's insurance provider, Atlantic County Municipal Joint Insurance Fund, has issued a Safety Director's Bulletin indicating that municipalities must develop a permit application; and

**WHEREAS**, the Municipal Clerk's Office has developed an application which has been reviewed by the Solicitor who has deemed it appropriate and recommended its adoption.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the attached Application for Coin Drops/Tosses be adopted for use within the Township of Dennis.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor

The following Ordinance No. 2014-06 was introduced for first reading as a part of the Consent Agenda:

**TOWNSHIP OF DENNIS**

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

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS ESTABLISHING REGULATIONS  
ON THE CONSTRUCTION AND OPERATION OF OUTDOOR WOOD FURNACES**

**ORDINANCE NO. 2014-06**

**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 2014 - 06**

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 2014-06 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 BYU's 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, operated, 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 to 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 an 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 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 outlined 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 the 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 designees), **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 for 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 ranges from \$300-\$1000 (depending on boiler capacity). First Offence violation of NJAC 7:27-5 begins 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 chimneys.

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.

## 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.

**BE IT ORDAINED**, that this Ordinance shall become effective immediately upon final passage and publication, according to law.

---

John Murphy, Mayor

---

Brian O'Connor, Deputy Mayor

---

Albert M. DiCicco, Committee Member

---

Brian Teefy, Committee Member

---

Frank L. Germanio, Jr., Committee Member

The foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Dennis held on June 2, 2014. Publication will be held on June 11, 2014 and a Public Hearing will be held at a meeting of the said Township Committee to be held on July 1, 2014 at 4:00 p.m. in the Municipal Building located at 571 Petersburg Road, Dennisville, NJ.

**ATTEST**

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

The Mayor asked for a motion authorizing the payment of the bills, providing that proper vouchers have been filed and that funds are available.

Motion was made by O'Connor, seconded by DiCicco, with 4 ayes and 1 absent (Teefy), that the payment of the following bills was approved:

**GENERAL ACCOUNT:**

037027-Twp of Dennis Payroll Account	\$ 67,588.29
037028-Dennis Donegan	995.37
037029-Advanced Restaurant	400.00
037030-Atlantic City Electric	3,812.16
037031-Airline Hydraulics Corp.	76.26
037032-Barry, Corrado, Grassi PC	645.00
037033-Blue Quality Lawncare, LLC	1,069.50
037034-Calvary Baptist Church	800.00
037035-Cape May County Little League	400.00
037036-Cape May County M.U.A.	13,949.43
037037-Caprioni Portable Toilets, Inc.	250.00
037038-Computer Access Systems	98.25
037039-Cody's Power Equipment	38.47
037040-John L. Collins	317.80
037041-Comcast	494.70
037042-Nelson B. Creamer	171.90
037043-Dark Star Pirate Cruises	267.28
037044-Dennis Township Lunch Account	112.00
037045-Dennis Twp Board of Education	711,048.00
037046-Delta Dental	2,764.33
037047-East Coast Distributors	322.07
037048-The Gem Grocery & Gas	1,072.62
037049-Gerald C. Harris	132.28
037050-Herald Newspaper, Inc.	1,263.60
037051-Joe Holiday	425.00
037052-Home Depot Credit Services	732.31
037053-Roy J. Hope	320.49
037054-Kel-Tex Imprints, Inc.	438.00
037055-Masune First Aid & Safety	171.95
037056-North American Benefits Co.	207.21
037057-NJ Dept Health/Senior Services	22.20
037058-New Jersey State	38.00
037059-Pizza Hut	318.50
037060-S & S Worldwide, Inc.	295.47
037061-Seashore Asphalt Corp.	495.00
037062-Senior Travel Service, Inc.	180.00
037063-Service Tire Truck Centers	2,549.71
037064-Shop Rite	342.92
037065-Smeltzer & Sons Feed	269.70
037066-S.S.C.I.	40.00
037067-Suburban Propane	374.97
037068-Carolyn P. Swagler	124.62

037069-Thunder Cat Speedboat, LLC	900.00
037070-Tri State Office Solutions	26.86
037071-Vision Service Plan	808.38
037072-Vital Communications, Inc.	75.00
037073-Thomson Reuters-West Pymt Ctr	612.00
037074-Young's Skating Center	315.00

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

Municipal Clerk's Report	May, 2014
Registrar's Report	May, 2014
Construction Official's Report	May, 2014
Engineer's Report	06/02/2014

The Mayor asked for comments from the public. Let the record reflect that there were no comments from those present.

The Mayor asked for comments from the Committee.

Committeeman Germanio commented on the historic flag from the Civil War that Curtis Corson has brought back which has been donated to the Cape May County Museum. He indicated that donations were made to have the flag restored down in Washington DC and is very large. Committeeman Germanio urged everyone to visit the Museum to see it. Committeeman Germanio commented on items regarding the Senior Center: Wellness Program (different than the Health Fair) that starts on July 14<sup>th</sup> and is held on Mondays for 6 weeks and is in conjunction with Cape Assist, the Red Cross Blood Drive on July 30<sup>th</sup>, a proposed trip to the 9-1-1 Memorial in New York which would be in September or October and the progress on the donation from Lowes for the landscaping at the Senior Center. Committeeman Germanio commented on correspondence from the Chief Finance Officer regarding the Committee's being eligible for coverage under the eyeglass plan. He recommended that that Committee give that back as well as the salary increase. Mayor Murphy indicated that he does not need the coverage, however, it is available for all employees and that he will leave on an individual basis. Committeeman Germanio indicated that the Association meetings for the V.F.W. are held the 2<sup>nd</sup> Tuesday of each month and that the Association help support the V.F.W. He asked the Solicitor if it would be appropriate to ask the Township's Webmaster to donate his time to create a link off the Township's website for the V.F.W. Mr. April indicated that it would be appropriate and a good idea. The Committee agreed.

Committeeman DiCicco commented on completing a Municipal 9-1-1 Plan as well as a survey from the League of Municipalities regarding coordinating services with the school. He stated that when we help the school we are helping the taxpayers. Committeeman DiCicco commented on the meeting he had today out at the State Police Barracks in Woodbine with representatives from County OEM and the Upper Township School regarding a tabletop exercise for an active shooter emergency. Committeeman DiCicco, OEM Coordinator John Berg and Committeeman Germanio commented further. Committeeman DiCicco indicated that Environmental Commission Member, Alma George had looked into the Delaware Estuary regarding the Wetland Assessment on Block 1, Lot 30. He indicated that they are a legitimate organization and the Environmental Commission recommended allowing them access to the property. Committeeman DiCicco indicated that the Clerk should make sure they satisfy all other requirements, i.e. insurance, completion of the facilities application, permission from

surrounding properties, etc. Committeeman DiCicco gave kudos to Tax Assessor, Patty Sutton, who after a lot of hard work has gotten the Township Tax Maps approved by the State. He also commented on the future needs such as funding for digital tax maps.

Deputy Mayor O'Connor commented on Cindy Leatherwood receiving the honor of Cape May County Teacher of the Year and that it is greatly deserved. Committeeman DiCicco commented on Teacher of the Year as well her being a member of the Environmental Commission. Deputy Mayor O'Connor commented on the following Recreation items: Summer Camp being set and they are trying some new trips, Summer Basketball starts June 25<sup>th</sup> and that the new improvements are complete and that they will be having a ceremony on opening day and honoring volunteers. Committeeman DiCicco reminded the Deputy Mayor to thank Sturdy Bank and Deputy Mayor O'Connor commented on the permeant score board donated by Sturdy Savings Bank and Cowan Electric. He praised Sturdy for being a great partner to the community and Steve Cowan for all his service he volunteers and doesn't charge for. Deputy Mayor O'Connor commented on Jon Gansert and his volunteerism to the community and indicated that he is part of the Police Unity Tour which raises funds for fallen police officers and if anyone is interested in donating he has the forms and it would be greatly appreciated.

Mayor Murphy commented on a meeting he attended with the Municipal Engineer, Jack Gibson, regarding the improvements to Sea Isle Blvd. The project starts now and will be completed in 2020. Mr. Gibson commented on the project indicated that it is a large project estimated to cost \$13 million and that it has Federal funding. He indicated that the contractor is South State and the official start date is 07/08/2014. He explained that the timeline is dictated by the use of the Federal funding and that you must spend certain amounts by particular deadlines. Mr. Gibson commented at length on the scope of the project. John Berg, OEM Coordinator, commented on access for emergency services. Mayor Murphy and Mr. Gibson discussed having the State Police present during certain traffic patterns. Mr. Berg commented further regarding emergency access. There was further general discussion on the project by the Engineer, Committee and Mr. Berg.

Motion was made by Germanio, seconded by DiCicco, that the meeting be adjourned. All in favor and the motion carried.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk John Murphy, Mayor