



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
October 26, 2010 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 by Pastor Darcy asking for guidance and strength to do what is right for our town and our citizens.

ROLL CALL:

Present: Aldermen Delaney, Poolas, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Absent: Alderman Visioli

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

MUNICIPAL CORRESPONDENCE:

1. Ordinance from Randolph Township Re: Re-adopting Section 15-52, Lot Grading Permits
2. Ordinance from Rockaway Township Re: Amending Zoning Regulations, Signs
3. Resolution from the Borough of Riverdale Re: Supporting the Morris County Municipal Clerks and urging the State Legislature to reform the Open Public Records Law (OPRA)
4. Notice of (Dover) planning board hearing on application Re: 6 W. Blackwell St./operate restaurant
5. Invitation to a presentation by Major Dennis P. McNulty, Commanding Officer - NJ State Police, Emergency Management Section hosted by the Morris County League of Municipalities
6. Invitation to the Economic Outlook & Leaders in Business Award Luncheon hosted by the Morris County Chamber of Commerce
7. Invitation to the Government Efficiency & Best Practices Forum hosted by NJ State of League of Municipalities
8. Area of Concern letter from NJ Department of Environmental Protection Re: 96 Searing Street
9. Letter from Matthew Barrick, Jr. Re: Block 1201, Lot 6.01
10. September 2010 – Dover Fire Dept.
11. November 2010 Calendar of Events from Division on Aging, Disabilities & Veterans
12. Letter from Cablevision Re: Notice of Potential Programming Change: Fox 5, My9, Philadelphia, Fox Business Network, Nat Geo Wild (dated 10/13/2010)
13. Letter from Cablevision Re: Notice of Potential Programming Change: Fox 5, My9, Philadelphia, Fox Business Network, Nat Geo Wild (dated 10/18/2010)

CONSENT AGENDA

1. Resolution Approving Limos
2. Resolution Authorizing Chapter 159 – Body Armor Replacement Fund Program
3. Resolution Approving the Settlement of a Tax Court Appeal – Block 2311, Lot 5
4. Resolution Approving the Settlement of a Tax Court Appeal – Block 603, Lot 3
5. Resolution Approving the Settlement of a Tax Court Appeal – Block 1316, Lot 1
6. Resolution Approving the Settlement of a Tax Court Appeal – Block 615, Lot 3 & Lot 3, B01, B02
7. Resolution Approving the Settlement of a Tax Court Appeal – Block 1902, Lot 2.01

Alderman Poolas asked about the Ayers Chevrolet's tax settlement (Block 615, Lot 3, B01 & B02) and expressed that the property value would probably increase after the completion of the Route 46 project. Attorney Pennella commented that the appeal is based upon the October pre-tax year for 2009 & 2010 and not for 2011. Attorney Pennella was not involved in the negotiation process.

AGENDA ITEMS:

RESOLUTIONS

1. Approving Bills List
2. Urging the NJ Legislative Government to enact changes to the Open Public Records Act (OPRA) law
3. Approving Mayor & Board of Aldermen Meeting Minutes – September 28, 2010
4. Approving Mayor & Board of Aldermen Meeting Minutes – October 12, 2010

REGULAR MEETING MINUTES
October 26, 2010

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 7:08 pm

ROLL CALL

Present: Aldermen Delaney, Poolas, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Absent: Alderman Visioli

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

Mayor Dodd opened this portion of the meeting to the public for agenda items only.

Jim Mullin - 150 Ann Street – Mr. Mullin wanted clarification on the Open Public Request Act law, specifically, where it says "...individuals and attorneys who are using OPRA for their personal financial gain." Attorney Pennella explained.

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

MAYOR'S REPORT – Mayor Dodd commented on the following:

- The US Marines will be hosting their annual "Toys for Tots" campaign on December 12th and noted that he asked local retired Marine John J. Rich to serve as honorable chairman.
- Turkestanian American Association will be opening its door to provide free holiday meals on Wednesday, November 24, 2010 from 3:00pm to 7:00pm. Delivery is available to seniors (65+) or homebound.
- Picatinny Arsenal Haunted House Oct. 29th & 30th from 6:30 - 9:30pm
- NJ Department of Transportation (NJDOT) held a public information meeting (October 14th) to address questions on the proposed bridge project. He noted that there wasn't a very large turn-out, only about 10 people. He expressed that the town was able to get NJDOT to put the raised aggregate panel on the Prospect Street Bridge to give it more of a historical look.
- The Harding Avenue Project will have the top course of asphalt put down and the signage and punch list will be completed by Friday, October 29th.
- The contractors are expected to start on the Chestnut Street Roadway Improvement Project.
- Milling and paving projects (Capital Project) are expected to start next week, throughout town.
- Department of Public Works made and installed two signs to help identify the location of Dover High School for visitors of the community.
- Department of Public Works is completing the installation of new tables, benches, trash receptacles and recycling containers at the JFK Park. They are installing new concrete pads that will improve accessibility and maintenance. The equipment is made of recycle plastic so it's environmentally conscious and graffiti resistance. Mayor Dodd thanked and complimented DPW for an outstanding job.
- Dover Health Department held their influenza clinic; totaled shot given out to date is 111.
- Mayor Dodd attended the graduation at Uceda English Institute. Mayor Dodd noted that it was heartfelt to see the students receive their diploma. Mayor Dodd thanked them for the invitation.
- Saint Clare's will be hosting their 2nd Annual Community Meeting on November 4th from 6-9pm
- Mr. John Anderson, Representative of First Engery Corp/JCP&L provided Mr. Close with a written report on the recent power outages. Mayor Dodd noted that there's nothing that is typical and consistent to failures that they anticipate. Mayor Dodd considered it a fluke that so many occurrences happened at the same time, in different areas that affected the same residential neighborhood.

ADMINISTRATOR CLOSE – No report

ATTORNEY'S REPORT – Attorney Pennella noted that there's a number of tax appeals on tonight's agenda and there has been no change in status of litigation since the last meeting.

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.			
1. 2003 Lincoln Town Car (LIMO)	Passengers: 5	Color: Black	VIN:669930	Plate# OL8403G
	ELITE LIMO & TAXI SERVICE LLC			
1. 2003 Lincoln Town Car (LIMO)	Passengers: 5	Color: Black	VIN: 638542	Plate# OL3252H
2. 2001 Dodge Wagon (LIMO)	Passengers: 8	Color: White	VIN: 100872	Plate# OL8361G
	FIRST CLASS OF DOVER, INC			
1. 2004 Lincoln Town Car (LIMO)	Passengers: 5	Color: Tab	VIN: 638132	Plate# OL4117H

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 Delaney, Poolas, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd
Nays: None Absent: Alderman Visioli Abstained: None

CHAPTER 159 RESOLUTION

WHEREAS, N.J.S.A. 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 2010 in the sum of \$3,338.49; which item is now available as revenue from the State of NJ, Department of Law and Public Safety, Division of Criminal Justice pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that a like sum of \$3,338.49 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:
Body Armor Replacement Fund Program

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 Delaney, Poolas, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd
Nays: None Absent: Alderman Visioli Abstained: None

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING
THE SETTLEMENT OF A TAX COURT APPEAL THE PROVIDENT BANK, BLOCK 2311, LOT 5
2008, 2009 AND 2010 AGREEMENT**

WHEREAS, The Provident Bank is the owner of 330 U.S. Highway 46, Dover New Jersey, also known as Block 2311, Lot 5; and

WHEREAS, the Provident Bank filed appeals with the Tax Court of New Jersey for the years 2008 and 2009 bearing Docket # 002077-2008 and 004836-2009; 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, a settlement value of \$550,000.00 total assessment for year 2008, \$1,200,000.00 total assessment for year 2009 and \$1,000,000.00 total assessment for year 2010 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:

2008

	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$ 467,300	None	\$ 200,000
Improvements:	<u>\$ 585,700</u>	Direct	<u>\$ 250,000</u>
Total:	\$1,053,000	Appeal	\$ 550,000

2009

	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$ 623,000	None	\$ 623,000
Improvements:	<u>\$ 851,000</u>	Direct	<u>\$ 577,000</u>
Total:	\$1,474,000	Appeal	\$1,200,000

2010

Total Assessment of \$1,000,000.00 as follows: Land - \$234,100.00 and improvements - \$765,900.00.

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 year 2008 of \$550,000.00, 2009 of \$1,200,000.00 and \$1,000,000.00 for 2010.
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 Blackman and passed by the following roll call vote.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL
DOVER-MORRIS PROPERTIES, L.L.C., BLOCK 603, LOT 3**

WHEREAS, Dover-Morris Properties, LLC, hereafter "Taxpayer" is the owner of 42-60 Richboynton Road, Dover New Jersey, also known as Block 603, Lot 3; and

WHEREAS, Taxpayer filed an appeal with the Tax Court of New Jersey for the year 2009 bearing Docket # 011133-2009; and

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

WHEREAS, a settlement value of \$7,300,000.00 for the year 2009 was recommended by the expert appraiser for the Town; and

WHEREAS, the Assessor and the Taxpayer have accepted the market value offered judgment; and

WHEREAS, the original assessments and requested Tax Court Judgment are as follows:

<u>Year 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$ 990,000.00	Direct	\$ 990,000.00
Improvements:	\$ <u>7,376,800.00</u>	Appeal	<u>\$ 6,310,000.00</u>
Total:	\$ 8,366,800.00		\$ 7,300,000.00

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 number is authorized to be settled for the fair market value of \$7,300,000 for tax year 2009
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 Blackman and passed by the following roll call vote.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL
POWER TEST REALTY CO., LTD., BLOCK 1316, LOT 1
2009 AND 2010 AGREEMENT**

WHEREAS, Power Test Realty Co., Ltd. is owner of 88 E. McFarlan Street, Dover New Jersey, also known as Block 1316, Lot 1; and

WHEREAS, Power Test Realty Co., Ltd filed appeals with the Tax Court of New Jersey for the year 2009 bearing Docket # 014035-2009; and

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

WHEREAS, a settlement value of \$1,050,000.00 total assessment for year 2009 and \$900,000.00 total assessment for year 2010 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:

<u>2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$1,050,000	None	\$ 886,300
Improvements:	\$ <u>163,700</u>	Direct	<u>\$ 163,700</u>
Total:	\$1,213,700	Appeal	\$1,050,000

<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$1,050,000	None	\$ 736,300
Improvements:	\$ <u>163,700</u>	Direct	<u>\$ 163,700</u>
Total:	\$1,213,700	Appeal	\$ 900,000

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 appeal bearing the above referenced docket number is hereby authorized to be settled for the fair market value amounts for years 2009 - \$1,050,000.00 and for 2010 - \$900,000.
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 Blackman and passed by the following roll call vote.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL AYERS-CHEVROLET-
OLDSMOBILE, INC., BLOCK 615, LOT 3 and Lot 3, B01, B02**

WHEREAS, Ayers-Chevrolet-Oldsmobile, Inc. is the owner of 1 U.S. Highway 46, Dover New Jersey, also known as Block 615, Lot 3 and Lot 3, B01 and B02; and

WHEREAS, Ayers-Chevrolet-Oldsmobile, Inc. filed appeals with the Tax Court of New Jersey for the years 2009 and 2010 bearing Docket # 007816-2009 and 005618-2010; 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, a settlement value of \$6,421,100.00 total assessment for 2009 and \$5,474,800.00 for 2010 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:

Block 615, Lot 3, B02

2009	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
Land:	\$ 0	Direct	\$ 0
Improvements:	\$ 12,600	Appeal	\$ 12,600
Total:	\$ 12,600		\$ 12,600

Block 615, Lot 3 B01

2009	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
Land:	\$ 0	Direct	\$ 0
Improvements:	\$ 12,600	Appeal	\$ 12,600
Total:	\$ 12,600		\$ 12,600

Block 615, Lot 3

2009	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
Land:	\$4,350,200	Direct	\$4,350,200
Improvements:	\$2,070,900	Appeal	\$2,070,900
Total:	\$6,421,100		\$6,421,100

Block 615, Lot 3, B02

2010	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
Land:	\$ 0	Direct	\$ 0
Improvements:	\$ 12,600	Appeal	\$ 12,600
Total:	\$ 12,600		\$ 12,600

Block 615, Lot 3 B01

	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
2010			
Land:	\$ 0	Direct	\$ 0
Improvements:	\$ 12,600	Appeal	\$ 12,600
Total:	\$ 12,600		\$ 12,600

Block 615, Lot 3

	<u>Original Assessment</u>	<u>County Board</u>	<u>Tax Court Judgment</u>
2010			
Land:	\$4,350,200	Direct	\$4,350,200
Improvements:	\$1,627,800	Appeal	\$1,124,600
Total:	\$5,978,000		\$5,474,800

WHEREAS, the parties hereby agree that the total 2011 assessment of Block 615, Lots 3, 3 B01, 3 B02 shall not exceed \$5,000,000, and the taxpayer will only file an appeal in 2011 for the purpose of obtaining a judgment affirming such assessment and Dover will not object to the entry of such judgment affirming a \$5,000,000.00 assessment, except that notwithstanding the foregoing, in the event the improvements are demolished in whole or in part or a condemnation action is filed prior to April 1, 2011, the Plaintiff shall also have the right to file an appeal to challenge the assessment, based upon the improvements be demolished;

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 of \$6,421,100.00 total assessment for 2009 and \$5,474,800.00 for 2010.
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 attorney for the municipality 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 Blackman and passed by the following roll call vote.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL
BY VNB REALTY, INC., BLOCK 1902 LOT 2.01**

WHEREAS, VNB Realty, Inc. is the owner of 90 East Blackwell Street, Dover, New Jersey, also known as Block 1902, Lot 2.01; and

WHEREAS, VNB Realty, Inc. filed an appeal with the Tax Court of New Jersey for the year 2008 bearing Docket # 006232-2008, for the year 2009 bearing Docket # 011242-2009 and for the year 2010 bearing Docket # 005571-2010; and

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

WHEREAS, a settlement value of \$ 787,700.00 for the year 2008, \$1,944,900.00 for the year 2009 and \$1,850,000.00 total assessment for year 2010 and \$1,575,000.00 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:

<u>2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$ 272,500	Direct	\$ 272,500
Improvements:	\$ 592,000	Appeal	\$ 515,200
Total:	\$ 864,500		\$ 787,700

<u>2009</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$1,090,000	Direct	\$1,090,000
Improvements:	<u>\$ 854,900</u>	Appeal	<u>\$ 854,900</u>
Total:	\$1,944,900		\$1,944,900

<u>2010</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$1,090,000	Direct	\$1,090,000
Improvements:	<u>\$ 854,900</u>	Appeal	<u>\$ 760,000</u>
Total:	\$1,944,900		\$1,850,000

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 number is hereby authorized to be settled for the fair market value amounts for year 2008 in the amount of \$787,700.00, for the year 2009 in the amount of \$1,944,900.00 and for the year 2010 in the amount of \$1,850,000.00. The year 2011 value shall be \$1,575,000.00.
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 Blackman and passed by the following roll call vote.

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

AGENDA ITEMS

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:	\$9,999.10
CURRENT ACCT claims in the amount of:	\$1,453,168.54
CAPITAL ACCT claims in the amount of:	\$32,961.21
WATER UTILITY ACCT claims in the amount of:	\$53,288.28
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:	\$127.28
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:	
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	\$226.50
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:	\$41,526.63

COAH TRUST Acct claims in the amount of:
 DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:
TOTAL CLAIMS TO BE PAID **\$1,591,297.54**

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:	\$216,848.69
WATER UTILITY ACCT claims in the amount of:	\$21,379.37
PARKING UTILITY ACCT claims in the amount of:	\$4,259.71
PAYROLL AGENCY ACCT claims in the amount of:	\$97,863.52
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$25.03
TOTAL CLAIMS PAID	\$340,376.32

TOTAL BILL LIST RESOLUTION **\$1,931,673.86**

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 Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd
Nays: None Absent: Alderman Visioli Abstained: None

RESOLUTION URGING THE NEW JERSEY LEGISLATIVE GOVERNMENT TO ENACT CHANGES TO THE OPEN PUBLIC RECORDS ACT (OPRA) LAW

WHEREAS, the Morris County Municipal Clerks represent the interests of the residents and officials in the County of Morris; and

WHEREAS, the Morris County Municipal Clerks have identified compliance with the Open Public Records Act, N.J.S.A. 47:A-1 et seq. (“OPRA”) as a problem for municipalities as a result of loss efficiency and out-of-pocket costs to municipalities; and

WHEREAS, the Morris County Clerks recognize the importance and virtue of access to public records for all citizens as an important issue because it encourages open government and increases confidence in the operation of government; and

WHEREAS, the Morris County Clerks have become increasingly aware of the cost of complying with OPRA and of individuals and attorneys who are using OPRA for their personal financial gain; and

WHEREAS, Municipal Officials and Municipal Clerks believe that the Open Public Records Act needs to be reformed to create standardization in providing records to the public and to prevent individuals and attorneys from profiting from the provisions of OPRA where they have no legitimate interest in the records they are requesting; and

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 Governor and State Legislature are urged to review the provisions of OPRA and consult with the Municipal Clerks to reform OPRA to include:

1. There should be no potential for Records Custodians to be personally responsible for fines. The public entity would be responsible for any violations.
2. A standardized statewide rate schedule for the most common requests to create uniformity from one municipality to the next.
3. The removal of references to the actual costs of certain records as the calculations can be different and the calculations completely discount the time spent by the Municipal Clerk.
4. Clear authorization to allow the Clerks to bill for time spent organizing data, researching documents, or translating documents to a different medium. An example is scanning documents to provide electronically.
5. The creation of standard legitimate interests to be applied to requests, such as, for example, tax payer or residency in the municipality or for the press. This would also include a mechanism to regulate commercial entities using OPRA requests to create mailing lists for advertising.

6. The municipality should be entitled to receive a seven (7) day extension for any large or complicated requests. Currently, the requestor must agree. This particularly affects small municipalities with a small or part time only staff.
7. All requested records should be required to be picked-up within a week so that the Clerk does not have to keep them indefinitely.
8. Directions to the Government Records Council or Office of Administrative Law as to when attorney's fees should be awarded to requestors under OPRA to limit the award of Attorney's fees to situations where there was a willful violation of OPRA that resulted in the requestor failing to receive a legitimately requested document.
9. Regulations should be created to prevent a requestor from repeatedly using OPRA to request the same documents as the purpose in these multiple requests is to harass municipal officials.
10. Documents which are already available to the public on a municipality's website should be excluded from OPRA.
11. The Government Records Council should have mandatory mediation for all complaints. Currently, mediation takes place only where both parties agree.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided to the Governor of the State of New Jersey Senator Anthony Bucco, Assemblyman Anthony Bucco, Assemblywoman Michael Carrol, New Jersey League of Municipalities, Morris County League of Municipalities, Morris County Board of Chosen Freeholders, all Morris County Municipalities.

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

**Ayes: Aldermen Delaney, Poolas, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd
Nays: Alderman Donofrio Absent: Alderwoman Visioli Abstained: None**

**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 28, 2010 – Caucus and Regular

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, Poolas, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd
Nays: None Absent: Alderwoman Visioli Abstained: None**

**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:

October 12, 2010 – Caucus and Regular

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

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

Mayor Dodd asked if a board member is not present at a meeting, could they vote for those meeting minutes. Attorney Pennella commented that if a board member is not present they would have had to listen to the recording in order to vote on the minutes. Alderman Poolas asked if they read the minutes but didn't hear the recording, could they still vote on the minutes. Attorney Pennella commented no.

PUBLIC COMMENTS – Three Minutes per Person

NANCY HAGERICH – Mrs. Hagerich wanted to know the status of the two tables that were going to be purchased and the status of the insurance matter. Mr. Close noted that there must be an appointment for insurance purposes and the two tables are being purchased. Mrs. Hagerich commented that she doesn't want to be appointed. Mayor Dodd reiterated Mr. Close's comments.

DENISE RIDNER – 33 Kickerbocker Avenue – Mrs. Ridner commented that she hasn't been at many town meetings due to her schedule. She expressed that she loves living in Dover because it's a small quaint town with a diverse community. She has tried to help the town in a positive way and would like to think that every board member has the desire & passion to make a difference. She believes each one of the board members has good intentions but like a run away train somewhere along the line it got derailed. She noted that some members bring embarrassment and distrust to the town. She expressed to the board that it's never too late to make a positive difference and to use their time and energy to make a positive difference for the town. She asked the board to listen to each other and to work together.

MATTHEW BARRICK – 107 Basset Hwy. – Mr. Barrick asked for assistance with the rush hour traffic on Bassett Highway, he suggested the installations of signs to help with the situation. Mayor Dodd expressed that they will look into the matter.

MICHELLE VEGA – 62 Dickerson Street – She commented that there have been three to four fires in the woods behind E. Dickerson St. She expressed that people are sleeping in the woods and that there's garbage that includes beds and needles. She asked if a gate could be placed at the Monmouth Street entrance and noted that the response that she keeps getting is that the area belongs to NJ Transit. Mayor Dodd noted that they will look into the matter.

Motion to adjourn made by Alderwoman Romaine at 7:41 p.m., and duly seconded by Alderman Donofrio and passed by the following voice vote.

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

Respectfully submitted,

Margaret J. Verga, Municipal Clerk