TOWNSHIP OF DENNIS DENNISVILLE, NJ NOVEMBER 28, 2023

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

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

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

The Mayor indicated that proposed Ordinance No. 2023-11 is being pulled from the consent agenda and placed on the regular agenda portion.

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

There being no comments from those present, the Mayor asked for a motion adopting the consent agenda, motion was made by Germanio, seconded by Turner, with 3 ayes and 2 absent (VanArtsdalen & Cox), that the consent agenda be adopted.

The following minutes were approved as part of the Consent Agenda: 11/14/2023 Work Session & Regular Meeting.

The following resolution numbers 2023-163 – 2023-168 were adopted as part of the Consent Agenda:

RESOLUTION NO. 2023-163

RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT – BLOCK 253.01, LOT 3

WHEREAS, the Tax Collector's Office has notified the Clerk of a tax overpayment on Block 253.01, Lot 3; 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 253.01, Lot 3 is nine hundred nineteen dollars and three cents (\$919.03).

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 \$919.03 to the following:

Block 253.01, Lot 3 Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760

ATTEST		ATTEST		Γ	
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RESOLUTION NO. 2023-164

RESOLUTION REQUESTING TRANSFER OF FUNDS

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 make the transfer(s) FROM and TO the APPROPRIATIONS for the year 2023 named herein.

SEE ATTACHED SCHEDULE

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

TRANSFER RESOLUTION ATTACHMENT 11/28/23

Account Name	Account Number	То	From
Public Works - S&W	3-01-26-290-011		5,000.00
Recreation - O/E	3-01-28-370-036	5,000.00	
Recreation - S&W	3-01-28-370-011		5,000.00
			_
		\$ 10,000.00	\$ 10,000.00

RESOLUTION NO. 2023-165

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FRALINGER ENGINEERING, PA FOR ENGINEERING SERVICES IN CONNECTION TO THE DCA SMALL CITIES CDBG PROJECT #23-0868-00

WHEREAS, Dennis Township has received grant funding from the New Jersey DCA Small Cities Community Development Block Grant for ADA Playground Upgrades at the Recreation Complex; and

WHEREAS, the Township Committee believe it is in the best interest of the Township to take advantage of said grant funds; and

WHEREAS, Fralinger Engineering, PA are the Engineer for Dennis Township, and

WHEREAS, Fralinger Engineering, PA has submitted a proposal, for said project, in an amount not to exceed \$37,000.00. for Professional Engineering, Field Survey, Site Design, Plans/Specifications, Bidding, Inspection, Contract Administration, Project Close-Out and Final As-Built Survey Services; and

WHEREAS, the Chief Finance Officer has issued a Certification of Funds for said project.

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 same is hereby awarded to Fralinger Engineering, PA as a Professional Services Contract, in an amount not to exceed \$37,000.00, for said 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. 2023-166

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF DENNIS AND THE DENNIS TOWNSHIP BOARD OF EDUCATION FOR SNOW REMOVAL

WHEREAS, the Township of Dennis and the Dennis Township Board of Education are desirous on reaching a mutually beneficial arrangement for snow removal; and

WHEREAS, a Shared Services Agreement has been prepared to allow for snow removal under terms agreeable to the Township and the Board of Education, a copy of which is annexed to this Resolution; and

WHEREAS, the Township is authorized to enter into such agreements under the authority of N.J.S.A. 40:8A-1 *et seq.*; and

WHEREAS, the Township of Dennis finds that such an agreement in this instance would be in the interests of the health, safety and welfare of the citizens of the Township;

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 28th day of November, 2023, 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

RESOLUTION NO. 2023-167

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FRALINGER ENGINEERING, PA FOR ENGINEERING, SURVEYING AND INSPECTION/CONTRACT ADMINISTRATION SERVICES IN REGARDS TO THE HALBE LANE RESURFACING – 2024 NJDOT PROJECT

WHEREAS, Dennis Township has received grant funding from the New Jersey Department of Transportation's (NJDOT) Municipal Aid Program for the Resurfacing of Halbe Lane; and

WHEREAS, the Township Committee believe it is in the best interest of the Township to take advantage of said grant funds; and

WHEREAS, Fralinger Engineering, PA are the Engineer for Dennis Township, and

WHEREAS, Fralinger Engineering, PA has submitted a proposal, for said project, in an amount not to exceed \$34,500.00. for Professional Engineering, Surveying, Bidding and Inspection Services; and

WHEREAS, the Chief Finance Officer has issued a Certification of Funds for said project.

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 same is hereby awarded to Fralinger Engineering, PA as a Professional Services Contract, in an amount not to exceed \$34,500.00, for professional engineering, surveying, and inspection/contract administration 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. 2023-168

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 November 28, 2023, that an Executive Session closed to the public shall be held on November 28, 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		Zeth A. Matalucci, Mayor

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

The Mayor asked for a motion to introduce Ordinance No. 2023-11, Amending Chapter 163 – Stormwater Control and Chapter 185 – Zoning of the Code of the Township of Dennis, motion was made by Turner, seconded by Germanio with 3 nays (Germanio, Turner & Matalucci), and 2 absent (VanArtsdalen & Cox) the ordinance was not introduced.

The Mayor asked for a motion to introduce Ordinance No. 2023-12, Establishing Part II, Chapter 163B – Privately Owned Salt Storage, motion was made by Turner, seconded by Germanio with 3 ayes (Germanio, Turner & Matalucci), and 2 absent (VanArtsdalen & Cox).

TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY

STATE OF NEW JERSEY

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE TOWNSHIP OF DENNIS ESTABLISHING Part II, CHAPTER 163B OF THE DENNIS TOWNSHIP CODE, PRIVATELY-OWNED SALT STORAGE

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, the New Jersey Department of Environmental Protection ("NJDEP") was established to protect environmental quality and public health, among other things within New Jersey;

WHEREAS, the NJDEP issues permits to municipalities which contain general conditions municipalities are required to comply with in order to ensure they are complying with their objectives;

WHEREAS, the Township of Dennis currently holds a Tier A Municipal Stormwater General Permit, which authorizes the discharge of stormwater from small municipal separate storm sewers;

WHEREAS, occasionally, the NJDEP introduces new conditions municipalities must comply with to maintain their permitted status;

WHEREAS, the NJDEP has recently introduced a requirement that permitted Tier A municipalities must introduce certain ordinances, including but not limited to, an ordinance to prevent stored salt and other solid de-icing materials from being exposed to stormwater within the Township;

WHEREAS, Part II of the Revised General Ordinances of the Township of Dennis is currently silent as to the requirements for stored salt and other solid de-icing materials;

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to establish a new Chapter within Part II, to ensure the Township remains compliant with the requirements of the NJDEP so as to maintain the their Tier A permit;

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 163B of the Township of Dennis Municipal Code is hereby established and shall read as follows:

§163B – PRIVATELY-OWNED SALT STORAGE

§163B-1. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Dennis to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§163B-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
 - A fabric frame structure is a permanent structure if it meets the following specifications:
 - 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of deicing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§163B-3. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

- (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§163B-4. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§163B-5. Enforcement:

This ordinance shall be enforced by the **Township's Code Enforcement Officer and/or their designee** during the course of ordinary enforcement duties.

§163B-2. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows: no less than \$100.00 and no more than \$2,000.00 per violation.

- **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.

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 November 28, 2023. Publication will be held on December 05, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on December 19, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST			
	Jacqueline	B. Justice,	RMC/Clerk

The Mayor asked for a motion authorizing the payment of the bills, providing that proper vouchers have been filed and that funds are available.

Motion was made by Germanio, seconded by Turner, with 3 ayes and 2 absent (VanArtsdalen & Cox), that the payment of the following bills was approved:

GENERAL ACCOUNT:

048155-Atlantic City Electric	\$ 5,874.25
048156-Belleplain V.F.W. Post #6257	75.00
048157-Blaney Donohue & Weinberg, PC	2,407.00
048158-Blauer Associates	2,100.00
048159-Kathleen Bresan	325.00
048160-Cape Assist	140.00
048161-Cape May County M.U.A.	21,641.98
048162-Cape May County P.W.A.	1,536.22
048163-Cape May County P.W.A	500.00
048164-Caprioni Portable Toilets, Inc.	320.00
048165-Caprioni Family Septic	150.00
048166-Comcast	501.43
048167-Kelly Cramer	325.00
048168-Crystal Springs	82.96
048169-DeBlasio & Associates, PC	282.50
048170-Dennis Twp. School District	300.00
048171-Dennis Twp Football/Cheer Assoc.	1,000.00
048172-Delta Dental of NJ	2,440.52
048173-Albert F. Donahue	300.00
048174-Dovetail Presentations	650.00
048175-Fralinger Engineering, PA	4,534.00
048176-Nina Fuqua	300.00
048177-Gardner True Value Hardware	205.14
048178-Charles Haig	325.00

048179-American Bounce	1,995.00
048180-J. W. Pedersen Architect, PC	25,000.00
048181-Heather L. Crawley	300.00
048182-Heidi Kern	325.00
048183-Peter A. Leitch	300.00
048184-Robin S. Light	300.00
048185-Liberty Parks & Playgrounds, Inc.	131,580.00
048186-Garrett & Batastini, PA	500.00
048187-New Jersey Motor Vehicle Commission	150.00
048188-Ocean View Volunteer Fire Company	150.00
048189-Phoenix Advisors, LLC	1,600.00
048190-The Press of Atlantic City	150.00
048191-Rutgers, the State Univ. of NJ	653.00
048192-Seashore Asphalt Corp.	89.10
048193-Sandra P. Simmerman	300.00
048194-Gertrude Singer	300.00
048195-R. W. Smith Well Drilling	6,147.00
048196-South Jersey Gas	240.14
048197-Staples Advantage	1,989.84
048198-Suburban Propane - 2115	84.88
048199-Jill H. Swagler	300.00
048200-William F. Lathers	300.00
048201-Total Turf Solutions	800.00
048202-Noel Turner	300.00
048203-Upper Township	770.94
048204-Florence Vagratian	325.00
048205-Vital Communications, Inc.	100.00
048206-Carol Weygand 048207-Cintas	325.00 220.49
048207-Cintas 048208-Cheryl Macellaro	325.00
048209-Norman Spurgeon	300.00
048210-Kathy L. Greene	300.00
048211-Charles M. Greene	325.00
048211-Charles M. Greene 048212-Regina Hankins	300.00
048213-Michael Vagratian	300.00
048214-Christine Champagne	300.00
048215-Craig C. Kerewich	300.00
048216-Karen Felton	300.00
048217-Dennis P. Gallagher	300.00
048218-Joann M. Gallagher	300.00
048219-Thomas D. Kendrick	300.00
048220-Doreen A. Gregory	300.00
048221-Daniel Meenan	300.00
048222-Dorothy M. Leitch	300.00
048223-John A. Carson	300.00
048224-Raymond P. Strano	300.00
048225-Kelly A. O'Brien-Baker	300.00
048226-Michael S. Youmans	300.00
048227-Dorothy L. Hupperich	300.00
048228-Keltex Imprinted Apparel, Inc.	190.00
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CONSTRUCTION CODE:

1098-Spatial Data Logic, Inc. 7,000.00

GENERAL CHECKING WIRES:

None.

DOG TRUST:

None.

FIRE SAFETY & PREVENTION:

None.

ESCROW PINELAND CONSTRUCTION:

100054-Fralinger Engineering, PA	508.50

ESCROW FRANCIS JOHN KLEBAUR:

52-Fralinger Engineering, PA 169.50

ESCROW TURNER PARTNERS:

19-Fralinger Engineering, PA 765.00

ESCROW SEABOARD STORAGE:

100056-Fralinger Engineering, PA

ESCROW DENNIS 47 DEVELOPERS:

54-Fralinger Engineering, PA

765.00

ESCROW 72 W. RISING SUN DRIVE, LLC:

None.

PLANNING ESCROW:

1113-Fralinger Engineering, PA	1,170.63
1114-Garrett & Batastini, PA	1,344.00

PAYROLL TRUST:

None.

RECREATION TRUST:

1579-Blauer Associates	1,800.00
1580-F&W Grafix	270.00
1581-Seashore Food Distributors, Inc.	186.02

The Mayor asked if there were any Administrative Reports.

The Township Engineer, Mike Fralinger, gave an update on the following: Chestnut Street Park ADA regarding the lighting fixture timing adjustment, the new ADA Playground Equipment at the Rec, plans for the ADA Project at the Recreation Complex to resurface the walking paths and add additional pathways, Sunny & Shady Lanes Project and the resurfacing of Halbe Lane project.

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

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

The Mayor asked for comments from the Township Committee.

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

Deputy Mayor Turner indicated that he had no comments at this time.

Mayor Matalucci indicated that he had no comments at this time.

The Mayor indicated that at this time the Township Committee would be going into an Executive Session and that formal action may be taken.

Motion was made by Germanio, seconded by Turner, that the regular meeting be recessed and that the Executive Session be convened.

Motion was made by Turner, seconded by Germanio that the regular meeting be reconvened.

The Mayor indicated that the no formal action was required and 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/Cle	erk	Zeth A. Matalucci, Mayor