

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
OCTOBER 13, 2020**

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 (VanArtsdalen, Germanio, Turner and Matalucci present, Committeeman Cox was absent).

The Clerk reviewed the consent agenda and clarified that Resolution No. 2020-145 was for Litigation and Attorney Client Privilege 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 VanArtsdalen, seconded by Turner, with 4 ayes and 1 absent (Cox), that the consent agenda be adopted.

The following minutes were approved as part of the Consent Agenda: 09/22/2020 Regular Meeting.

The following resolution numbers 2020-138 thru 2020-146 were a part of the Consent Agenda:

RESOLUTION NO. 2020-138

RESOLUTION DESIGNATING THE OFFICIAL NIGHT FOR TRICK OR TREAT

BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the official night for “Trick or Treat” in Dennis Township will be Saturday, October 31, 2020 during the hours of 5:00 P.M. to 8:00 P.M.

BE IT FURTHER RESOLVED, that the Township Committee urges everyone to adhere to the attached Halloween Celebration Guidance October 5, 2020 document produced by the Atlantic County Municipal Joint Insurance Fund.

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

RESOLUTION NO. 2020-139

**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 3, 2020; 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 3, 2020.

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. 2020-140

RESOLUTION CANCELLING GRANT BALANCES

WHEREAS, it has been determined that the following grants are closed and/or otherwise discontinued and the balances should be removed from the Balance Sheets of the Township;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to cancel the following grants:

SEE ATTACHED SCHEDULE

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

Resolution No. 2020 - 140

Schedule A		
Title	Receivable	Appropriation
MUNICIPAL ALLIANCE	11,451.16	18,892.70
CLEAN COMMUNITIES	-	22,225.89
	<u>\$ 11,451.16</u>	<u>\$ 41,118.59</u>
		29,667.43

RESOLUTION NO. 2020-141

**RESOLUTION AUTHORIZING THE RELEASE
OF A PERFORMANCE BOND FOR BLOCK 1, LOT 23 –
CINGULAR PENNSYLVANIA**

WHEREAS, the Administrator to the Consolidated Land Use Board has requested the release of a Planning/Zoning Performance Bond for Block 1, Lot 23 due to the completion of the project; and

WHEREAS, Township Engineer has authorized the release of the performance bond which is in the form of Surety Bond No. 104370937.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to release the performance bond in the amount of \$30,000.00 in the form of Surety Bond No. 104370937 and any remaining escrow fees providing that the professional fees have been satisfied.

BE IT FURTHER RESOLVED, that the Clerk forward a certified copy of this resolution to the Administrator to the Planning and Zoning Boards and the Chief Financial Officer.

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

RESOLUTION NO. 2020-142

**RESOLUTION AUTHORIZING A NJ SNAP-Ed NUTRITION AND FITNESS EDUCATION
PROGRAM AT THE SENIOR CENTER THROUGH COMMUNITY FOODBANK OF NEW
JERESEY, INC.**

WHEREAS, the Township desires to provide a NJ SNAP-Ed nutrition and fitness education program for our Seniors at the Dennis Township Senior Center; and

WHEREAS, the Senior Center Director has recommended the NJ SAP-Ed program through the Community FoodBank of New Jersey, Inc.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Township Administrator is hereby authorized and directed to execute the Program Agreement between Community FoodBank of New Jersey, Inc. and the Dennis Township Senior Center for the NJ SNAP-Ed nutrition and fitness education program for the term of October 2020 through September 2021.

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

RESOLUTION NO. 2020-143

**RESOLUTION CERTIFYING THE GOVERNING BODY REVIEWED THE
2020 BEST PRACTICE INVENTORY**

WHEREAS, the State of New Jersey, Department of Community Affairs, Division of Local Government Services requires the governing body of every local unit to review the Best Practice Inventory; and

WHEREAS, the 2020 Best Practice Inventory Questionnaire has been filed by the Chief Financial Officer and a copy has been received by each member of the governing body; and

WHEREAS, the Township Committee of the Township of Dennis, does hereby comply with the promulgation of the Division of Local Government Services of the State of New Jersey.

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Dennis that said governing body discussed and reviewed the 2020 Best Practice Inventory.

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

RESOLUTION NO. 2020-144

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JOHN C. GIBSON, PE FOR ENGINEERING SERVICES ASSOCIATED WITH RECONSTRUCTING TOWNSHIP HALL PARKING LOTS

WHEREAS, the Dennis Township Committee has determined to replace the existing rubberized gym floor with an engineered hardwood maple floor system at the Dennis Township Recreation Building, and

WHEREAS, John C. Gibson, P.E. is the Engineer for Dennis Township, and

WHEREAS, John C. Gibson, P.E. has submitted a proposal, for providing specifications, contract administration, and construction observation for the new floor, a copy of this is attached hereto as exhibit “A”, in an amount not to exceed \$11,000.00 for Professional Engineering Services.

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 for the above is hereby awarded to John C. Gibson, P.E. as a Professional Services Contract, in an amount not to exceed \$11,000.00, for professional engineering services.

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. 2020-145

RESOLUTION ADOPTING THE REQUIRED DOMESTIC VIOLENCE POLICY

WHEREAS, N.J.S.A. 11A:2-6a requires public employers to adopt a uniform domestic violence policy; and

WHEREAS, the Township’s insurance provider, Atlantic County Municipal Joint Insurance Fund, has provided its members with said policy.

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 Domestic Violence Policy is hereby adopted.

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

RESOLUTION NO. 2020-146

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Dennis is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Dennis to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 b and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, assembled in public session on October 13, 2020, that an Executive Session closed to the public shall be held on October 13, 2020 prior to the close of the above night’s meeting in the Dennis Township Municipal Complex, 571 Petersburg Road, Dennisville, New Jersey, for the discussion of matters relating to the specific items designed above.

BE IT FURTHER RESOLVED, that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

ATTEST _____ **ATTEST** _____
Jacqueline B. Justice, RMC/Clerk 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 VanArtsdalen, with 3 ayes, 1 abstain (Turner) and 1 absent (Cox), that the payment of the following bills was approved:

GENERAL ACCOUNT:

045156-571 Petersburg Road, LLC	\$ 1,182.12
045157-Action Supply, Inc.	1,142.54
045158-Advantage Equipment Sales	111.32
045159-Atlantic City Electric	1,859.77
045160-Animal Control of South Jersey	600.00
045161-Clinton Conover Farm	154.00
045162-Atlantic Cnty Municipal Joint Insurance Fund	49,905.00
045163-The Bank of New York Mellon	750.00
045164-Battelini Transportation, Inc.	725.00
045165-Belleplaine Emergency Corp.	19,853.02
045166-Blaney & Karavan, PC	4,000.00

045167-Blaney & Karavan, PC	1,323.00
045168-Broadley's MDI	882.70
045169-Caprioni Portable Toilets, Inc.	343.50
045170-Caprioni Family Septic	150.00
045171-Cody's Power Equipment	611.24
045172-John L. Collins	289.20
045173-Comcast	327.87
045174-Constellatio New Energy, Inc.	7.69
045175-Nelson B. Creamer	144.60
045176-Dennis Twp. Board of Education	921,290.42
045177-Larry C. Dixon	176.49
045178-East Coast Distributors	146.46
045179-Rosemarie Essig	84.04
045180-Gardner True Value Hardware	479.03
045181-Gentilini Chevrolet, LLC	736.58
045182-Gracetown Lumber Co.	194.15
045183-Green Technology Services	2,851.86
045184-H.A. DeHart & Son, Inc.	2,682.21
045185-Gerald C. Harris	144.60
045186-Michele T. Heim	465.11
045187-Cape May County Herald	364.34
045188-Home Depot Credit Services	195.24
045189-Roy J. Hope	371.31
045190-Surenian, Edwards & Nolan, LLC	114.00
045191-Edward F. Leith, Jr.	144.60
045192-Lindemon Contracting, LLC	183,309.12
045193-Loveland Garrett & Batastini PA	833.32
045194-Mark Grant	144.60
045195-Rooney LLC	400.00
045196-Moonlight Outdoor Movies	300.00
045197-Mariann Murphy	165.60
045198-New Jersey League of Municipalities	165.00
045199-Nat. Alliance for Youth Sports	160.00
045200-Patti's Party World	59.96
045201-Paul's Pest Control, Inc.	395.00
045202-Petty Cash c/o Jessica Bishop	305.39
045203-The Press of Atlantic City	148.68
045204-Principal Life Insurance Co.	93.57
045205-Eurofins QC, Inc.	128.00
045206-Reel Fire Protection, Inc.	636.20
045207-S.A.R. Automotive Equip.	225.00
045208-Arthur Schellinger	232.74
045209-Cooltronics, Inc.	845.00
045210-S.S.C.I.	120.00
045211-Stewart Business Systems	1.50
045212-Carolyn P. Swagler	238.36
045213-Swank Motion Pictures, Inc.	630.00
045214-Treasurer, State of New Jersey	325.00
045215-Upper Township	179.88
045216-Vision Service Plan	763.54
045217-David Mayer's Tree Service, LLC	1,500.00
045218-Cintas Corporation	8.55

CONSTRUCTION CODE:

1026-Treasurer, State of New Jersey	2,836.00
-------------------------------------	----------

GENERAL CHECKING WIRES:

23-NJSHBP	34,496.36
-----------	-----------

DOG TRUST:

137-NJ Dept. of Health and Senior Services 1.20

ESCROW TURNER PARTNERS:

14-Fralinger Engineering, PA 260.00

ESCROW HRD HOLDINGS:

62-Fralinger Engineering, PA 1,976.00

ESCROW B & R LAND

01-John C. Gibson, P.E. 2,443.75

PLANNING ESCROW:

1037-Fralinger Engineering, PA 948.75

1038-Loveland Garrett & Batastini PA 675.00

RECREATION TRUST:

1219-Challengere Teamwear 693.00

1220-Crown Awards 299.96

1221-BSN Sports, Inc. 302.93

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

Municipal Clerk’s Report	September, 2020
Registrar’s Report	September, 2020
Tax Collector’s Report	September, 2020
Construction Official’s Report	September, 2020
Chief Finance Officer’s Report	September, 2020
Engineer’s Report	10/13/2020

The Clerk indicated that the record should reflect that Mayor Matalucci re-appointed Tracey Robinson to the Cape May County Animal Shelter Advisory Board with the term expiring 06/30/2022.

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 VanArtsdalen indicated that our all Dennis Township Soccer League has completed their season and that the Football & Cheerleaders Program is moving along and that the Township would be having a Movie Night at the Rec on Friday, October 30th and Halloween is Saturday, October 31st.

Committeeman Germanio commented on the event at the Senior Center, the Creepy Crawly Drive Thru Halloween Party, which scheduled for October 28, 2020 and he indicated that you needed to RSVP by October 21st. Committeeman Germanio listed the choices for the lunch and shared that Mrs. Essig was

starting early to collect for the Secret Santa and she is asking everyone to bring a toy for a girl or boy. He closed with indicating that they can contact Mrs. Essig at the Senior Center for further details and that she is doing a fantastic job.

Deputy Mayor Turner thanked the Municipal Clerk, Jackie Justice, for inspecting the ballot drop box and confirming that there is one located here in Dennis Township at the County Yard located on the Woodbine/Ocean View Road near the intersection with Kings Highway and fielding calls regarding this election. He urged anyone with questions to give her a call and the Clerk shared her number, 609-861-9700 x223.

Mayor Matalucci commented on the vandalism done at the Memorial for Trooper Bertram Zimmerman on Route 83. He indicated that the reward is over \$10,000 for information leading to the arrest of the perpetrator(s) and he urged everyone to keep their eyes and ears open. Mayor Matalucci thanked Public Works and the Township Administrator for their efforts in cleaning the site up. He indicated that it was a despicable act that discussed him and that he does not know why someone would do such an act.

Committeemen Germanio thanked the Mayor, the Administrator and Public Works for cleaning the site up and indicated that they did a wonderful job.

The Clerk indicated that the Committee will recess the regular meeting to go into Executive Session for Litigation and Attorney Client Privilege. The Clerk asked for a motion to recess the regular meeting, motion was made by VanArtsdalen, seconded by Turner, that the regular meeting be recessed so that the Committee could go into Executive Session.

Committeeman VanArtsdalen confirmed the process for leaving one Zoom meeting and joining another.

The Clerk indicated that she will remain in the Regular Zoom meeting to advised any public that may join the meeting status.

At this time the Clerk asked for a motion to reconvene the regular meeting, motion was made by Turner, seconded by VanArtsdalen, that the regular meeting be reconvened.

The Clerk indicated that at this time the Committee would like to adopt Resolution No. 2020-147, Resolution Authorizing the Execution of a Settlement Agreement and Release Related to Docket No. CPM-l-311-19 and asked for a motion. Motion was made by Germanio, seconded by VanArtsdalen with 4 ayes and 1 absent (Cox), that the following Resolution No. 2020-147 was adopted:

RESOLUTION NO. 2020-147

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE RELATED TO DOCKET NO. CPM-L-311-19

WHEREAS, in or about August 2019, a lawsuit was filed against the Township in the Superior Court of New Jersey, Cape May County, Docket No. CPM-L-311-19 (“Litigation”);

WHEREAS, the Township has denied the allegations brought for in the Litigation and have steadfastly maintained that its actions, fully complied with all legal and constitutional requirements with regard to its obligations as determined by law;

WHEREAS, negotiations with attorneys for the parties have taken place in an attempt to resolve the allegations in the above Complaint;

WHEREAS, said negotiations resulted in a comprehensive Settlement Agreement and Release (“Agreement”) being prepared potentially resolving the Litigation between the parties and resolving and settling all issues related to the Complaint including all other claims and previous obligations;

WHEREAS, the settlement of said Litigation is intended to resolve all claims and objections raised by Plaintiff without the expense of a trial and potential exposure that the Township could incur if subjected to a lengthy trial before the Court;

WHEREAS, said settlement is not an admission of fault or wrongdoing by the Township, but it is proposed to fully resolve any and all disputed claims between the parties;

WHEREAS, the Township Committee deems it appropriate to authorize the execution of the Agreement (attached hereto as Exhibit “A”);

WHEREAS, the Chief Financial Officer of the Township of Dennis has certified as to the availability of funds, as required under law, specifically N.J.A.C. 5:30-5.4; and

NOW, THEREFORE, BE IT RESOLVED, that the preamble of this Resolution is hereby incorporated by reference as if set forth at length;

BE IT FURTHER RESOLVED, that the Township Committee believes that said Agreement is a fair and reasonable resolution to the pending litigation and, accordingly, the Agreement should be approved as presented.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the aforementioned Agreement on behalf of the Township of Dennis.

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

Mayor Matalucci indicated that he is against settlements when the Township has done nothing wrong and he commented on concerns the insurance company has regarding fee shifting nature of the case. He shared that settling the case will allow for a fresh start at the Recreation Center and he commented on creating a Recreation Commission.

Committeeman Germanio indicated that it is a great opportunity to make improvements at the Rec and he thinks it is fantastic to allow the different Associations to take a bigger ownership of their programs.

Motion was made by VanArtsdalen, 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