

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
OCTOBER 21, 2014**

6:30 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 that the roll call and flag salute be carried over from the Board of Health Meeting (Germanio, DiCicco, O'Connor and Murphy present, Committeeman Teefy absent).

Mayor Murphy asked for any public comment on agenda items.

There being no public comment, Mayor Murphy asked for a motion adopting the consent agenda, motion was made by O'Connor seconded by DiCicco, with 4 ayes and one absent (Teefy), that the consent agenda be adopted.

The following resolutions 2014-145 and 2014-146 were a part of the Consent Agenda:

RESOLUTION NO. 2014-145

**RESOLUTION AUTHORIZING A REFUND OF A
TAX OVERPAYMENT**

WHEREAS, the Tax Collector, Michele T. Heim, has notified the Clerk of a tax overpayment on Block 53, Lot11; and

WHEREAS, the overpayment was a result of a successful tax appeal with the County Tax Board; and

WHEREAS, the amount of the overpayment requested to be refunded for Block 53, Lot11 is five hundred ninety-seven dollars and nineteen cents (\$597.19).

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 be and is hereby authorized and directed to refund the total amount of \$597.19 to: Vincent C. & Theresa Pombo, 301 East Creek Mill Road, Woodbine, NJ 08270.

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

RESOLUTION NO. 2014-146

**RESOLUTION AUTHORIZING THE EXECUTION OF A
PROMISE OF INDEMNIFICATION WITH THE COUNTY OF CAPE MAY
FOR THE TEMPORARY CLOSURE OF COUNTY ROUTE 610 (PETERSBURG
ROAD) AND COUNTY ROUTE 638 (FIDLER ROAD) TO ACCOMMODATE THE
TOWNSHIP'S ANNUAL CHRISTMAS PARADE**

WHEREAS, the Township has requested that the County of Cape May permit temporary closure of a portion of County Route 610 (Petersburg Road) and County Route 638 (Fidler Road) to accommodate our Annual Christmas Parade scheduled for Thursday, December 4, 2014; and

WHEREAS, the Township has received correspondence from the County Engineer indicating that the County requires the Township to execute a Promise of Indemnification in order to process our request.

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 and Clerk are hereby authorized and directed to execute the Promise of Indemnification so that the County of Cape May can approve the temporary closure of County Route 610 (Petersburg Road) and County Route 638 (Fidler Road) to accommodate the Township's Annual Christmas Parade scheduled for Thursday, December 4, 2014.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall accompany the executed Promise of Indemnification to the County Engineer's Office.

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

Let the record reflect that the following ordinances were introduced for first reading as part of the consent agenda:

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY AMENDING ORDINANCE NO. 2014-05 ENTITLED, "AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENNIS".

BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, and State of New Jersey that Ordinance No. 2014-08 be amended as follows:

<u>TITLE/POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Electrical Sub-Code Official (per hour)	\$ 20.00	\$ 40.00
Plumbing Sub-Code Official (per hour)	\$ 20.00	\$ 40.00

BE IT FURTHER ORDAINED, that this ordinance be effective retroactive to 10/01/2014 after final passage and publication according to law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Albert M. DiCicco, Committee Member

continue to supply the necessary supplemental insurance pursuant to the provisions then existing with the New Jersey State Health Benefits Plan, as provided by N.J.S.A. 52:14-17.38.

- C. All employees who retire on a disability pension, who have met the State of New Jersey Public Employees' Retirement System qualifications shall, for themselves and their dependents, continue to receive those health insurance benefits afforded to full time employees until they qualify for Medicare at which time the township will continue to supply the necessary supplemental insurance pursuant to the provisions then existing with the New Jersey State Health Benefits Plan.
- D. In the event that, at the time of the retired employee's death there is a surviving spouse, the township shall provide the same benefits to the surviving spouse as it would have provided to the retired employee. [Amended 5-8-00 by Ord. No. 2000-05]
- E. In the event that, at the time of the disabled retired employee's death there is a surviving spouse and dependents, the township shall provide the same benefits to them as it would have provided to the disabled retired employee.
- F. In the event that the township, at its sole option, becomes self-insured or it provides any other form of health insurance to its full time employees, for medical coverage, the retired and the disabled retired employees and their qualifying dependents, if any, shall receive the same benefits afforded to full time employees including the same supplements then necessary to supplement Medicare benefits in order to equalize them with the then existing benefits given to full time employees.
- G. This policy shall be incorporated into the Township of Dennis Personnel Handbook under the section entitled, "Employee Benefits".

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 5.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Albert M. DiCicco, Committee Member

Brian W. 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 on October 21, 2014. Publication will be held on October 29, 2014 and a Public Hearing will be held at a meeting of the said Township Committee to be held on November 18, 2014 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

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 Germanio, with 4 ayes and one absent, that the payment of the following bills was approved:

GENERAL ACCOUNT:

037508-Twp of Dennis Payroll Account	\$ 50,781.85
037509-Super Valu	54.27
037510-Atlantic City Electric	8,185.53
037511-A.T.&T.	96.68
037512- Cell Tower & Antenna/Assessor	35.00
037513-Assessor's Luncheon/Meeting	60.00
037514-Catherine Dougherty	104.90
037515-Cub Scout Pack 56	800.00
037516-Broadley's MDI	11,892.00
037517-Cape May County MUA	14,823.52
037518-Computer Access Systems	89.75
037519-Cody's Power Equipment	1,205.53
037520-John L. Collins	282.63
037521-Nelson B. Creamer	135.88
037522-Daley's Pit	20.00
037523-Dennis Twp Fire District #1	1,116.67
037524-Dennis Twp Fire District #2	818.25
037525-Dennis Twp Fire District #3	546.08
037526-Delta Dental	2,804.09
037527-Dunbar Armored Inc.	339.43
037528-East Coast Distributors	431.36
037529-The Gem Grocery	122.44
037530-Girl Scout Troop #43006	800.00
037531-G&K Services, Inc.	694.76
037532-Gerald C. Harris	143.90
037533-NAPA Auto Parts	112.15
037534-Ted Kingston, Inc.	8,146.48
037535-Madison Square Garden Enter	1,665.00
037536-Modern Group Power Systems	468.50
037537-Nextel Communications	342.18

037538-NJ Shade Tree Federation	330.00
037539-Palos Sports	118.30
037540-Vincent C & Theresa Pombo	597.19
037541-Shore Animal Control	650.00
037542-Staples	1,606.56
037543-Stewart Business Systems	337.80
037544-Suburban Propane	131.56
037545-Team Eurosport	246.98
037546-The Southwest Council	625.00
037547-Township of Upper	5,263.97
037548-BSN Sports, Inc.	685.62
037549-Verizon	1,515.65
037550-Vital Communications, Inc.	39,690.00
037551-Xerox Financial Services	247.90

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

Tax Collector's Report	September, 2014
Engineer's Report	10/21/2014

Mayoral Appointment

Environmental Commission –

Christopher Castor, Alt. #2 – term ending 12/31/2014

Mayor Murphy asked if there were any comments from the public this evening.

Diann Walters of 1 Scotty Drive commented on her concerns regarding the variance application to the Consolidated Land Use Board from The ARC. She indicated that the variance is to allow special occasions events at their facility located on Route 47 in South Dennis and would allow events on Fridays, Saturdays and Sundays, allow 100 guests and alcoholic beverages. Ms. Walters continued to express her concerns with the application along with the noticing requirements. She shared with the Committee documents from the ARC's original variance application from 1989 where they received their approval for the offices under the condition of it only being used for offices and limiting the number of employees, number of people allowed to be there and the hours of operation. Ms. Walters commented on the ARC's mission statement and the moral issue of their variance as well as their non-profit status. Committeeman DiCicco questioned the Clerk as to the status of the variance and she indicated she believed it was on the Consolidated Land Use Board's agenda for memorization. Jeff April, the Township Solicitor, commented on the procedure. Ms. Walters commented on her discussion with the Consolidated Land Use Board Attorney's office. Mayor Murphy indicated that he wanted the discussion regarding the Land Use Boards adoption of the resolution approving the ARC's variance removed from their agenda. The Clerk indicated that he might not have the authority to dictate what goes on the Land Use Board's agenda and the Mayor reiterated that he wanted it removed. He then indicated that he was going to have a meeting with Ms. Walters and some other residents and Mr. Corrado, the Land Use Board's Attorney, to ascertain what is going on. Ms. Walters asked if she can depend that it will not be on the agenda and Mr. April commented on the Land Use Board being independent. Mayor Murphy reiterated that he wants to get everyone together to discuss the issue. Ms. Walter commented further on her phone conversation with Mr. Corrado's office and questioned if residents would be able to speak. The Clerk indicated that all public meetings had to have a public comment portion and Mr. April concurred. Mayor Murphy stated that he would contact her tomorrow on the status. Committeeman Germanio recommended that Ms. Walters and the neighbors attend the meeting either way. Committeeman DiCicco clarified why the Mayor didn't know the status is because the Land Use Board is designed so they are a separate entity. He indicated that he services on the Land Use Board and is unable to vote due to being on the Governing Body and the Clerk commented on Class I & III members being unable to vote on variances. Ms. Walters reiterated her opposition and her

concerns with the vagueness of the notice. Mayor Murphy reiterated that he would be in contact with her tomorrow.

Patrick Boylan of 1 Scotty Drive voiced his displeasure with the ARC's variance application and the lack of information. He asked if the Land Use Board approves the application is there an appeal process. The Committee indicated that there was and Mr. April explained. Mr. Boylan indicated that they like to support the ARC, and continued to express his concerns with lighting, parking, waiving the environmental impact study as well as the traffic study. He stated that the Land Use Board does not want to hear his concerns and the Committee indicated that they will. Mr. Boylan commented on the number of people allowed as an event and questioned who was going to count them. Mr. April likened it to adhering to the fire codes in restaurants.

Ms. Walters commented on well and septic approvals and the use of porta potties. The Committee indicated that their concerns needed to be looked into and that they are all valid concerns.

There being no further comment from those present, motion was made by O'Connor, seconded by Germanio with all in favor.

Committeeman Germanio indicated that he had been contacted by Brian Creamer, whose house had burnt down out in Belleplaine, regarding the Township's assistance with the Cape May County's MUA tipping fees. Committeeman Germanio stated that he has looked into a program for such issues that the CMCMUA has which is based on the previous year's tonnage and that the Township has the availability of 24 tons. Mayor Murphy indicated that he had received information and requested that the Clerk look into it. Committeeman Germanio asked if a resolution could be adopted dedicating the available tonnage to Mr. Creamer. Mayor Murphy asked if a resolution was required and Mr. April indicated that it could be addressed by a letter signed by the Mayor. Mayor Murphy indicated that after the Clerk gets all the necessary requirements he will sign a letter and the Committee agreed. Committeeman Germanio commented on the good turn-out for the Flu Clinic, the Fall Festival on October 29th, the Dennis Township Senior Association Meeting on November 5th, the Health Fair on November 18th, Thanksgiving Day Luncheon on November 26th and the Covered Dish Christmas Dinner on December 17th.

Committeeman DiCicco commented on the Environmental Commission and indicated that they are now on Facebook, are working on having a representative from the Middle School attend their meetings as well as VoTech. He indicated that Tuckahoe Nurseries has donated a lot of plants for the Museum garden and that they hope to have the Vo-Tech students work in the garden. He commended Ray Rebmann and Cindy Leatherwood of the Environmental Commission for their hard work.

Deputy Mayor O'Connor commented on the Travel Basketball tryouts and the nice crowd out to watch the soccer games on Saturday. He indicated that he always tries to attend a couple football games a year and during the halftime on Saturday they had a ceremony honoring Sammy Carabello. He commented on the citizens of Dennis Township sense of community and indicated that the Cheerleading and Football volunteers should be commented for the great job remembering someone who is gone far too soon.

Mayor Murphy commented on the neighbors present regarding the ARC application to the Land Use Board and reiterated that he would be meeting with them. He thanked them for bringing their concerns to the Committee.

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

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