

6:30 P.M. (PREVAILING TIME) TWP. COMMITTEE REGULAR MEETING

DUE TO THE COVID-19 OUTBREAK, WE ARE CONDUCTING THE MEETING BY TELE-CONFERENCE AND THE PUBLIC MAY CALL IN. CONFERENCE CALL INFORMATION WAS INCLUDED AS A COVER PAGE TO THIS AGENDA

The Clerk opened the meeting in compliance with the Open Public Meetings Act requirements.

The Clerk requested that the roll call and flag salute be carried over from the Work Session (Germanio, Cox, Turner and Matalucci present, Committeeman VanArtsdalen was absent).

The Clerk reviewed the consent agenda and asked if there were any comments.

There being no comments from the public, the Clerk asked for a motion adopting the consent agenda, motion was made by Matalucci, seconded by Cox, with 4 ayes and 1 absent (VanArtsdalen), that the consent agenda be adopted.

The following minutes were approved as part of the Consent Agenda: 08/25/2020 Regular Meeting.

The following resolution numbers 2020-126 thru 2020-134 were a part of the Consent Agenda (let the record reflect that Resolution No. 2020-135 for an Executive Session was not needed and withdrawn from the agenda):

RESOLUTION NO. 2020 - 126

**RESOLUTION AUTHORIZING AND RATIFYING THE
ISSUANCE OF FINAL NOTICE OF DISCIPLINARY ACTION AND EXECUTION OF
SETTLEMENT AGREEMENT AND GENERAL RELEASE**

WHEREAS, pursuant to Ordinance No. 2019-03 the Township Committee authorizes the Township Administrator to issue Preliminary Notices of Disciplinary Action; and

WHEREAS, on or about August 20, 2020 the Township Administrator issued a Preliminary Notice of Disciplinary Action to a Township employee; and

WHEREAS, said Employee was entitled to a disciplinary hearing on the charges under the provisions of N.J.S.A. 11A, Civil Service Act and by way of appeal to the Superior Court of New Jersey Appellate Division;

WHEREAS, the Employee has agreed to resolve his disciplinary action through a settlement and has waived his right to an appeal;

WHEREAS, the Township Committee has since been apprised of, and has considered the Administrator's initial determinations and recommendations with respect to the discipline outlined in the settlement; and

WHEREAS, the Township Committee is of the opinion that the determinations and recommendations on discipline set forth by the Administrator are appropriate and warrant the issuance of a Final Notice of Disciplinary Action and execution of the Settlement Agreement and General Release outlined below related to said Township employee; and

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. The averments above are incorporated herein as if set forth at length.
2. The appropriate discipline with respect to the Disciplinary Action is a 4-day suspension.
3. The issuance of a Final Notice of Disciplinary Action to said employee is hereby authorized.
4. The Township Administrator is hereby authorized and directed to sign the Settlement Agreement and General Release.
5. Said suspension will be served and scheduled at the discretion of the Township Administrator or her designee.

ATTEST _____ **ATTEST** _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020-127

**RESOLUTION AUTHORIZING THE HIRING OF A HEARING OFFICER
FOR THE REMAINDER OF 2020**

WHEREAS, the Township has a need for a professional services with regard to the services of a Hearing Officer; and

WHEREAS, Steve Secare, Esquire is an attorney licensed to practice law in the state of New Jersey and is qualified to serve as hearing officer;

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 Municipal Clerk are hereby authorized to execute a contract for Hearing Officer services with Steve Secare, Esquire, Secare & Hensel, 16 Madison Ave., Toms River, NJ 08753. for the remainder of 2020 and such services shall be rendered at the hourly billing rate of \$150.00 per hour on an as needed basis. Services shall not exceed \$3,000.00.

ATTEST _____ **ATTEST** _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020-128

**RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO BLAUER
ASSOCIATES FOR GRANT WRITING SERVICES
ASSOCIATED WITH THE FY 2021 SMALL CITIES APPLICATIONS –
ADA COMPLIANCE AT CHESTNUT STREET PARK**

WHEREAS, the Township Committee has determined to apply for the FY 2021 Small Cities Application for ADA Compliance at Chestnut Street Park, and

WHEREAS, Blauer Associates has submitted a proposal, a copy of which is attached hereto as exhibit "A", in an amount not to exceed \$21,800.00 to submit said application.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, in the County of Cape May and State of New Jersey, that a contract be and the same is hereby awarded to Blauer Associates as a Professional Services Contract, in an amount not to exceed

\$21,800.00, for the submission of an application for FY 2021 Small Cities Application – ADA Compliance at Chestnut Street Park.

BE IT FURTHER RESOLVED, that the necessary Certification of Availability of Funds is attached.

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby authorized and directed to publish in the official newspaper of the Township a copy of this Resolution.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020-129

RESOLUTION AUTHORIZING THE CANCELLATION OF VARIOUS CHECKS

WHEREAS, the following checks were issued from various Township of Dennis Accounts:

Payroll Account:

<u>Check No.</u>	<u>Date</u>	<u>Amount</u>	<u>Void Reason</u>
42711	7/19/19	321.24	Void & Reissue
42949	10/25/19	65.46	Void & Reissue
43505	8/14/20	146.90	Void & Reissue

WHEREAS, it is the desire of the Chief Finance Officer to void the Payroll Account checks and reissue them.

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 void the checks listed herein and reissue the ones deemed necessary.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020-130

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR THE CONSTRUCTION OF PHASE ONE OF THE COUNTY BIKEWAY PROJECT.

WHEREAS, The Township of Dennis has contracted with Lindemon Contracting, LLC. Of Cape May Court House , NJ. for Construction of Phase One of the County Bikeway in Dennis Township, NJ; and

WHEREAS, it has become necessary to provide additional storm drainage facilities in the vicinity of the Bikeway with Woodbine Boulevard; and

WHEREAS, the Township Engineer and the Contractor have signed Bikeway Change Order Number 2, attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis that said Change Order Number 2 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign in the space provided, as presiding officer, Change Order Number 2.

ATTEST

Jaqueline B. Justice, RMC/Clerk

ATTEST

Zeth A. Matalucci, Mayor

CHANGE ORDER NUMBER - 2

Project	CONSTRUCTION OF THE COUNTY BIKEWAY, PHASE ONE
Municipality	DENNIS TOWNSHIP
County	CAPE MAY
Contractor	LANDEMION CONTRACTING, LLC

In accordance with the project Supplementary Specification, the following are changes in the contract.
 Location and Reason for Change (Attach additional sheets if required)
 VICINITY OF WOODBINE BOULEVARD
 PROVIDE ADDITIONAL STORM DRAINAGE CAPACITY

Item No.	Description	Quantity (+/-)	Unit Price	Amount
17	15" Dia. RC Pipe	0.5 LF	\$100.00	\$50.00
18	Type A Inlet	1 each	\$3,500.00	\$3,500.00
SA4	5'x5' Stone Infiltration Trench	188 LF	\$100.00	\$18,800.00
TOTAL EXTRA				\$22,350.00
REDUCTION				
19	3' x 3' Stone Infiltration Trench	91 LF	\$30.00	\$2,820.00
TOTAL REDUCTION				\$2,820.00

Amount of Original Contract \$ 919,645.00
 Adjusted amount Based on Change Orders 1 and 2 \$ 969,427.00

Extra \$22,350.00
 Reduction \$2,820.00
 Total Change \$19,530.00

% Change in Contract (1) Increase (CO. 1 and 2) 5.31 %
 [Signature] 09/01/2020 (Date)
 [Signature] 09/11/2020 (Date)
 [Signature] 09/01/2020 (Date)

RESOLUTION NO. 2020-131

RESOLUTION AUTHORIZING THE EXECUTION OF A PROMISE OF INDEMNIFICATION WITH THE COUNTY OF CAPE MAY FOR THE TEMPORARY PLACEMENT OF HOLIDAY WREATHS ABOVE PETERSBURG ROAD AND MAIN STREET IN DENNISVILLE

WHEREAS, the Township has requested that the County of Cape May permit temporary placement of holiday wreaths on utility poles above portions of County Route 610 (Petersburg Road and Main Street) in Dennisville; and

WHEREAS, the Holiday Wreath Project would last approximately November 20, 2020 thru January 08, 2021; and

WHEREAS, the Township has been notified by the County Engineer 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 placement of Holiday Wreaths above a portion of County Route 610 (Petersburg Road and Main Street) in Dennisville.

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 Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020 - 132

**RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A
DEDICATED TRUST BY RIDER FOR PAYROLL LIABILITIES PURSUANT TO N.J.S.A
40A:4-39**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Payroll Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement; and

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. The Mayor and Township Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Payroll Liability Trust Fund.
2. That the Municipal Clerk of the Township of Dennis, County of Cape May is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020-133

**A RESOLUTION ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN
COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND'S CYBER RISK MANAGEMENT PLAN'S TIER ONE REQUIREMENTS**

WHEREAS, the Township of Dennis is a member of the Atlantic County Municipal Joint Insurance Fund (ACM JIF) which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Atlantic County Municipal Joint Insurance Fund, the Township of Dennis enjoys cyber liability insurance coverage to protect the Township of Dennis from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1 & Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Township of Dennis; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Township of Dennis to claim a reimbursement of a paid insurance deductible in the event the member files a claim against the Township of Dennis' cyber insurance

policy, administered through the Atlantic County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund;

NOW THEREFORE BE IT RESOLVED, that the Township of Dennis does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan:

- System and data back-up
- Security and system patching
- Defensive software
- Security Awareness Training
- Incident Response Plan

AND, BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

RESOLUTION NO. 2020 -134

RESOLUTION AUTHORIZING PARTICIPATION IN A SHARED SERVICES AGREEMENT WITH STATE OF NEW JERSEY, BELLEPLAIN STATE FOREST FOR SHARING OF EQUIPMENT

WHEREAS, the Township of Dennis and the State of New Jersey, Belleplain State Forest each own various pieces of equipment which each entity uses for various public works purposes; and

WHEREAS, both parties wish to enter into a shared services agreement to share equipment as a means of efficiently and economically providing their residents with necessary services; and

WHEREAS, N.J.S.A 40A:65-1 et seq. permits municipalities to enter into agreements for shared services.

NOW, THEREFORE BE IT RESOLVED the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey does hereby authorize participation in the attached shared services agreement with the State of New Jersey, Belleplain State Forest for the sharing of equipment.

ATTEST _____ ATTEST _____
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

The Clerk indicated that we would be moving on to the regular items on the agenda.

The Clerk 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 Matalucci, seconded by Cox. with 4 ayes and 1 absent (VanArtsdalen), that the payment of the following bills was approved:

GENERAL ACCOUNT:

045066-Acme (Supervalu) \$ 26.89

045067-Atlantic City Electric	84.87
045068-Atlantic City Electric	9,753.00
045069-Animal Control of South Jersey	600.00
045070-Archer & Greiner, PC	3,488.47
045071-Belleplaine Emergency Corp.	19,853.02
045072-Blaney & Karavan, PC	4,000.00
045073-Broadley's MDI	305.00
045074-CMC Municipal Clerks Assoc.	20.00
045075-Cape May County P.W.A.	763.07
045076-Cherry Valley Tractor Sales	236.62
045077-Cody's Power Equipment	6.53
045078-John L. Collins	289.20
045079-Comecast	257.92
045080-Constellatio New Energy, Inc.	7.20
045081-Nelson B. Creamer	144.60
045082-Dennis Twp. Fire District #1	96,324.73
045083-Dennis Twp. Fire District #2	82,978.75
045084-Dennis Twp. Fire District #3	44,887.71
045085-Dennis Twp. Board of Education	880,359.17
045086-Larry C. Dixon	144.60
045087-East Coast Distributors	85.98
045088-Frailer Engineering, PA	98.00
045089-John C. Gibson, P.E.	9,850.00
045090-Green Technology Services	1,785.20
045091-Gerald C. Harris	144.60
045092-Michele T. Heim	536.39
045093-Roy J. Hope	354.30
045094-Edward F. Leith, Jr.	144.60
045095-Lindemon Contracting, LLC	82,541.01
045096-Loveland Garrett & Batastini PA	833.32
045097-Mark Grant	144.60
045098-Masune First Aid & Safety	286.94
045099-Mariann Murphy	194.78
045100-Principal Life Insurance Co.	86.68
045101-Arthur Schellinger	232.32
045102-Cooltronics, Inc.	632.90
045103-Service Tire Truck Centers	199.69
045104-Shop-Rite	87.37
045105-Shore Counseling, LLC	605.25
045106-Carolyn P. Swagler	144.60
045107-Upper Township	30,509.73
045108-BSN Sports, Inc.	6,919.84
045109-Vision Service Plan	763.54
045110-Vital Communications, Inc.	100.00
045111-Wise Choice Contractors, LLC	650.00
045112-Zaappaaz, Inc.	695.55

CONSTRUCTION CODE:

1025-Allegra Marketing, Print & Mai	115.00
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GENERAL CHECKING WIRES:

22-NJSHBP	34,496.36
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DOG TRUST:

136-NJ Dept. of Health and Senior Services	2.40
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ESCROW TURNER PARTNERS:

13-Fralinger Engineering, PA 468.00

ESCROW HRD HOLDINGS:

61-Fralinger Engineering, PA 1,456.00

PLANNING ESCROW:

1035-Fralinger Engineering, PA 783.75

1036-Loveland Garrett & Batastini PA 600.00

RECREATION TRUST:

1213-BSN Sports, Inc. 199.98

The Clerk asked for a motion to approve the Administrative Reports. Motion was made by Cox, seconded by Germanio, with 4 ayes and 1 absent (VanArtsdalen), that the following Administrative Reports were approved:

Municipal Clerk’s Report	August, 2020
Registrar’s Report	August, 2020
Tax Collector’s Report	August, 2020
Construction Official’s Report	August, 2020
Chief Finance Officer’s Report	August, 2020
Engineer’s Report	09/08/2020

The Clerk asked if there were any comments from the public this evening.

Let the record reflect that there were no comments from those present.

The Clerk asked for comments from the Township Committee.

Committeeman Germanio commented on events at the Senior Center such as the Creepy Crawly Drive Thru Halloween Party scheduled for October 28, 2020. He shared that the Drive Thru B-B-Q was very successful with lots of volunteers.

Committeeman Cox indicated that he had no comment at this time.

Deputy Mayor Turner indicated that the County Bikeway Project was moving along and is going to be great when completed.

Mayor Matalucci indicated that Public Works is still working on Brush and that we experienced some delays due to warrenty issues with one of the trucks. He indicated that we should enjoy the local summer now and urged everyone to support local businesses.

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

ATTEST _____ ATTEST _____
 Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor