

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
SEPTEMBER 26, 2023**

**5:30 P.M. (PREVAILING TIME) TWP. COMMITTEE REGULAR MEETING**

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

The Deputy Mayor requested that the roll call and flag salute be carried over from the Board of Health meeting (VanArtsdalen, Germanio, Cox and Turner were present, Matalucci was absent).

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

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

The following minutes were approved as part of the Consent Agenda: 09/12/2023 Work Session & Regular Meeting.

The following resolution numbers 2023-137 thru 2023-144 were a part of the Consent Agenda:

**RESOLUTION NO. 2023-137**

**RESOLUTION PROVIDING FOR THE INSERTION OF A  
SPECIAL ITEM OF REVENUE IN THE 2023 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive \$15,402.00 from the County of Cape May and wishes to amend its 2023 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$15,402.00 which is now available as a revenue from:

Miscellaneous Revenues:

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Off-Set with Appropriations:

CV-Community Development Block Grant Funds

**BE IT FURTHER RESOLVED**, that a like sum of \$15,402.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations Excluded from "Caps" - Public and Private Programs Off-Set by Revenues:  
CV-Community Development Block Grant Funds

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-138**

**RESOLUTION ADOPTING THE REQUIRED CONTROL OF HAZARDOUS ENERGY LOCKOUT / TAGOUT PROGRAM**

**WHEREAS**, the Occupational Safety and Health Administration (OSHA) Hazard Energy Sources Communication Standard (HCS) 29 CFR 1910.147, the NJPEOSH Hazard Communication Standard N.J.A. C. 12:100-11.1 requires the development of a control of hazardous energy lockout/tagout program to effect isolation of hazardous energy and materials; and

**WHEREAS**, the Township's insurance provider, Atlantic County Municipal Joint Insurance Fund, has developed a Control of Hazardous Energy Lockout / Tagout Program to comply with the requirements of the above.

**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 Control of Hazardous Energy Lockout / Tagout Program is hereby adopted.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-139**

**RESOLUTION RECOGNIZING OCTOBER 6, 2023 AS KNOCK OUT OPIOID ABUSE DAY IN Dennis Township**

**WHEREAS**, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

**WHEREAS** the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and

**WHEREAS** there were 44 suspected overdose deaths in Cape May County in 2022 according to the NJ Office of the Attorney General and the majority of the County's treatment admissions were for heroin/other opiates in 2021 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and

**WHEREAS** the Knock Out Opioid Abuse Day campaign is sponsored by the Partnership for a Drug Free New Jersey in cooperation with the Governor's Council for Alcoholism and Drug Abuse and the NJ Department of Human Services Division of Mental Health and Addiction Services to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin use rates in our state, reduce stigma of addiction and shine a light on the need for recovery support, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and

**WHEREAS**, the Dennis Township Committee supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dennis Township Committee encourages all residents to utilize the prescription drug drop boxes, located at every Police Department in Cape May County, to dispose of unused and expired medications safely and securely.

**BE IT FURTHER RESOLVED** that October 6, 2023 be recognized as Knock Out Opioid Abuse Day in Dennis Township.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-140**

**RESOLUTION APPOINTING THE DENNIS TOWNSHIP HISTORIAN**

**WHEREAS**, N.J.S.A. 40:10A-1 et seq. authorizes the creation of local historians; and

**WHEREAS**, with the adoption of Ordinance No. 2005-06 entitled, “An Ordinance of the Township of Dennis, County of Cape May and State of New Jersey Creating a Position of “Dennis Township Historian” and Providing for the Duties Therefore” the Township has created the position of Dennis Township Historian.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that Raymond C. Rebmann of 29 Maple St., Cape May Court House, NJ 08210 be appointed Dennis Township Historian for a three ( 3) year term effective 01/01/2023 pursuant to Ordinance No. 2005-06 and N.J.S.A. 40:10A-1 et seq.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-141**

**RESOLUTION AUTHORIZING A REFUND OF A USE OF FACILITIES FEE FROM THE DENNIS – WOODBINE DEMOCRATS CLUB**

**WHEREAS**, the Recreation Department has notified the Municipal Clerk of the need for a refund of a Use of Facilities Fee; and

**WHEREAS**, the Dennis-Woodbine Democrats Club completed the required paperwork and submitted the necessary fee to use the Township Pavilion at the Recreation Complex.

**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 facilitate the refund of \$150.00 to the Dennis – Woodbine Democrats Club, P.O. Box 449, South Seaville, NJ 08246.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-142**

**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 21, 2023 thru January 08, 2024; 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 Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-143**

**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, THERFORE 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 September 26, 2023, that an Executive Session closed to the public shall be held on September 26, 2023 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 Scott J. Turner, Deputy Mayor

**RESOLUTION NO. 2023-144**

**RESOLUTION PROVIDING FOR THE INSERTION OF A  
SPECIAL ITEM OF REVENUE IN THE 2023 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive \$170,085.00 from the County of Cape May and wishes to amend its 2023 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$170,085.00 which is now available as a revenue from:

Miscellaneous Revenues:

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Off-Set with Appropriations:

NJDOT-Municipal Aid Grant Funds LA2023 – Sunny & Shady Lanes Phase II

**BE IT FURTHER RESOLVED**, that a like sum of \$170,085.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations Excluded from “Caps” - Public and Private Programs Off-Set by Revenues:  
NJDOT-Municipal Aid Grant Funds LA2023 – Sunny & Shady Lanes Phase II

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      Scott J. Turner, Deputy Mayor

The following Ordinance Nos. 2023-08 & 2023-09 were introduced for first reading as part of the consent agenda:

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

**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS ESTABLISHING ARTICLE II,  
CHAPTER 144 OF THE DENNIS TOWNSHIP CODE, TEMPORARY STRUCTURES**

**WHEREAS**, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

**WHEREAS**, Article II of the Revised General Ordinances of the Township of Dennis is silent as to the parameters of temporary structures erected on commercial or residential properties;

**WHEREAS**, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to establish a new Chapter within Article II to ensure the health and safety and reasonable enjoyment of one's property for all residents of Dennis Township by providing requirements and time limits for temporary structures;

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

**Section 1.** Article II, Chapter 144 of the Township of Dennis Municipal Code is hereby established and shall read as follows:

#### **Chapter 144. TEMPORARY STRUCTURES**

§144-1. Purpose.

The purpose of this chapter is to ensure the health and safety and reasonable enjoyment of one's property for all residents of the Township of Dennis by providing requirements and time limits on temporary structures erected on commercial or residential property located within the confines of the Township.

This Chapter is not intended to regulate licensed campgrounds pursuant to Chapter 75 of the Township of Dennis Municipal Code.

§144-2. Definitions.

#### **ATTRACTIVE NUISANCE**

A public or private condition that would constitute a nuisance according to the laws of the state and/or Township ordinance, and specifically including, but not limited to, the following:

1. Any open, unsecured, or unsupervised temporary structure found to be an attraction to trespassers shall be deemed to be an attractive nuisance.
2. Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
3. Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
4. Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damage by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

#### **TEMPORARY STRUCTURE**

Structures utilized on a short-term, seasonal or intermittent basis, such as tents, canopies, membrane structures or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code. Children's play tents and equipment or other leisure seasonal canopies not used for storage or habitation are excluded from the requirements of this chapter.

#### **TENT**

A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, with sidewalls or drops on more than twenty-five (25) percent of the perimeter.

#### **CANOPY**

A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

#### **MEMBRANE STRUCTURE.**

An air-inflated, air-supported, cable or frame-covered structure not otherwise defined as a tent or canopy.

§144-3. Setbacks; structural requirements.

All temporary structures including but not limited to tents, canopies, and membrane structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

A. Setbacks and general requirements.

1. No temporary structure shall be erected on any property, in any zone, where there is not already an existing principal structure for which a certificate of occupancy has been issued.
2. Temporary structure(s) in any zone shall be not permitted within a front yard and only within a side yard or rear yard that does not abut a public right-of-way with the exception of an alley.
3. Temporary structures in any zone may not be sited within six (6) feet of any side or rear property line except on waterfront lots where they may be sited up to the bay front, lagoon front, or ocean scarp line. All measurements shall be taken from the furthest projection or overhang.
4. Temporary structures in the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back fifteen (15) feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.

B. Additional structural requirements and dimensions.

1. All temporary structures including but not limited to tents, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code where applicable. Temporary structures shall not exceed fifteen (15) feet in height if detached from the main structure.
2. Temporary structures including but not limited to tents, canopies, and membrane structures may be erected for use only as a temporary building. They may not be utilized for habitation.
3. All tents, canopies, and temporary structures generally must be constructed of approved fire-retardant fabric or material and so marked.
4. Gasoline, gas, charcoal or other cooking devices or any other unapproved open flame shall not be permitted inside or located within twenty (20) feet of any temporary structure.
5. Any temporary structure in excess of nine hundred (900) square feet or with a side dimension greater than thirty (30) lineal feet shall not be permitted.
6. Temporary structures will not be permitted if the structure(s) create an attractive nuisance or pose any other threat to the health, safety and/or well-being of the community.

§144-4. Time Limitations and Removal.

No temporary structure shall remain for longer than seven (7) days in a one-hundred-eighty (180) day period before being removed. All such temporary structures shall be removed from the property no later than the expiration of the seven (7)-day time period.

§144-5. Violations and Penalties.

Violations of this chapter shall be punished by a fine not exceeding \$2,000.00 or by imprisonment in the county jail not exceeding ninety (90) days or by ninety (90) days of community service, or any combination thereof. Each day that any violation shall continue shall constitute a separate offense. Whenever any such fine shall be imposed upon any corporation, such fine and costs and charges incident thereto may be collected by an action of debt or in such other manner as may be provided by law.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase 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 take effect in the time and manner prescribed by law.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

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**Jacqueline B. Justice, RMC/Clerk**

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

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING ARTICLE II, CHAPTER  
128 OF THE DENNIS TOWNSHIP CODE, LOITERING, GOOD ORDER, AND PEACE**

**WHEREAS**, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

**WHEREAS**, Article II, Chapter 128 of the Revised General Ordinances of the Township of Dennis currently outlines the certain types of loitering prohibited within the confines the Township of Dennis;

**WHEREAS**, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to expand the aforementioned Chapter to address the need for good order in peace within the Township;

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

**Section 1.** Portions of Chapter 128 of the Township of Dennis Municipal Code are amended as follows (additions are underlined; deletions are [bracketed]):



## **Chapter 128. Loitering, Good Order, and Peace**

### **ARTICLE 1**

#### **§ 128-1. Definitions.**

As used in this chapter.

#### **LOITERING**

Remaining idle or walking aimlessly about in essentially one location.

#### **PARENT or GUARDIAN**

Any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

#### **PUBLIC PLACE**

A place to which the public has access and shall include any public building and grounds, street, boardwalk or sidewalk. It shall also include the front or neighborhood of a store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this section or in the case of a minor, not owned or under the control of his parent or guardian.

#### **QUASI-PUBLIC PLACE**

Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

#### **§ 128-2. Certain Types of Loitering Prohibited.**

No person shall loiter in a public or quasi-public place in such a manner as to:

A. Obstruct the free passage of pedestrians or vehicles.

B. Obstruct, molest or interfere with any person lawfully in a public or quasi-public place. This section shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

#### **§ 128-3. Violation.**

Any person violating the provisions of this chapter shall be ordered to move on by a police officer, constable or other law enforcement officer and failing which shall be guilty of a violation of this chapter.

#### **§ 128-4. Loitering by minors; notice; presumption.**

The parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this chapter. Whenever any minor under the age of 18 years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact. If at any time within 30 days following the giving of notice, the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

#### **§ 128-5. Penalty.**

Any person violating the terms or provisions of this Article I of Chapter 128 for a first offense shall be liable for a fine of up to \$500, incarceration in the Cape May County Jail for a period not to exceed 30 days and ordered to perform community service for a period of time not to exceed 100 hours.

#### **§ 128-6. Observance of lawful orders and posted traffic regulations.**

No person shall disobey or fail to follow the order, direction or other signal of any police officer, sheriff's deputy, New Jersey State Trooper, constable or other properly authorized law enforcement official within the Township; nor shall any persons disobey or fail to follow the traffic instructions on any properly posted traffic control device or traffic signal within the Township.

### **ARTICLE II – GOOD ORDER AND PEACE**

**§ 128-7. Obstruction.**

- A. No person shall intentionally obstruct pedestrian or vehicular traffic upon the public streets, public sidewalks, public pavilions, public parks or other public places. Acts authorized as an exercise of one's Constitutional right to picket or legally protest and acts authorized by a permit issued pursuant to the Code of the Township of Dennis shall not constitute obstruction of pedestrian or vehicular traffic.
- B. No person shall sleep in or on any public or quasi-public street, sidewalk, pavilion, park or other place so as to obstruct or interfere with the passage of any person or persons lawfully being on or upon said streets, sidewalks, pavilions, parks or places.
- C. It shall be unlawful to sleep in any parked vehicle, either day or night, within the Township limits or to sleep or lie upon any public or quasi-public bench or seat or to usurp the use of such bench or seat for the storage of bundles or other objects so as to prevent the reasonable use thereof by others.
- D. No person shall loiter on governmentally owned property within the confines of the Township of Dennis between the hours of between the hours of 10:00 p.m. to sunrise except for unusual and unforeseen emergencies, township sponsored activities, and/or otherwise approved by Township Committee.

**§ 128-8. Illegal entry.**

It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously obtained express or implied permission of the owner or person in lawful control and possession of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

**§ 128-9. Disturbing good order and peace.**

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity, in any public or quasi-public place, public rights-of-way, public sidewalk, public park, or in any building open for the accommodation of the public for entertainment, or for room accommodations.
- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to there picnic, change apparel, dress or undress or to urinate or defecate upon the premises or commit any other nuisance.

**§ 128-10. Violations and penalties.**

Any person or association or persons convicted of a violation of any provision of this **Article II of Chapter 128** shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or 90 days imprisonment in the City or county jail, or for a period of community service not exceeding 90 days, or any combination of the three.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase 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 take effect within twenty (20) days of final 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 September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST \_\_\_\_\_  
**Jacqueline B. Justice, RMC/Clerk**

**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 check listed herein and reissue.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Deputy Mayor

The Deputy Mayor indicated that we would be moving on to the regular agenda portion.

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

**GENERAL ACCOUNT:**

048020-Atlantic City Electric	\$	3,019.24
048021-The Bank of New York Mellon		750.00
048022-Blaney Donohue & Weinberg, PC		29.00
048023-Blauer Associates		600.00
048024-Cape May County M.U.A.		20,322.41
048025-Caprioni Portable Toilets, Inc.		380.00
048026-Cody's Power Equipment		1,854.37
048027-Crystal Springs		110.58
048028-Czar Engineering, LLC		1,847.50
048029-Daley's Pit		25.00

048030-Discount Hydraulics Corp.	65.90
048031-East Coast Distributors	165.00
048032-Fralinger Engineering, PA	1,213.53
048033-Fred Harz & Son, Inc.	499.74
048034-Gardner True Value Hardware	525.32
048035-Gracetown Lumber Co.	12.19
048036-Cape May County Herald	453.00
048037-KO Pest Control	1,250.00
048038-Garrett & Batastini, PA	500.00
048039-Mike & Sons Auto Glass, LLC	250.00
048040-Nat. Alliance for Youth Sports	60.00
048041-Pioneer Manufacturing Co.	2,604.48
048042-Press of Atlantic City	82.80
048043-Cooltronics, Inc.	105.00
048044-South Jersey Gas	85.08
048045-Staples Advantage	141.93
048046-Upper Township	1,272.30
048047-Vineland Environmental Labs	925.00
048048-David D. Glassford, Jr. LLC	8,000.00
048049-Cintas	72.09

**CONSTRUCTION CODE:**

1094-Cape May County	24.00
1095-Cape May County	27.84

**GENERAL CHECKING WIRES:**

None.

**DOG TRUST:**

179-NJ Dept. Health/Senior Services	7.80
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**FIRE SAFETY & PREVENTION:**

11-AT&T Mobility	124.46
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**ESCROW PINELANDS CONSTRUCTION:**

100052-Fralinger Engineering, PA	1,130.00
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**ESCROW DRIFTWOOD RV CENTER:**

13-Fralinger Engineering, PA	113.00
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**ESCROW BALDACCI PROPERTIES LLC:**

50-Fralinger Engineering, PA	1,305.00
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**ESCROW SEABOARD STORAGE:**

None.

**ESCROW OCEAN VIEW VOL. FIRE:**

6-Fralinger Engineering, PA	169.50
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**ESCROW 72 W. RISING SUN DRIVE, LLC:**

None.

**PLANNING ESCROW:**

1109-Fralinger Engineering, PA 1,080.63

**PAYROLL TRUST:**

None.

**RECREATION TRUST:**

1557-Acme (Supervalu)	48.84
1558-Epic Sports	429.95
1559-L.J. Zucca, Inc.	1,012.55
1560-Seashore Food Distributors, Inc.	398.83
1561-BSN Sports, Inc.	204.99

The Deputy Mayor asked if there were any Administrative Reports.

Township Engineer, Mike Fralinger, updated the Committee on the following: 1) Chestnut Street Park Playground project, 2) Sunny & Shady Lanes Resurfacing Project, 3) the Seal Coating out at Chestnut Street Park and 4) the County Road Projects.

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

Lt. Rocap, Station Commander of the Woodbine State Police Barracks, was present and discussed complaints regarding juvenal misconduct from various residents in the Belleplain area of the Township.

The Deputy Mayor asked for comments from the Township Committee.

Committeeman VanArtsdalen indicated that Football was in full swing at the Rec and that Saturday they will be playing Middle under the lights!

Committeeman Germanio congratulated Lauren and Zeth on the birth of their baby.

Committeeman Cox congratulated the Matalucci Family.

Deputy Mayor Turner congratulated the Matalucci's on the birth of their new baby. He thanked the Public Works Department for their preparedness with the weekend storm.

Deputy Mayor Turner announced that the Committee would be going into Executive Session and that formal action may be taken when the reconvene. He asked for a motion to recess the regular meeting and go into the Executive Session, motion was made by Germanio, seconded by Cox with all in favor.

Motion was made by Germanio, seconded by VanArtsdalen, that the regular meeting be reconvened at this time.

Motion was made by Germanio, seconded by VanArtsdalen, with 4 ayes and 1 absent (Matalucci), that the following Ordinance No. 2023-10 be introduced for first reading:

**TOWNSHIP OF DENNIS**

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

**ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, et seq.**

**WHEREAS**, the Township of Dennis is the owner of certain real property designated as Block 69, Lot 17 on the tax map of the Township of Dennis, commonly known as 646 Petersburg Road, Dennis Township, New Jersey, (hereinafter referred to as “subject property” or “property”), not needed for public use, and the Mayor and Committee have determined that it is in the best interest of the Township to sell by open public sale at auction to the highest bidder to generate revenue, reduce taxes and liabilities; and

**WHEREAS**, N.J.S.A. 40A:12-13, et seq., the Local Lands and Buildings Laws, a municipality may sell any real property, not needed for public use, by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality in which the land is situated, by two insertions at least once a week during two consecutive weeks, the last publication to not be earlier than seven days prior to such sale; and

**WHEREAS**, despite being an undersized lot, the property has capital improvements contained thereon which allows the Township to proceed with the sale via a public auction pursuant to N.J.S.A. 40:12-13(a).

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

**Section 1.** The Mayor of the Township of Dennis and other necessary Township Officials are hereby authorized to enter into a public sale of the Property owned by the Township in accordance with N.J.S.A. 12-13(a) and take all reasonable, necessary and lawful steps to effectuate the sale of the property, including execution of the appropriate deed and transfer documents.

**Section 2.** The Township shall advertise the sale of the Property in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale.

**Section 3.** The property sale shall be subject to the following terms:

- A. Bids shall be accepted electronically by GovDeals.com until Wednesday December 6, 2023, at 4:00 p.m. EST.
- B. Minimum bid price of \$60,000.00.
- C. The bid must be accompanied by a deposit made payable to the Township of Dennis in the form of cash, bank check, or cashier's check in the amount of 20% of the total bid. Pending closing of title, this deposit will be held by the Township in a non-interest bearing escrow account, with the total deposit to be credited to the purchase price at closing. Full payment of the purchase price must be received within thirty (30) days of the date of the acceptance of the bid. Unsuccessful bidders will have their deposits returned.
- D. In the event that the successful bidder fails to close title to the Property, the bidder shall forfeit all deposit monies made to the Township. No refunds whatsoever will be made by the Township in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the acceptance of the bid.

The Property is being sold “AS IS” “WHERE IS.” The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any assessments, including but not limited to any and all historical preservation restrictions, should they apply. No representation is made by the Township as to the utility, usability or environmental condition of the Property, except as otherwise set forth herein, including but not limited to the presence or absence of wetlands.

- E. The deed given by the Township to the Property will be a Quitclaim Deed. No title contingencies or conditions are permitted.
- F. The sale shall be subject to adjournment or cancellation by the Township Committee.
- G. The sale shall be subject to restrictions of record and local ordinances.
- H. The Township Committee reserves the right to reject all bids.
- I. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

**Section 4.** In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

**Section 5.** All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

**Section 6.** This ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST  

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**Jacqueline B. Justice, RMC/Clerk**

The Deputy Mayor asked for a motion to adjourn the Township Committee meeting.

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

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Scott A. Turner, Deputy Mayor