



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
October 11, 2011 7:00 PM

The Caucus Meeting of the Mayor and Board of Aldermen was held in council chambers, 37 N. Sussex Street, Dover, New Jersey.

Mayor Dodd called the meeting to order at 7:00 pm

All joined in the Pledge of Allegiance to the Flag and prayer was given asking for guidance and strength to do what is right for our town and our citizens.

Attorney Pennella offered his condolences on the passing of Mayor Dodd's father.

ROLL CALL:

Present: Aldermen Delaney, Romaine, Blackman, Downs and Mayor Dodd

Absent: Aldermen Poolas, Visioli & Timpani

Also present were Attorney Pennella, Administrator Close and Clerk Verga

Clerk Verga stated adequate notice was given to the official newspaper.

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Borough of Rockaway, Amend Chapter 172, Zoning
2. Ordinance from Rockaway Township, Amending & Supplementing Chapter LIV, Land Use and Development, Signs
3. Resolution from the Borough of Mt. Arlington, Supporting Morris County Board of Chosen Freeholders Resolution #44 To Amend The Current Open Public Records Act (OPRA) Laws
4. League Professional Development Seminar – Labor Negotiations Primer: Collective Negotiations & Interest Arbitration
5. Notice of Hearing – Application made to Randolph Township Planning Board for 11-13 Calais Rd
6. Notice of Hearing – Application made to Randolph Township Board of Adjustment for 84 Mt. Pleasant Tnpk
7. Letter from NJ Natural Gas regarding their Home Energy Assistance Program: October 27th from 10am to 6pm at the Baker Theatre
8. Invitation from the Morris County Municipal Utilities Authority to their 24th Annual Morris County Recycling Awards Dinner on Friday, November 4, 2011
9. NJ Dept. of Community Affairs' Program for the 96th NJ League of Municipalities Annual Conference
10. Invitation to attend the Morris County Prosecutor's Office - Annual Italian Heritage Month Celebration on 10/11
11. Invitation to attend the "20,000 Acres of Land Preserved with Morris County Preservation Trust Funds" on 10/26

CONSENT AGENDA

1. Resolution Approving Limo – Schedule A
2. Resolution Approving the Settlement of a Tax Court Appeal – Laridae, LLC, Block 1201, Lot 6.03
3. Resolution Approving Chapter 159 – Bullet Proof Vest Program
4. Resolution Approving Chapter 159 – Green Communities Grant\
5. Resolution Appointing Crossing Guards
6. Resolution Approving Raffle License – Schedule A

ORDINANCE FOR FIRST READING

1. Ordinance #19-2011 - Approving Handicapped Parking Spaces – 23 Berry St.

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – September 27, 2011
3. Resolution Authorizing Termination of Lease & Acceptance of Dial-A-Ride Vehicle
4. Resolution Approving Special Permit for Social Event for Casa Puerto Rico to be held on 10/29/11
5. Resolution Approving Two Designated Bus Stops on E. Blackwell St (County Road)
6. Resolution Authorizing the Mayor & Board of Aldermen to enter into Executive Session

REGULAR MEETING MINUTES
October 11, 2011

The Regular Meeting of the Mayor and Board of Aldermen was held in council chambers, 37 N. Sussex Street, Dover, New Jersey.

The meeting was called to order by Mayor Dodd at 7:13pm

ROLL CALL

Present: Aldermen Delaney, Romaine, Blackman, Downs and Mayor Dodd

Absent: Aldermen Poolas, Visioli & Timpani

Also present were Attorney Pennella, Administrator Close and Clerk Verga

Clerk Verga stated adequate notice was given to the official newspaper.

Mayor Dodd opened the meeting to public.

Seeing no hands and hearing no voices, Mayor Dodd closed the meeting to the public.

MAYOR'S REPORT: Mayor Dodd postponed the Mayor's Report till the next meeting.

ATTORNEY'S REPORT: Mr. Pennella noted the resolution to enter into executive session was at his request to discuss the Briad case.

CONSENT AGENDA

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING TAXIS/LIMOS TO BE LICENSED IN THE TOWN OF DOVER

WHEREAS, the following companies, have applied for a license to operate the vehicle(s) listed below on Schedule A hereto and made a part hereof as taxicab(s)/limo(s) in the Town of Dover; and

WHEREAS, the appropriate municipal departments have reviewed the application(s) as required and have no objections to same being licensed as taxicabs/limos;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the taxicab(s)/limo(s) listed below are hereby approved for taxi/limo license(s) in the Town of Dover.

Schedule A

City Limo & Taxi, Inc

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
2005 Lincoln Towncar (LIMO)	1LNHM81W15Y622832	OL7231H

Elite Limo & Taxi Service LLC

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
2002 Ford Expedition (LIMO)	1FMRU 17L12 LA273 49	OL8357G

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL LARIDAE, LLC, BLOCK 1201, LOT 6.03
2009, 2010 AND 2011 AGREEMENT

WHEREAS, Laridae, LLC is the owner of 47 Bassett Highway, Dover New Jersey, also known as Block 1201, Lot 6.03; and

WHEREAS, Laridae filed appeals with the Tax Court of New Jersey for the years 2009, 2010 and 2011 bearing Docket # 012951-2009, 007181-2010 and 012931-2011; and

WHEREAS, the Tax Assessor has reviewed Answers to Interrogatories and consulted with the expert appraiser for the Town, Robert J. Edgar of Certified Valuations, who has thoroughly reviewed the appeal; and

WHEREAS, the 2009 appeal has been withdrawn; a settlement value of \$1,750,000.00 total assessment for year 2010, and \$1,650,000.00 total assessment for year 2011 was recommended by the expert appraiser for the Town; and

WHEREAS, the taxpayer has accepted the market value offer of judgment; and

WHEREAS, the original assessments and requested tax court judgment are as follows:

2009 – withdrawn

2010	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$ 639,000	None	\$ 639,000
Improvements:	<u>\$1,310,500</u>	Direct	<u>\$1,111,000</u>
Total:	\$1,949,500	Appeal	\$1,750,000

2011	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$ 639,000	None	\$ 539,000
Improvements:	<u>\$1,310,500</u>	Direct	<u>\$1,111,000</u>
Total:	\$1,949,500	Appeal	\$1,650,000

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. The tax court appeals bearing the above referenced docket numbers are hereby authorized to be settled for the fair market value amounts for years 2010 and 2011. The year 2012 shall be assessed at a fair market value of \$1,450,000.00.
2. The settlement shall be paid by tax credit to future tax bills and not by refund.
3. The taxpayer must waive interest on the overpaid amounts.
4. The Municipal Attorney is hereby authorized to execute a Stipulation of Settlement upon the terms set forth above.

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None

RESOLUTION CHAPTER 159

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 by law and the amount thereof was not determined at the time of adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Town of Dover 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 2011 in the sum of \$1,732.58; which item is now available as revenue from the US Treasury, Department of Justice, pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that a like sum of \$1,732.58 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:
Bullet Proof Vest Program

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

RESOLUTION CHAPTER 159

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 by law and the amount thereof was not determined at the time of adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Town of Dover 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 2011 in the sum of \$3,000.00; which item is now available as revenue from the State of NJ, State Forestry Services, Community Forestry, pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that a like sum of \$3,000.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:
Green Communities Grant

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPOINTING CROSSING GUARDS FOR THE TOWN OF DOVER**

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover that the following be and hereby are appointed **CROSSING GUARDS** for the Town of Dover for a term of one (1) year commencing January 1, 2011.

Jean A. Henderson

Gail Hrynio

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER APPROVING OF RAFFLE LICENSES**

WHEREAS, the below listed organizations have applied for a Raffle/Bingo License; and

WHEREAS, such licenses have been reviewed by the appropriate departments and found to meet with all of the requirements and conditions of the municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

The below listed raffles for the date set forth following their names are hereby approved:

Schedule A

MILLPOND TOWERS RESIDENTS ASSOC.
To be held on Friday, November 4, 2011 from 10:00am to 3:00pm
(50/50)

EL PRIMER PASO, LTD

To be held on Thursday, December 22, 2011 at 10:30am
(Off Premise Merchandise)

N.R.A. FOUNDATION NJ STATE FUND COMMITTEE

To be held on Thursday, December 15, 2011 at 10:00am
(Off Premise Merchandise)

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

ORDINANCE FOR FIRST READING

ORDINANCE NO. 19-2011

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND SUPPLEMENTING ARTICLE XXVII OF THE REVISED GENERAL CODE OF THE TOWN OF DOVER ENTITLED "PARKING" HANDICAPPED PARKING "SPACES" BY APPROVING A HANDICAPPED PARKING SPACE FOR 23 BERRY STREET

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey as follows:

SECTION 1. Said handicap parking space shall be located along the easterly curblineline of Guy Street beginning at a point 64 feet north of the northeasterly curblineline intersection of Berry Street and Guy Street thence, continuing in northerly direction for a distance of 20 feet.

SECTION 2. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall take effect in accordance with law.

Alderman Delaney has moved the foregoing ordinance be adopted and duly seconded by Alderman Romaine and passed for first reading by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

RESOLUTIONS

BILLS LIST

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover have examined all bills presented for payment; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds in the account(s) to which respective bills have been charged.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover do hereby approve the bills as listed; and

BE IT FURTHER RESOLVED that the proper officials are hereby authorized to sign the checks for payment of same.

RESERVE ACCT claims in the amount of:	\$ 285.16
CURRENT ACCT claims in the amount of:	\$202,941.14
CAPITAL ACCT claims in the amount of:	\$ 9,373.00

WATER UTILITY ACCT claims in the amount of:	
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$ 1,258.57
PARKING UTILITY RESERVE ACCT claims in the amount of:	
PARKING CAPITAL ACCT claims in the amount of:	
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$ 87.60
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	\$ 174.00
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	
TRUST/OTHER ACCT claims in the amount of:	\$ 20,688.39
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$234,807.86

BE IT FURTHER RESOLVED that the following claims have been paid prior to the Bill List Resolution in the following amounts:

CURRENT ACCT claims in the amount of:	\$310,870.02
WATER UTILITY ACCT claims in the amount of:	\$ 20,973.26
PARKING UTILITY ACCT claims in the amount of:	\$ 2,731.39
PAYROLL AGENCY ACCT claims in the amount of:	\$ 63,005.67
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$ 20.94
TOTAL CLAIMS PAID	\$397,601.28

TOTAL BILL LIST RESOLUTION **\$632,409.14**

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Delaney, Picciallo, Romaine, and Blackman
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: Alderman Downs & Mayor Dodd

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES**

WHEREAS, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

September 27, 2011 – Caucus & Regular

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Blackman and passed by the following roll call vote.

Ayes: Aldermen Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli, Timpani Abstained: Alderman Delaney, Picciallo & Romaine

Resolution for approval of minutes has been carried to the next meeting.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING TERMINATION OF LEASE AND ACCEPTANCE OF DIAL-A-RIDE VEHICLE**

WHEREAS, the Town of Dover entered into a Lease with NJ Transit for transit services commonly known as “Dial-a-Ride”; and

WHEREAS, although the vehicle may still be in good working order, it has reached its useful life as defined in NJ Transit’s Section 5310 State Management Plan either by years of service or mileage; and,

WHEREAS, NJ Transit is agreeable to transferring the vehicle to the Town of Dover and removing itself as a lien holder; and

WHEREAS, the vehicle is being accepted ‘as is’ and all references to NJ Transit removed from the vehicle; and

WHEREAS, there is a paperwork retention policy of a minimum of three (3) years; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover believe it to be in the best interest of the residents of the Town of Dover to accept this vehicle used for its Dial-a-Ride Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. The Town Administrator is hereby authorized to execute the termination of the Lease/Vehicle Retirement Agreement with NJ Transit to receive transfer of title of vehicle #16-122 containing Vin No.: 1FDXE45P36HB01911, Ford E430 leased to a NJ Transit Corporation.

2. The Administrator is hereby authorized to take all further steps to process title into the Town of Dover through the New Jersey Division of Motor Vehicles.

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None

RESOLUTION

WHEREAS, Casa Puerto Rico, Inc., filed an application for their **tenth** Special Permit for a Social Affair to be held at the 50 W. Blackwell Street; and

WHEREAS, Casa Puerto Rico, Inc., a non-profit organization is permitted to have twenty-five events per year; and

WHEREAS, the Police Chief will determine what special conditions if any are needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the following applications for Alcoholic Beverage Social Affair Permit(s) be approved:

1. Casa Puerto Rico is approved for an event to be held on Saturday, October 29, 2011 (**#10**) from 8:00 pm through 2:00 am.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None

RESOLUTION

BE IT RESOLVED by the Governing Body of the Town of Dover, County of Morris, State of New Jersey.

That pursuant to N.J.S.A. 39-4-8(e) the following described locations are designated as bus stops:

County Road

Added:

1. **Along East Blackwell Street, eastbound on the southerly side thereof at:**
 - a. Bergen Street – Far Side
Beginning at easterly curb line of Bergen Street and extending 100 feet easterly therefrom.

That pursuant to N.J.S.A. 39-4-8(e) the following described location is deleted as a bus stop:

Deleted:

1. **Along East Blackwell Street, eastbound on the southerly side thereof at:**
 - a. Bergen Street - Near Side
Beginning at the westerly curb line of Bergen Street and extending 105 feet westerly therefrom.

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

PUBLIC COMMENTS

Mayor Dodd opened the meeting to the public prior to entering into executive session. Seeing no hands and hearing no voices Mayor Dodd closed the meeting to the public.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR EXECUTIVE SESSION**

WHEREAS, the Open Public Meeting Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover wish to discuss:

1. Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matter 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.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

MOTION TO RETURN FROM EXECUTIVE SESSION

Alderwoman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Delaney and passed by the following roll call vote.

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

**Motion to adjourn made by Alderwoman Romaine at 7:23 p.m.,
and duly seconded by Alderman Picciallo passed by the following voice vote.**

**Ayes: Aldermen Delaney, Picciallo, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas, Visioli & Timpani Abstained: None**

Respectfully submitted,

Margaret J. Verga, Municipal Clerk