

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
AUGUST 04, 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: Teefy, Germanio, DiCicco, O'Connor and Murphy present.

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 loss of Dennis Township residents Elizabeth Dever and James Waltz.

Mayor Murphy asked for public comment regarding the consent 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 DiCicco, with 5 ayes and no nays, that the consent agenda be adopted.

The 04/01/2014 Regular Meeting & Work Session Minutes were a part of the consent agenda and hereby approved.

The following resolutions were a part of the Consent Agenda:

RESOLUTION NO. 2014-117

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

WHEREAS, the Township of Dennis, via Resolution Nos. 2009-169 & 2014-106, entered into a Shared Services Agreement with the Township of Upper; and

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

WHEREAS, via Resolution Nos. 2010-05 & 2013-70, the Township of Dennis made an initial appointment and renewal of James Birchmeier, Esquire, as Municipal Court Judge for a term "to run concurrent with that of his Upper Township Term;" and

WHEREAS, the Upper Township term expired on July 31, 2014, and no action was requested of the Township of Dennis until a recent inquiry from the Upper Township Municipal Court; and

WHEREAS, it is clear from the Shared Service Agreement authorized by Dennis Township Resolution Nos. 2009-169 & 2014-106 and the language of Dennis Township Resolution Nos. 2010-05 & 2013-70, that it is the intention of the parties that the appointment of the Judge for Dennis Township be concurrent with the appointment for Upper Township;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis, duly assembled in open session this 4th day of August, 2014, that in accordance with the provisions of NJSA 2B:12-4, James Birchmeier, Esquire, is hereby appointed Judge of the Municipal Court, for a term commencing on August 1, 2014, and expiring on July 31, 2017, all in accordance with the Shared Services Agreement between the Township of Dennis and the Township of Upper as authorized by Dennis Township Resolution Nos. 2009-169 & 2014-106.

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

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

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

RESOLUTION NO. 2014-118

RESOLUTION RENEWING THE RECOGNITION OF THE DENNIS TOWNSHIP SOCCER ASSOCIATION, PURSUANT TO CHAPTER 139, ARTICLE 2 OF THE CODE OF THE TOWNSHIP OF DENNIS

WHEREAS, the Recreation Director has received the application from the Dennis Township Soccer Association for renewal of their recognition by the governing body for the promotion of recreation activities in the Township of Dennis; and

WHEREAS, the Recreation Director has reviewed the application in accordance with Chapter 139, Article 2, and has submitted a recommendation to the Township Committee for renewal of their recognition.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Dennis Township Soccer Association is hereby recognized as an organization for the promotion of recreational activities pursuant to Chapter 139, Article 2 for the year 2014.

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

Mayor Murphy indicated that we were moving on to the Regular Agenda.

Mayor Murphy asked for a motion to authorize the Township’s Special Engineer for Grants to prepare and submit a Cape May County Open Space Application for various Park & Recreation Improvements. Motion was made by Germanio and seconded by DiCicco, Committeeman DiCicco commented on the application and the needs for Recreation to take us into the future. Committeeman Germanio also commented on the application. Committeeman DiCicco continued his comments regarding the application. Committeeman Germanio commented about the need continuing the asphalt by the gate to the right of the large “pipe” gate. The motion passed with 5 ayes and no nays.

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

RESOLUTION NO. 2014-119

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CAPE MAY COUNTY
OPEN SPACE PROGRAM PARK/DEVELOPMENT**

WHEREAS, the Cape May County Open Space Program has funds available to purchase open space and various other development activities throughout Cape May County; and

WHEREAS, the Township of Dennis wishes to submit an Open Space Program Park/Recreation Development Application to this program for funding of various development activities at our Recreation Facilities.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Mayor, John Murphy, be and hereby is authorized to sign the Open Space Park/Recreation Development Application on this 4th day of August, 2014.

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

Motion was made by DiCicco, seconded by O'Connor, with 5 ayes and no nays, that the following resolution was adopted:

RESOLUTION NO. 2014-120

RESOLUTION CERTIFYING REVIEW OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2013 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local

Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Committee of the Township of Dennis, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Mayor Murphy asked the Clerk to explain the following resolutions and she did so.

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

RESOLUTION NO. 2014-121

RESOLUTION AUTHROIZING A MEMORANDUM OF AGREEMENT BETWEEN THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL 1293 AND THE TOWNSHIP OF DENNIS

WHEREAS, The Dennis Township Committee is charged with conducting the matters of business relating to the Township including negotiating and entering into Collective Bargaining Agreements as such may be necessary and appropriate; and,

WHEREAS, the last Collective Bargaining Agreement (CBA) with IBEW became effective April 1, 2010 and ran through March 31, 2016 and has been the subject of negotiations between the Dennis Township Committee and the IBEW; and,

WHEREAS, the Dennis Township Committee has discussed and does hereby approve certain terms relating to the updated Collective Bargaining Agreement to be entered to with IBEW as follows:

- 1) An agreement as to rates of pay annual increases in a form such as is attached as Exhibit A;
- 2) Payments made in resolution of New Jersey Public Employment Relations Commission (PERC) Unfair Practice Charge Docket No. CO-2014-75 as identified in Exhibit A.

WHEREAS, the Dennis Township Committee does hereby ratify the terms hereof effective on this date such that this Resolution together with its Exhibit can be provided the IBEW representatives for purposes of ratifying these terms;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township Dennis, County of Cape May and State of New Jersey that this Resolution and its attachments be provided representatives of IBEW Local 1293 for purposes of seeking to complete the negotiation of the updated Collective Bargaining Agreement with IBEW Local 1293.

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

Motion was made by O'Connor, seconded by DiCicco, with 5 ayes and no nays, that the following resolution was adopted:

RESOLUTION NO. 2014-122

RESOLUTION AUTHORIZING THE PAYMENTS TO NON-UNION EMPLOYEES AS IT RELATES TO THE IBEW UNFAIR PRACTICE CHARGE

WHEREAS, the International Brotherhood of Electrical Workers (IBEW) Local 1293 filed an Unfair Practice Charge Docket No. Co-2014-75 regarding a change in the Township's Health Benefits Plan; and

WHEREAS, the Township of Dennis as part of a settlement has authorized a payment of \$600.00 to the members of the I.B.E.W.; and

WHEREAS, the Township of Dennis wishes to treat its employees equally.

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 Finance Officer is hereby authorized and directed to pay all non-union employees who currently receive Health Benefits a payment of \$600.00 to equal that of what the I.B.E.W. members receive pursuant to the Memorandum of Agreement authorized in Resolution No. 2014-121.

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

Mayor Murphy 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 Teefy, seconded by Germanio, with 5 ayes and no nays, that the payment of the following bills was approved:

GENERAL ACCOUNT:

037271-Twp of Dennis Payroll Account	\$ 57,096.08
037272-A. T. &T.	106.33
037273-Catherine Dougherty	139.82
037274-Blue Quality Lawncare, LLC	1,192.00
037275-Blue Star of NJ, Inc.	228.00
037276-Bowman & Company, LLP	14,025.00
037277-A.A.C.M.C.	100.00
037278-County of Cape May	520,579.57
037279-Computer Access Systems	96.25
037280-Comcast	506.70
037281-Nelson B. Creamer	111.30
037282-Crystal Springs	216.72
037283-Dennis Twp. Board of Education	725,269.00
037284-Delta Dental	2,764.33
037285-Sheree L. Dever	197.93
037286-Dunbar Armored Inc.	368.87
037287-East Coast Distributors	244.96

037288-Jeanette M. Ennis	142.40
037289-VOID	
037290-FP Mailing Solutions	150.00
037291-Fralinger Engineering, PA	3,770.00
037292-Fro Me A Party	424.69
037293-Mike Gardner & Son, Inc.	333.50
037294-G & K Services, Inc.	694.76
037295-Gerald C. Harris	104.90
037296-Roy J. Hope	311.00
037297-NAPA Auto Parts	1,393.90
037298-Keen Compressed Gas Co., Inc.	20.10
037299-Lehigh Valley Safety Shoes	119.99
037300-Miss Chris Fishing Center	600.00
037301-North American Benefits Co.	207.21
037302-R & R Specialties	245.00
037303-Seashore Food Distributors, Inc.	215.76
037304-Sea Isle Ice Co., Inc.	144.00
037305-Service Tire Truck Centers	1,959.65
037306-Shop Rite	83.60
037307-Six Flags Great Adventure	1,078.39
037308-Thomas G. Smith, P.C.	594.06
037309-Staples Credit Plan	310.00
037310-Suburban Propane	530.17
037311-Carolyn P. Swagler	104.90
037312-Tri State Office Solutions	26.86
037313-Township of Upper	5,119.52
037314-Verizon	1,680.94
037315-Vision Service Plan	849.00
037316-Vital Communications, Inc.	75.00

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

Municipal Clerk's Report	July, 2014
Registrar's Report	July, 2014
Construction Official's Report	July, 2014
Engineer's Report	08/04/2014

Mayor Murphy asked for comments from the public. Let the record reflect that there were no comments from those present and a motion by O'Connor, seconded by Teefy, with all in favor closed the public comment portion.

The Mayor asked for comments from the Committee.

Committeeman Germanio extended his deepest sympathies to the family of Jim Waltz, he indicated that he learned a lot speaking with Mr. Waltz and that his daughter Alma, is a lovely lady. Committeeman Germanio commented on the N.J.D.O.T. State Aid Grant for the reconstruction of the intersection of Academy Road and Fidler Road. Mayor Murphy indicated he thought we had already re-applied for that grant and the Engineer indicated that was what is was doing unless he heard otherwise. Committeeman Germanio commented on the Engineer's recommendation to strip several Municipal Roads for safety reasons and estimated the cost to be approximately \$2,500.00 thru the Shared Services Agreement with the County of Cape May. The Committee discussed the re-stripping project with the Engineer. Committeeman Germanio commented on repairs that are needed at the Senior Center: roof, trim boards, and a new shed. He indicated that he has discussed these issues with the Engineer who has agreed to run point on the projects. Mayor Murphy commented on all the roofs and requested that the Engineer get

prices as it will be a Capitol Budget items. Committeeman Germanio indicated that he was speaking with the Municipal Engineer and he advised him that the Woodbine/Ocean View Road (County Route 550) is scheduled for re-surfacing in 2015 and that it is in bad shape. The Engineer stated that he has since spoke to the County Engineer and he indicated that this fall County Route 550 will be milled and paved from Corson Tavern Road to County Route 610. The Committee discussed the condition of the other areas of County Route 550 and the Engineer indicated that the section from Corson Tavern Road to Route 9 will be done later as it is a bigger project because they are making improvements to the intersection with Route 9. The Engineer also shared that the County Engineer said the Sea Isle Blvd. Project has been postponed until after Labor Day. The Engineer, Solicitor and Committee discussed the Sea Isle Blvd. Project. Deputy Mayor O'Connor, Committeeman Germanio and Mayor Murphy recapped the issue of replacing the roofs of the Municipal Building and Senior Center. Committeeman Germanio thanked Lowes and Bob Smeltzer of Smeltzer & Sons for the donations and help with the landscaping improvements at the Senior Center. He stated that the large pile of mulch is extra and can be used at the Municipal Building. He reminded everyone that the Senior Center B-B-Q is August 20th with the County Surrogate there to answer questions. He commented on the application for the State Small Cities Grant for ADA Improvements.

Committeeman Teefy expressed his condolences to the Dever family and to Alma George.

Committeeman DiCicco asked that the Municipal Engineer emphasize to the County Engineer that the complaints the Township receives are for the section of County Route 550 from Corson Tavern Road to Route 9. Committeeman DiCicco commented on the project of the Woodbine Water Tower being re-painted as it relates to the Emergency Services' antennas, how it is a two phase project and issues with the costs associated with it. He also commented on National Night Out with the Museum and the Environmental Commission both having tables and he urged everyone to come out

Deputy Mayor O'Connor indicated that the Summer Basketball League is over and advised the Engineer to let the Contractor know and for him to coordinate times with the Recreation Director. He commented on National Night Out with the fireworks display, vendors, Basketball Association's Chicken Dinner that supports a scholarship fund in the name of Sue & Dave Gonnam's son that passed away. He urged everyone to come out. Deputy Mayor O'Connor commented on the Cape May County Open Space Grant and the wish list of items which came from meetings with the Recreation Director and members of the Associations. Deputy Mayor O'Connor and Committeeman Germanio discussed the original list of items and the current application as well as the time line. Committeeman Germanio commented on the Open Space Grant working with the ADA Grant. Deputy Mayor O'Connor reiterated that the current Open Space Application is different than the original conceptual plan and Committeeman Germanio indicated that he would like to review the current plan. Committeeman Germanio and Deputy Mayor O'Connor discussed the issue of infield mix.

Committeeman DiCicco commented on working with Belleplain Volunteer Fire Company with access to water for their pumpers. He indicated that the Fire Company has been instructed to obtain quotes for a new well. He stated that the well at the Chestnut Street Park is not large enough with additional comments from OEM Coordinator, John Berg, and Committeeman Germanio. Committeemen DiCicco and Germanio discussed the issue with the Chestnut Street Park well.

Motion was made by Teefy, seconded by O'Connor, that the meeting be adjourned. All in favor and the motion carried.

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