

**TOWNSHIP OF DENNIS
DENNISVILLE, NJ
APRIL 27, 2021**

5:30 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 conducted the roll call with VanArtsdalen, Germanio, Cox, Turner and Matalucci present.

The Clerk requested that everyone please rise for the pledge of allegiance.

At this time we had a Special Presentation of a Proclamation Honoring Joe Wallash and Playa Bowls for its generous donation to the Dennis Township Baseball/Softball Association. Mayor Matalucci read the Proclamation and thanked Joe for helping make our Opening Day a great success. Congressman Van Drew joined us in honoring Joe. Joe Wallash thanked the Committee and indicated that he bleeds Dennis Township.

The Clerk asked if there were any questions, comments or concerns regarding the consent agenda.

There being none, the Clerk asked for a motion adopting the consent agenda, motion was made by Matalucci, seconded by Turner, with 5 ayes and no nays, that the consent agenda be adopted.

The following minutes were approved as part of the Consent Agenda: 04/13/2021 Work Session & Regular Meeting.

The following resolution numbers 2021-72 thru 2021-76 were a part of the Consent Agenda:

RESOLUTION NO. 2021-72

RESOLUTION AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE TEMPORARY BUDGET FOR CY 2021 FOR THE TOWNSHIP OF DENNIS

WHEREAS, a condition has arisen with respect to the appropriation of funds when budget dates have been extended until final adoption of the budget pursuant to N.J.S. 40A:4-19.1; and

WHEREAS, an additional \$234,169.27 is required to be included in the temporary budget.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that in accordance with N.J.S. 40A:4-19.1:

1. Temporary appropriation is hereby made in the total amount of \$234,169.27.
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

RESOLUTION NO. 2021-73

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH TESTA, HECK, TESTA AND WHITE, P.A. FOR CONFLICT COUNSEL SERVICES

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

WHEREAS, Testa, Heck, Testa & White, P.A. is a firm licensed to practice law in the state of New Jersey and is qualified to serve as Conflict Counsel;

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 Conflict Counsel services with Testa, Heck, Testa & White, P.A., for the 2021 year.

BE IT FURTHER RESOLVED, that said services shall be rendered at the hourly billing rate of \$150.00 per hour on an as needed basis. Services shall not exceed \$17,500.00.

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

RESOLUTION NO. 2021-74

RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT – BLOCK 226, LOT 12.01

WHEREAS, the Tax Collector’s Office has notified the Clerk of a tax overpayment on Block 226, Lot 12.01; and

WHEREAS, the overpayment was a result of the property owner being awarded a 100% Disabled Veteran Deduction; and

WHEREAS, the amount of the overpayment requested to be refunded for Block 226, Lot 12.01 is one hundred and nine dollars and seventy-six cents (\$109.76).

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 \$109.76 to the following:

Block 226, Lot 12.01
Stephen F. & Debra Asher
444 Corson Tavern Road
Ocean View, NJ 08230

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

RESOLUTION NO. 2021-75

RESOLUTION AUTHORIZING THE HIRING OF A SEASONAL LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Dennis Township Public Works Department is in need of a Seasonal laborer; and

WHEREAS, the Administrator has received applications and made her recommendation 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 be hired as a Seasonal Laborer for the Department of Public Works: Brandon Sibitzky, 260 Old Tuckahoe Road, Woodbine, NJ 08270 at the hourly rate of \$15.00 per hour effective 05/10/2021.

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

RESOLUTION NO. 2021-76

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
BY AND BETWEEN THE TOWNSHIP OF DENNIS AND
THE TOWNSHIP of MIDDLE FOR SOLID WASTE AND RECYCLING COLLECTION
SERVICES FOR PROPERTY LOCATED AT
13 FISH HAWK LANE WITHIN DENNIS TOWNSHIP**

WHEREAS, the property known as 13 Fish Hawk Lane is in Dennis Township and currently receives solid waste and recycling collection through Dennis, but is located in a neighborhood that is close to Middle Township boundary with all other property on the street being located within Middle and receiving said services from them; and

WHEREAS, the Uniform Shared Services and Consolidation Act., N.J.S.A. 40A:65-1, et. Seq., authorizes municipalities to enter into agreements for the exchange of sharing services; and

WHEREAS, the Township of Dennis and the Township of Middle desire to enter into a Shared Services Agreement for solid waste and recycling collection for said property; and

WHEREAS, a Shared Services Agreement has been prepared to allow for the solid waste and recycling collection for the property known as 13 Fish Hawk Lane under terms agreeable to the Township of Dennis and the Township of Middle, a copy of which is annexed to this Resolution; and

WHEREAS, it is deemed to be in the public interest of and a benefit to the residents of the Townships that a Shared Services Agreement be entered into for such purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Dennis in the County of Cape May and the State of New Jersey, duly assembled in public session this 27th day of April, 2021, as follows:

1. The Preamble of this Resolution is hereby adopted and incorporated herein by reference;
2. The aforementioned and annexed Shared Services Agreement is hereby approved;
3. The Mayor and Clerk are hereby authorized and directed to execute the said Shared Services Agreement on behalf of the Township of Dennis.

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

The following Ordinance No. 2021-03 was introduced for first reading as part of the consent agenda:

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

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY AMENDING CHAPTER 185, SECTION 4, ENTITLED, “PROHIBITED USES” OF THE DENNIS TOWNSHIP CODE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, the Township of Dennis has a comprehensive land use development ordinance which identifies uses in each zoning district and prohibits uses which are not expressly permitted; and

WHEREAS, the Township Committee of the Township of Dennis (“Dennis Township”) has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Dennis Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Dennis Township residents and members of the public who visit, travel, or conduct business in Dennis Township to amend Dennis Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Dennis Township; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Dennis Township, in the County of Cape May, State of New Jersey, as follows:

Section One. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Dennis Township except for the delivery of cannabis items and related supplies by a delivery service.

Section Two. The portion of Chapter 185, Section 4 of the Dennis Township Code is hereby amended by adding to the list of prohibited uses as follows (additions are underlined; deletions are [bracketed]):

**ARTICLE I General Provisions
(Amended 7-15-13 by Ord. No. 2013-03)**

§185-4 Prohibited uses.

- A. All uses not expressly permitted in this chapter are prohibited.
B. In addition, the following uses are specifically prohibited in all districts:

- (1) Trailer parkers.
- (2) Incinerators.
- (3) Landfills
- (4) Junkyards.
- (5) The use of land for the dumping or disposal of toxic or hazardous wastes or sludge material.
- (6) Commercial resource extraction, specifically including sand mining and commercial water removal.
- (7) The manufacture of explosives, volatile chemicals, or any use which significantly presents a similar risk, hazard, or nuisance as the manufacture of explosives or volatile chemicals. Uses believed to significantly present a similar risk, hazard or nuisance include, but are not limited to, the following:

(Added 6-4-07 by Ord. No. 2007-09)

- a. Acetylene gas manufacture and/or storage of more than one cylinder of 10 cubic feet.
 - b. Acid manufacture (hydrochloric, nitric, acrid, sulfuric, carbolic)
 - c. Ammonia, bleaching power or chlorine manufacture.
 - d. Arsenal.
 - e. Asphalt manufacture.
 - f. Oil refining.
- (8) The following classes of Cannabis licenses, enumerated in P.L. 2021, c. 16, are prohibited in all zoning districts of Dennis Township, except for the delivery of cannabis items and related supplies by a delivery service.
- a. Class 1 – Cannabis Grower, for facilities involved in growing and cultivating cannabis;
 - b. Class 2 - Cannabis Processor, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
 - c. Class 3 – Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
 - d. Class 4 – Cannabis Distributor license, for businesses involved in transporting cannabis items in bulk intrastate, from one licensed cannabis establishment to another;
 - e. Class 5 – Cannabis Retailer license, for locations at which cannabis items and paraphernalia are sold to consumers;
 - f. Class 6 – Cannabis Delivery license, for business providing courier services for a licensed cannabis retailer in order to make deliveries of cannabis items and related supplies to a consumer.

Section Three. Any article, section, paragraph, subsection, clause, or other provision of the Dennis Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section Four. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to

the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section Five. This ordinance shall take effect immediately upon its passage and publication as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

Matthew Cox, 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 April 27, 2021. Publication will be held on May 03, 2021 and a Public Hearing will be held at a meeting of the said Township Committee to be held on June 08, 2021 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk

The following Ordinance No. 2021-04 was introduced for first reading as part of the consent agenda:

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

ORDINANCE NO. 2021-04

**AN ORDINANCE ESTABLISHING CHAPTER 147 OF THE TOWNSHIP OF DENNIS CODE,
PROHIBITING SMOKING MARIJUANA IN PUBLIC AREAS**

WHEREAS, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and accompanying marijuana decriminalization laws; and

WHEREAS, the legislation both legalizes and regulates the use and possession of cannabis for adults aged twenty-one (21) and its two companion laws, A1897 and S3454, decriminalize marijuana and hashish possession and prescribe penalties for the use and possession of marijuana and cannabis for individuals younger than twenty-one (21) years old; and

WHEREAS, the legislation does not preempt the Township’s authority to regulate the smoking and/or vaping of said substances in public; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township possesses the authority to enact, amend, repeal and enforce such ordinances, regulations, or any other such rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Township Committee, having reviewed the said legislation and considered the Township’s authority under the same, has determined it to be in the best interest of the Township, residents and visitors alike to regulate the use of marijuana in public areas throughout the Township;

NOW THEREFORE BE IT ORDAINED, by the Township Committee for the Township of Dennis as follows:

SECTION 1. The Code of the Township of Dennis is hereby amended to include the following section, identified as Chapter 147:

Chapter 147– Public Consumption of Cannabis, Marijuana and Hashish Prohibited

§ 147-1 – Township Policy

The purpose of this Chapter is to regulate conduct in public areas affecting the public health, safety and general welfare so as to protect residents of and visitors to the Township of Dennis from the nuisance and health hazards of nonconsensual exposure to secondhand marijuana smoke and limit marijuana-related litter and pollution.

§ 147-2 - Definitions

MARIJUANA

"Marijuana", as used herein, shall mean all parts of the cannabis plant, as well as the seeds thereof, and any compound, manufacture, salt, derivative, mixture, or preparation of said plant or its seeds, resin, or oil. For purposes of this section, any reference to “Marijuana” shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated marijuana and hashish.

OPEN SPACE

Any nature areas, greenbelts, and wildlife and vegetation habitat areas open to the public.

OUTDOOR DINING AREAS

Areas utilized for food and/beverage service located in the public right-of-way that are not enclosed nor contained within any restaurant, business, nonprofit entity, or place of employment.

PARKS

Any public parks owned, leased, utilized or operated by the Township of Dennis.

PUBLIC RIGHT-OF-WAY

That area on, below, or above any public roadway, highway, street, sidewalk, alley, waterway, or utility easement in which the Township of Dennis and/or County of Cape May has an interest.

RECREATION AREA

Those areas that are open to and accessible by the general public for recreational purposes including, but not limited to, public parks, beaches, nature preserves, designated wildlife areas, boat ramps, athletic fields, playgrounds, tennis courts, pickleball courts, basketball courts and senior center outdoor areas.

BIKE PATH

Means the public pedestrian walkway/pathway constructed over the municipal right-of-way or within any jurisdiction that the municipal has entered into an agreement with a private entity for the use of the public.

SCHEDULED PUBLIC EVENTS

Any scheduled event within the Township of Dennis where the public is invited some of which may require a permit, including but not limited to farmers markets, concerts, parades, or festivals.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.

SMOKING DEVICE

Any device or apparatus that can be used to consume cannabis, marijuana, or hashish or other related substance including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or other device used to consume said substances. This definition shall include the "vaping" of said substances.

§ 147-3 - Prohibition

It shall be unlawful for any person to smoke or otherwise use or consume marijuana in or on any public open space, outdoor dining area, parks, public right of way, recreation area, bike path or the area of any scheduled public event.

§ 147-4 - Posting Signs.

A sign shall be clearly, sufficiently and conspicuously posted in public areas. The sign(s) shall state "Smoking Marijuana in Public is Prohibited" or substantially similar language, written in lettering that is not less than 3/4 inches in height, and shall contain the citation to this Township Code section.

§147-5 - Enforcement.

The New Jersey State Police is hereby charged with the enforcement of this section and all members of the same shall be designated as enforcement officers for the purpose of enforcement of this section.

§147-6 - Penalties.

Any person who is found guilty of violating this section shall be subject to monetary fines as follows:

- a. \$100.00 to \$250.00 for a first offense;
- b. \$500.00 - \$1,000.00 for a second or subsequent offense.

SECTION 2. Any other Ordinance that is in conflict or otherwise inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect. and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective 20 days after final passage and publication, according to law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

045712-Vehicle Service Group, LLC	41,874.89
045713-Xerox Corporation	173.98

CONSTRUCTION CODE:

1035-Treasurer, State of New Jersey	1,428.00
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GENERAL CHECKING WIRES:

None.

DOG TRUST:

147-County of Cape May	8,106.80
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ESCROW PINELANDS CONSTRUCTION:

None.

ESCROW R. E. PIERSON CONSTRUCT:

None.

ESCROW TURNER PARTNERS:

None.

ESCROW HRD HOLDINGS:

None.

ESCROW RIVERVIEW PLUMBING HEATING & C:

None.

ESCROW GOLF CARS UNLIMITED

None.

PLANNING ESCROW:

1052-Fralinger Engineering, PA	85.00
1053-Loveland, Garrett & Batastini, PA	675.00

RECREATION TRUST:

1247-L. J. Zucca, Inc.	824.18
1248-Seashore Food Distributors, Inc.	984.05

The Clerk asked for a motion to approve the Administrative Reports. Motion was mad by Turner, seconded by Germanio, with 5 ayes and no nays, that the following Administrative Reports were approved:

Municipal Engineer's Report	04/27/2021
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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.

Municipal Engineer, Mike Fralinger, commented on his Report and advised the Committee to be on the look-out for the N.J. Department of Transportation's Municipal Aid Grants and for the Committee think about a project they would like to apply for and that he would get together with Public Works and make some recommendations. He indicated that the deadline for applications is 07/01/2021.

The Clerk asked for comments from the Township Committee.

Committeeman VanArtsdalen thanked everyone for making Opening Day of Baseball such a great success. He indicated that Baseball is going full speed and that the meeting for Summer Basketball is next week. Committeeman VanArtsdalen gave a special thank you for his friend, Joe Wallash, owner of Playa Bowls, for his generous donation to the Baseball Association and for helping make Open Day so great.

Committeeman Germanio indicated that Opening Day was a great success and he thanked Committeeman VanArtsdalen, all of the staff and volunteers. He gave a special thank you to Joe Wallash for his unexpected gift and indicated that it was greatly appreciated. Committeeman Germanio also thanked Congressman Jeff VanDrew for taking time out of his busy schedule to join us this evening to honor Joe.

Committeeman Cox thanked Joe Wallash.

Deputy Mayor Turner thanked the members of the Land Use Board for serving and indicated it is greatly appreciated. He commented on Opening Day being awesome and thanked Joe Wallash, Carly Caprioni and members of the Baseball/Softball Association and indicated that the Association is well funded now and it is great seeing some new uniforms.

Mayor Matalucci asked everyone to be mindful of the NJDOT Detour in Dennisville and to adhere to the speed limits. He comments on the area residents concerns and indicated that the State Police are stepping up patrol and if any has issues/complaints to contact the State Police.

The Clerk asked for a motion to adjourn the Township Committee Meeting.

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

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