



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

CAUCUS MEETING MINUTES

April 10, 2007

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.

ROLL CALL:

Present Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Picciallo, Timpani and Mayor Dodd

Absent: Alderman Donofrio

Also present were Administrator Garvin, Attorney Pennella and Clerk Verga

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

Resolution to Introduce the 2007 Municipal Budget

Presentation by DeFeo Associates re: Phase II Report - Department of Public Works and Water Department Study

Awarding Plaque to Police Officer Anthony Smith for his lifesaving efforts on January 25, 2007

MUNICIPAL CORRESPONDENCE:

1. Notice from Morris County League of Municipalities re: Dinner and tour of Morris County School of Technology
2. Newsletter from Picatinny Arsenal Environmental Restoration Advisory Board re: Winter 2007 publication titled "Environmental Happenings at Picatinny Arsenal"
3. Ordinance from Borough of Wharton re: Amending Land Use and Development Regulations "Development Fee"
4. Resolution from Borough of Wharton re: Upper Rockaway River Watershed Association be Category One Antidegradation Designation
5. Resolution from Morris County Board of Chosen Freeholders re: Community Special Transportation
6. Letter from Harriet Buono re: Appreciation of proclamation she received from Mayor Dodd and Board of Aldermen at their regular meeting held on 3/27/07
7. Tax Collector's Report for March 2007

AGENDA ITEMS:

ORDINANCE(S) FOR INTRODUCTION

1. Ordinance #11-2007 re: Amending Chapter 265 Parks and Recreation "Prohibitive Acts"
2. Ordinance #12-2007 re: Establishing a Historic Preservation Commission/
3. Ordinance #13-2007 re: Amending and Supplementing Article 28 "Parking" Chapter A, Public Parking
4. Ordinance #14-2007 re: Establishing two taxi stands and vacating three existing taxi stands

ORDINANCE(S) FOR SECOND READING

1. Ordinance #08-2007 re: Limiting and restricting parking on N. Sussex Street
2. Ordinance #09-2007 re: Amending Chapter 337, adding Article X-parking of certain vehicles
3. Ordinance #10-2007 re: Designating smoking and nonsmoking zones at municipal building

RESOLUTIONS

1. Approving Bills List
2. Authorizing the execution of an agreement between the NJDOT and the Town of Dover for the South Salem Street Bridge Replacement project
3. Resolution for appointment of Municipal Court Judge
4. Approval of Coin-Operated Device License for Murphy's Third Rail
5. Approval of Annual Dance Permit for Murphy's Third Rail
6. Approval of One-Day ABC License for Fiesta De Reyes (#2) to be held at Casa Puerto Rico (#3) 50 W. Blackwell Street on 5/05/07 from 8:00 p.m. to 2:00 a.m.

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7. Approval of two One-Day ABC Licenses for Casa Puerto Rico to be held at 50 W. Blackwell Street on 5/12/07 (#4) and 5/26/07 (#5) from 8:00 p.m. to 2:00 a.m.
8. Approval of Taxi Driver Licenses – Edgar J. Velez, Queens Limo and Teofilo Mariano, Chamo Limo
9. Awarding the Bid for Solid Waste Removal to Blue Diamond Disposal, Inc.
10. Introduction of the 2007 Municipal Budget
11. Self Examination of the Municipal Budget



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REGULAR MEETING MINUTES

April 10, 2007

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 7:31 pm

ROLL CALL

Present Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Also present were Administrator Garvin, 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.

Kay Walker-72B E. Blackwell-Ms. Walker is concerned about the new garbage pick-up rules. She believes it's a step in the right direction. She doesn't want to see hundreds of bags lined up on the street and she also has seen garbage filled with materials from a unit under construction. Ms. Walker was also has concerns about recycling pick-up and was advised that the town is in the process of contract negotiation.

Lorraine Cloughley-27 Everett Drive-Ordinance #9 affects her and her daughter because they have recreation vehicles. Are there any provisions for leaving vehicles on the street due to an emergency like a breakdown? The ordinance should have a provision regarding emergencies because the police department will only follow what the ordinance states.

Administrator Garvin's Report – No report at this time

Mayor Dodd's Report – Mayor Dodd attended a meeting with Global Reach and Club Columbia, the concerns have been rectified regarding the soccer field. Mayor Dodd attended a meeting regarding our debt service for reconsolidation of our debt services to improve our interest rates. He also met with the parking consultant, who has been hired by the town, for improvements on our parking in the downtown area. A meeting with the taxi company owners was also attended to discuss the concerns regarding outside companies arriving at the train station and taking their fares. An ordinance will be introduced to establish two parking spaces in front of the train station for (town) licensed taxi companies to pick up their fares. Mayor Wellness Campaign will be kicking off in the very near future. Mayor Dodd attended several meetings regarding Solid Waste. The Mayor and Alderman Timpani met with Home Depot's manger to request a donation of a stove and refrigerator for the Hope House. Home Depot has fulfilled this request and they are also willing to help seniors in the area with materials or other assistance. The Mayor has also extended the Mayor's Assistance Program to seniors in the Dover area. Mayor Dodd commends the Board of Education on their zero budget increase.

ALDERMEN/COMMITTEE REPORTS –

Alderman Fahy – Attended the meeting with Global Reach & Club Columbia very happy that they've come to a resolution which allows them to continue with their festivals' great success and also the town's success to protect the fields. Alderman Fahy attended the ribbon cutting ceremony for the soccer field. He also attended the personnel meeting which several topics were discussed like transfers and promotions. The search for and Public Defender and Tax Assessor are in process.

Alderman Picciallo – Attended the Dover Senior Housing meeting and everything is going well with the seniors. He also attended the meetings regarding debt services and budget meetings. Alderman Picciallo is happy to reiterate the 2% increase in the budget and Board of Education zero increase in the budget.

Alderman Poolas – Met with DPW superintendent, Luis Acevedo to discuss several things throughout the town. Complaints were made to Alderman Poolas which were then forwarded to Ms. Garvin and the complaints were resolved.

Alderman Ryan – April 5th the negotiation meeting with PBA took place and proposal were made and the town is reviewing them and on April 9th Police Committee meeting was cancelled.

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Alderman Donofrio – Alderman Donofrio requested any thoughts from Mayor Dodd regarding the correspondence he received from JCPL. Alderman Donofrio was advised by Mayor Dodd that he's not prepared to give any comments until the next meeting. Board of Health meeting was held and he asked "if any members of the audience who attended the meeting would like to comment on the meeting. (Connie Sabona-Foster-90 Penn Avenue-There's new State Health Standard for food handlers and in the Town of Dover every single establishment has attended the required training. Discussions took place in regards to establishments receiving a satisfactory report; the board requested a tracking on the amount of calls that took place to receive the satisfactory. Also, discussed was the proper disposal of medication and safety concerns.)

Alderman Timpani – No report at this time. (Mayor Dodd requested an update on the Mayor's Fishing Derby for the next town meeting)

Alderman Delaney – Alderman Delaney attended several meetings which included the parking consultant, debt services and budget. The meeting with parking consultant went well and anticipates his report. Alderman Delaney would like to thank the board who attended the Board of Education's budget preparation meeting, it was a very informative.

Alderman Visioli – Advised the board that the Defeo report needs to be reviewed and comments are welcomed.

Attorney Pennella's Report – No activity in litigation since the last meeting but has been busy with general legal advice.

CONSENT AGENDA

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE NO. 11-2007 **OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND** **SUPPLEMENTING CHAPTER 265 OF THE CODE OF DOVER ENTITLED "PARKS AND RECREATION"**

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover as follows:

1. Section 265-6 entitled "Prohibitive Acts" is amended and supplemented by adding a new subsection A. (7) to read as follows:
2. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.
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.
4. The Ordinance shall take effect in accordance with law.

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

Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani, and Mayor Dodd
Nays: None Absent: None Abstained: None

ORDINANCE NO. 12-2007 **AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF DOVER, COUNTY OF** **MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 236 OF THE CODE OF THE TOWN OF** **DOVER ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND ASSOCIATED REGULATIONS.**

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

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Section 1

Chapter 236, Land Use and Development, Article VIIA, Historic Preservation, is created as follows:

ARTICLE VIIA, Historic Preservation

§ 236-96.1. Purpose and objectives.

The purpose of this chapter is to establish a Historic Preservation Commission pursuant to NJSA 40:55D-107, et. seq., to provide guidance in achieving preservation of historic resources in designated Historic Districts and Sites and to advance the following public purposes:

- A. To promote the use of historic districts for the education, pleasure and welfare of the citizens of the Town and its visitors and to promote civic pride in the Town's historic resources.
- B. To foster private reinvestment in the historic district and sites and balance the purposes of historic preservation with current needs.
- C. To encourage preservation of sites of historic, archaeological, cultural, social and architectural significance.
- D. To encourage the continued use of historic sites and to facilitate their appropriate reuse.
- E. To maintain and promote an appropriate and harmonious setting for existing historic resources within the Town.
- F. To recognize and preserve historic resources in the Town as an essential element of municipal character and identity which contributes to the reputation of Dover as a place of beauty and architectural value.
- G. To encourage appropriate alterations to historic sites and new construction which is in keeping with the character of historic districts and sites.
- H. To assist implementation of the historic preservation element of the Master Plan,

§ 236-96.2. Definitions.

ADDITION — An extension or increase in building size, floor area or height.

ADMINISTRATIVE OFFICER — For purposes of this Historic Preservation Ordinance, the Town Engineer shall be the administrative officer. This definition is separate and apart from the definition set forth in § 236-5. The same person may or may not be designated herein as in § 236-5.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another, or the change in appearance of the exterior surface of any improvement.

CERTIFICATE OF HISTORIC REVIEW — A document issued by the Historic Preservation Commission confirming their review of any alteration or addition to a site or a property within the Historic District. Such review is based upon plans presented for the preservation, restoration, rehabilitation or alteration of an existing property, or the demolition, addition, removal, repair or remodeling of any feature on an existing building within the Historic District or for any new construction within the Historic District.

DEMOLITION — "Demolition" is the partial or total razing, dismantling or destruction of any historic site or any improvement within the Historic District.

DESIGNATED SITE — A site that has been designated per § 236-96.4 herein.

GUIDELINES — The guidelines for both the Historic Preservation Commission and applicants for a certificate of historic review shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing Preservation, Rehabilitation, Restoration, and Reconstruction (codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* - Vol. 60, No. 133 and as may be subsequently amended), are adopted by reference, and design guidelines developed specifically for the Dover Historic Preservation Commission are set forth herein in § 236-96.7 and may take precedence over the Secretary of the Interior's Standards for the Treatment of Historic Properties where more specifically applicable to the buildings and sites within Dover.

HISTORIC DISTRICT — One or more historic sites and certain intervening or surrounding property significantly affecting or affected by the quality and character of historic site or sites, as specifically designated herein.

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HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been designated in the Master Plan as being of historic, archaeological, cultural, scenic or architectural significance at the national, state or local level, as specifically designated herein. The designation of an historic site or landmark shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto. When used in this chapter, the word "landmark" may be substituted for historic site.

IMPROVEMENT — Any structure or any part thereof installed upon public or private property and intended to be kept at the location of such construction or installation.

INTEGRITY — The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY — A list of historic sites or districts determined to meet criteria of designation specified herein.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

ORDINARY MAINTENANCE AND REPAIR — Repair of any deterioration, wear or damage to a structure in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear or damage with material and workmanship of the same quality.

PRESERVATION — The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building's materials.

PROTECTION — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack or to cover or shield the property from danger or injury.

RECONSTRUCTION — The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specific period of time.

REHABILITATION — The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REPAIR — Any work done on an improvement that is not an addition and does not change the exterior appearance of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality.

RESTORATION — The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STREETSCAPE — The visual character of the street, including but not limited to the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§ 236-96.3. Historic Preservation Commission.

A. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:

- (1) To identify, record and maintain a system for survey and inventory of all buildings, sites, places, improvements and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- (2) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
- (3) To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
- (4) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.
- (5) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions

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concerning historic preservation.

- (6) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Town.

B. Establishment.

- (1) Members. The Historic Preservation Commission shall consist of five (5) regular members and two alternate members. Members shall serve without compensation. The mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2.". At least one member shall be designated of each of the following classes:

- (a) Class A. A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.
- (b) Class B. A person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.
- (c) Class C. Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment.
- (d) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the five regular members, a total of at least one less than a majority shall be of Classes A and B.

(2) Terms.

- (a) The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the historic preservation commission and the planning board shall be for the terms of membership on the planning board; and the term of any member common to the historic preservation commission and the board of adjustment shall be for the term of membership on the board of adjustment.

- (b) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

- (3) Alternates. The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(4) Budget.

- (a) The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission.
- (b) The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

(5) Rules of Commission.

- (a) The Commission shall elect a Chairman and Vice-Chairman from its members and select a Secretary who may or may not be a member of the Commission or a municipal employee.
- (b) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of historic review and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this chapter and shall include but not be limited to rules pertaining to all notices and hearings required herein.

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- (c) In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the administrative officer, on behalf of the Commission, shall maintain complete files and records, including but not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of historic review, along with collateral data, decisions and appeals associated therewith, and information, materials and references submitted to the public related to historic preservation. A record of the proceedings shall be kept and made available, but a formal verbatim record shall not be required.
 - (d) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. Copies of all minutes shall be delivered promptly to the Town Clerk.
 - (e) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest unless a member resides or owns property within 200 feet of property which is the subject of an application.
 - (f) Attendance of Historic Commission members at meetings regarding number of absences; termination; replacement and requirements to advise the Mayor and Board of Aldermen of same shall be in accordance with Chapter 40 of the Code of the Town of Dover.
- (6) Meetings; quorum.
- (a) The Historic Preservation Commission shall establish and post in Town Hall a regular schedule of a minimum of 10 meetings per year. Additional meetings may be called by the Chairman or Vice Chairman when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
 - (b) Three (3) members shall constitute a quorum. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a certificate of historic review. Not less than a majority of the appointed membership shall be required to grant or change a historic site or district designation.

§ 236-96.4. Designation of historic sites and districts.

- A. Survey. The Commission shall perform a comprehensive survey of the Town of Dover to identify historic districts, sites and improvements which are worthy of protection and preservation.
- B. Criteria for designation. The survey shall be used as a basis for identifying sites and districts worthy of designation. The criteria for evaluating and designating historic districts and sites shall be guided by the National Register of Historic Places Criteria established in accordance with National Historic Preservation Act (80 Stat. 915, as amended). The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:
 - (1) Character, interest or value as part of the development, heritage or cultural characteristics of the Town, State or nation.
 - (2) Association with events that have made a significant contribution to the broad patterns of our history.
 - (3) Association with the lives of persons significant in our past.
 - (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture or engineering.
 - (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Town, state or nation.
 - (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.
 - (7) Unique location or singular physical characteristics that make a district or site an established or familiar visual feature.
 - (8) That have yielded, or may be likely to yield, information important in prehistory or history.
- C. Procedures for designation.
 - (1) Interested parties shall contact the administrative officer regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of a historic site or district. The administrative officer will schedule a hearing before the Commission to review the proposed historic site or district.

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- (2) The formal historic district nomination shall include: a building-by-building inventory of all properties within the district; black and white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include: a black and white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
- (3) Upon review and approval of the proposed site or historic district by the Historic Preservation commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration as an amendment to the Historic Preservation Element of the Master Plan. Municipal Land Use Law procedures shall be followed for any amendment to the Historic Preservation Element of the Master Plan.
- (4) Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Mayor & Board of Aldermen for adoption to amend and supplement this chapter with said designation.
- (5) All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed and the owner of the proposed site(s) or the owners within a proposed historic district shall receive notice, at least 10 days prior to the hearing, by certified mail, return receipt requested, of the hearing by the Town Council of the adoption of an ordinance designating the proposed historic site or district.

D. Designation of districts. The following historic district(s) is delineated and described in the Historic Preservation Element of the Master Plan and is hereby a designated historic district for purposes of this chapter:

- (1) Blackwell Street Historic District. The designated historic district is set forth in the Historic Preservation Element of the Master Plan of the Town of Dover which is incorporated herein by reference.
- (2) Additional districts. Any additional designated districts and sites and/or any changes in the designation of historic districts and historic sites shall be effectuated by amendment of this chapter in accordance with procedures provided for under Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the procedures set forth herein.

§ 236-96.5. Referral from municipal agencies for development applications.

- A. The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development, variance or zone change request submitted to either Board for development in historic districts or on historic sites designated herein. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
- B. On all matters referred to the Commission which require approval by the Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only.
- C. An approval by the Planning Board or Zoning Board of Adjustment, as the case may be, does not relieve the applicant of the requirements to obtain a certificate of historic review for properties within the Historic District.

§ 236-96.6. Certificate of historic review.

- A. When required. A certificate of historic review issued by the Commission shall be required before a permit is issued or before work can commence for any of the following activities within the historic district:
 - (1) The demolition of any building, improvement, site, place or structure. When considering applications involving demolition as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
 - (2) Addition to or new construction of a principal or accessory building or structure. When considering applications involving new construction as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
 - (3) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction or alteration. Exterior change for all primary and accessory buildings shall include special consideration of character

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defining features visible from the public right-of-way. When considering applications involving change in exterior appearance, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

B. When not required. A certificate of historic review shall not be required:

- (1) For the issuance of a building permit by the Construction Official for changes only to the interior of a structure.
- (2) For ordinary maintenance and repair to the exterior of a building, as long as existing materials are not removed or replaced with other than in-kind material, and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.
- (3) For ordinary maintenance and repair to the exterior of a building, provided new materials/features are not being added (excluding a layer of paint), and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.

Should the Administrative Officer feel that the nature and/or extent of the maintenance or repair outlined in B.(2) or (3) above is not in keeping with the purpose and objectives of this ordinance, the approval of said maintenance or repair shall be referred to the Historic Preservation Commission for a determination as to whether a certificate of historic review shall be required.

C. Procedures.

- (1) All applicants shall complete an application form and pay the required fee and escrow deposit. Application forms shall be made available in the office of the administrative officer. Completed applications shall be filed with and fees/escrow deposits paid to the administrative officer.
- (2) Each application shall be accompanied by sketches, drawings, photographs, descriptions and other information to show the proposed alterations, additions, changes or new construction. The Commission may require additional materials as it reasonably requires to make an informed decision.
- (3) The Commission shall reach a decision on an application and submit its report to the administrative officer within 45 days of referral of same by the administrative officer. Failure to report within a forty-five-day period shall be deemed to constitute a report in favor of the issuance of a permit and without recommendation of conditions to the permit. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- (4) Informational meetings. Persons considering action that requires a certificate of historic review, as set forth in this section, are encouraged to request an informal informational meeting with the Commission and/or its Chairman. There shall be no fees or escrow deposits required for informal informational meetings. Requests for such informational meetings shall be made to the administrative officer, who will contact the Chairman of the Commission. The Commission may hold such informational meetings within 15 days of receipt of such request. The purpose of an informational meeting is to review with the applicant the standards of appropriateness and the procedures for obtaining a certificate of historic review.
- (5) Application review.
 - (a) In addition to complying with the requirements of the Open Public Meetings Act, (see [N.J.S.A. 10:4-6 et seq.](#)) and except in the event of an emergency, at least 10 days prior to such meeting notice shall be given to the applicant of the time, date, place and specific subject of the meeting.
 - (b) A certificate of historic review shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.
 - (c) The owner shall post the certificate of historic review on a conspicuous spot on the site visible to the public during the entire process of work.
 - (d) An applicant is encouraged to attend the Historic Preservation Commission meeting when the project is to be reviewed. However, the applicant shall not be required to appear or to be represented at the meeting to consider the application for a certificate of historic review and the Commission may take action in the absence of the applicant.
 - (e) When an application is approved, the Commission shall forthwith issue a certificate of historic review which shall be forwarded to the applicant.

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(6) Emergency procedures.

- (a) When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with construction codes without first obtaining a certificate of historic review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure.
- (b) A request for the Commission's review shall be made simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the administrative officer certifies the immediate necessity for such permit issuance. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible and such convening members shall proceed to review the certificate of historic review application as provided in this chapter. Subsequent to such review, a certificate of historic review may be issued upon a majority vote of the members convened.

(7) Procedure for granting certification of appropriate municipal actions.

- (a) It is recognized that the intent and purposes of this chapter would not be fully served if the municipality were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a certificate of historic review shall be required before final approval of any municipal actions on public as well as private lands, streets, easements and rights-of-way within the Historic District or listed in the Historic Sites Inventory of the Master Plan. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the municipality or any municipal agency and which is not otherwise covered by the provisions of this chapter. There shall be no fee or escrow deposit required for a certification of appropriate municipal actions.
- (b) In those circumstances where the municipality cannot require compliance, as in certain cases involving the county, state and federal governments, the Town urges, most strongly, the voluntary cooperation of such agencies in seeking a certificate of historic review and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable state and federal regulations regarding historic preservation.

§ 236-96.7. Standards, design guidelines and criteria.

The purpose of this section is to provide uniform standards, design guidelines and criteria for the regulations of the Historic District for use by the Historic Preservation Commission. All projects requiring a certificate of historic review and all applications for development in the Historic District shall be guided by the principles of the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

A. Secretary of Interior's Standards for Rehabilitation. In carrying out all of its duties and responsibilities, the Commission shall be guided by "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing Rehabilitation, (codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* - Vol. 60, No. 133 and as may be subsequently amended). Those standards are as follows:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

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7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- B. Visual compatibility factors. In assessing the design of any proposed additions or new construction, the following visual compatibility factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above.
- (1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 - (2) Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 - (3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
 - (5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (6) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
 - (9) Walls of continuity. Appurtenances of a building, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (10) Scale of building. The size of a building, its mass in relation to open spaces and its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - (11) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
 - (12) Exterior features. A building's related exterior features, such as lighting, fences, signs, sidewalks, driveways and parking areas, shall be compatible with the features of those buildings and places to which it is visually related and shall be appropriate for the historic period for which the building is significant.

§ 236-96.8. Demolition.

- A. As set forth in § 236-96.6A(1) hereinabove, a certificate of historic review and compliance is required for the demolition of any building, improvement, site, place or structure.
- B. Criteria. In regard to an application to demolish or move a historic building, site, place or structure, the following matters shall be considered:
 - (1) Its historic, architectural, cultural and aesthetic significance in relation to the criteria of § 236-96.4B.
 - (2) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.

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- (3) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
- (4) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
- (5) The extent to which its retention would increase property values, promote business, create positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture, educate citizens in American culture and heritage or make the municipality a more attractive and desirable place to live.
- (6) The probable impact of its removal upon the ambiance of the historic district.
- (7) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the applicable building codes.
- (8) The compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality and the probability of significant damage to the structure or improvement as a result of the relocation.
- (9) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this chapter and whether the proposed new location is visually compatible in accordance with the standards set forth herein.
- (10) A discussion with the applicant regarding applicant's consent to the removal and reuse of certain important features of the historic building or structure.

C. Procedure.

- (1) Applications for a demolition permit must be made to the Building Construction Official. For all properties within the Historic District, a copy of the application will be forwarded to the Historic Preservation Commission within 10 days of receipt of the complete demolition application by the Building Code Official.
- (2) When considering applications for demolition permits, the Commission's report may contain mandatory conditions, in which event the administrative officer shall include the conditions contained in the certificate of historic review in any permit which is issued.
- (3) Applications for demolition shall include current and archival photographs of the interior and exterior of the building and drawings to document the condition of the building.
- (4) The Commission's review of a demolition application may take up to 45 days from receipt of completed application, just as in the case of a development application.
- (5) Demolition notice posting and publication. Notice of proposed demolition shall be posted on the premises of the building, place or structure in a location that is clearly readable from the street. In addition, the applicant shall publish a notice in the official newspaper of the Town within 10 days of an application for a demolition permit.
- (6) Review of application.
 - (a) The Historic Preservation Commission will review the application for demolition based on the criteria outlined above. Its report may:
 - [1] Approve demolition without conditions.
 - [2] Stipulate conditions, including but not limited to documentation of the building prior to demolition and/or confirmation of applicant's consent to the removal and reuse of certain important features of the historic building or structure.
- (7) All new construction on the site of a building demolished within the Historic District is subject to mandatory review by the Historic Preservation Commission. The new construction shall be in the character of the Historic Site or District, and all comments of the Commission in these circumstances are binding upon the applicant. The certificate of historic review will be issued only when the Historic Preservation Commission is satisfied that the facades of the replacement structure meets all the criteria of the Design Guidelines deemed applicable and fits appropriately within the Historic District.
- (8) When a certificate of historic review has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such

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inspections, listing all work inspected and reporting any work not in accordance with such certificate.

§ 236-96.9. Enforcement.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a certificate of historic review. If it should, the municipal official shall inform both the administrative officer and the applicant, as well as the Historic Preservation Commission.

§ 236-96.10. Violations, penalties and injunctive relief.

A. Violations.

- (1) If any person shall undertake any activity regarding an historic site or improvement within an historic district without first having obtained and posted a certificate of historic review, such person shall be deemed to be in violation of this chapter.
- (2) Upon learning of the violation, the Chief Code Enforcement Officer or his designee shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by seeking review of the extent and proposed work by the Historic Preservation Commission.
- (3) If the owner cannot be personally served within the municipality with said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.

B. Penalties. If any person shall undertake demolition or removal or new construction affecting an historic site or improvement within an historic district without first having obtained a certificate of historic review or without subsequent review by the Commission following discovery of the omission, he may be required to restore same to the previous condition. In addition, there shall be imposed upon such person the fines and penalties set forth in § 236-103.A of the Land Use Code of the Town of Dover.

C. Injunctive Relief. In the event that any action which would permanently and adversely change a historic site or historic district, such as demolition or removal is about to occur without a certificate of historic review having been issued, the Town Attorney may apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or landmark.

§ 236-96.11. Appeals.

Appeals to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.2 and N.J.S.A. 40:55D-72 may be taken by any interested party affected by any order, requirement, decision or refusal of the administrative officer pursuant to a report submitted by the Historic Preservation Commission, including a denial of a certificate of historic review, in accordance with N.J.S.A. 40:55D-111. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken, upon completing the appeal application form, paying required fees and escrow deposits, and specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. No public notice shall be required for the hearing of said appeal.

§ 236-96.12. Other requirements unaffected.

The requirements of this chapter shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

Section 2

Chapter 236, Land Use and Development, Article IX, Fees and Escrows, is supplemented as follows:

<u>Submission/Application</u>	<u>Application Fee</u>	<u>Initial Review Fee</u> <u>Escrow Deposit</u>
Certificate of Historic Review:		
Demolition.....	\$150.00	\$300.00
Addition or New Construction	\$250.00	\$500.00

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Change in the Exterior Appearance.....\$150.00\$300.00
Change in the Exterior Appearance
for a sign or awning only.....\$75.00\$150.00
Appeal of Administrative Officer
due to a Report of the Historic Preservation
Commission.....\$150.00\$150.00

Section 3

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

Section 4

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 5

This ordinance shall take effect immediately upon final publication as provided by law.

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

**Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani, and Mayor Dodd
Nays: None Absent: None Abstained: None**

ORDINANCE NO. 13-2007
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND
SUPPLEMENTING ARTICLE 28 "PARKING," CHAPTER A, "PUBLIC PARKING SYSTEM," OF THE REVISED
ORDINANCES OF THE TOWN OF DOVER

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

1. Article 28, "Parking," Chapter A, "Public Parking System," Subsection 5, "Day to Day Operations," of the Revised Ordinances of the Town of Dover, Morris County, New Jersey, saved from repeal, is hereby amended and supplemented as follows:

5. Day to Day Operations. The day-to-day operations of the public parking system will be under the control and jurisdiction of the Administrator of the Town of Dover except that parking enforcement officers shall be under the control and jurisdiction and report to the Chief of Police of the Town of Dover. Enforcement of parking violations shall also be under the control of the Police Department. All other administrative duties and responsibilities in operating the public parking system will be under the control of the Town of Dover Administrator.

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

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.

5. The Ordinance shall take effect in accordance with law.

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

**Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None Absent: None Abstained: None**

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ORDINANCE NO. 14-2007 **OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER** **ESTABLISHING TWO TAXI STANDS AND VACATING THREE EXISTING TAXI STANDS**

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

1. There are hereby established the following taxi stands pursuant to N.J.S.A. 39:4-197 (3), a, for use by Town of Dover licensed taxi cabs only as follows:

A. On West Dickerson Street near the train station described as follows: Said Taxi Stand shall be located along the southerly curblin of West Dickerson Street beginning at a point 214 feet east of the curblin intersection of South Morris Street and West Dickerson Street, thence continuing in a westerly direction for a distance of 42 feet to a point.

B. On Block 1213, Lot 2 at its intersection with South Bergen Street at the train station described as follows: The proposed Taxi Stand shall be located along the easterly extension of West Dickerson Street onto Block 1213, Lot 2, beginning at a point 16 feet, east of the southerly extension of the west curblin of South Bergen Street and its intersection with the southerly curblin of Block 1213, Lot 2, thence continuing in an easterly direction for a distance of 82 feet.

2. Said Taxi Stands located on the northerly curblin of East Blackwell Street beginning at a point 56 feet west of the curblin intersection of North Morris Street and East Blackwell Street, thence continuing in a westerly direction for a distance of 34 feet shall be removed. Also, the Taxi Stand located on the westerly curblin of N. Morris Street beginning at a point 43 feet north of the curblin intersection of N. Morris Street and East Blackwell Street, thence continuing in a northerly direction for a distance of 17 feet shall be removed.

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

4. 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.

5. The Ordinance shall take effect in accordance with law.

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

Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None Absent: None Abstained: None

ORDINANCE NO. 15-2007 **OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER** **AMENDING AND SUPPLEMENTING ORDINANCES 9-2007 CHAPTER 337, STREETS AND SIDEWALKS OF** **THE CODE OF THE TOWN OF DOVER**

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

1. Chapter 337, Streets and Sidewalks of the Code of the Town of Dover, Article X, entitled, Parking of Certain Vehicles is amended to add a new sub-section C to Section 337-45 entitled, "Exemptions" as follows:

C. Exempt from this Article, for a limited time period are recreational vehicles and non-commercial trailers which may be parked on the public street for up to 24 hours without a permit or up to 72 hours with a permit obtained from the Town of Dover Chief of Police. The permit may be issued based upon the reasonable need to park the recreational vehicle or non-commercial trailer on the public

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ORDINANCE NO. 09-2007

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 337, STREETS AND SIDEWALKS OF THE CODE OF THE TOWN OF DOVER TO ADD ARTICLE X – PARKING OF CERTAIN VEHICLES AS FOLLOWS:

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

Section 1

Chapter 337, STREETS AND SIDEWALKS, Article X, Parking of Certain Vehicles, is added as follows:

§ 337-43. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

COMMERCIAL VEHICLE - includes every type of motor/driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares, and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

NONCOMMERCIAL TRUCK - means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle".

PARKING - means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

PERSON - includes natural persons, firms, co-partnerships, associations and corporations.

RECREATION VEHICLE - means a self propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and used solely as a family or personal conveyance.

ROAD TRACTOR - means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

SEMI-TRAILER - means every vehicle with or without motive power, other than a pole trailer, designed or carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and out of its load rests upon or is carried by another vehicle.

TRAILER - means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing of vehicle.

TRUCK - means every motor vehicle designed, used or maintained primarily for the transportation of property.

TRUCK TRACTOR - means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of vehicle and load so drawn.

VEHICLE - means every device in, or upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

§ 337-44. Prohibited Parking.

No person shall park any:

- A. commercial or non-commercial motor vehicle or truck with more than four (4) wheels/tires
- B. road tractor
- C. trailer
- D. semi-trailer
- E. truck tractor
- F. recreational vehicle

on any street within the Town of Dover between the hours of 9:00 p.m. through 7:00 a.m.

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§ 337-45. Exemptions.

- A. Exempt from this Article are commercial vehicles that are parked to deliver services or goods or are performing approved construction related activities to a site within the Town of Dover provided that they first notify the Town of Dover Police Department of their location and the time period.
- B. Also exempt from this Article are two (2) axle pickup trucks with no more than four (4) wheels/tires on the rear axle.

§ 337-46. Sign Posting.

There shall be posted an appropriate sign on each street entering the Town of Dover, at or near the Town's municipal boundary line giving notice of the terms of this Article.

§ 337-47. Enforcement.

This Article shall be enforced by the Police Department of the Town of Dover.

§ 337-48. Penalty.

Any person, firm or corporation who or which shall violate any of the provisions of this article shall be subject to one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the retention of prisoners, for a term not exceeding 90 days; or by a fine not exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

Section 2

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

Section 3

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 4

This ordinance shall take effect immediately upon final publication as provided by law.

Mayor Dodd opened the meeting for a public hearing; he asked if there was anybody wishing to be heard.

Lorraine Cloughley-27 Everett Drive-The Resolutions and ordinances should be attached to the agenda so that the audience can review the packet. Ordinance No. 09-2007 should reflect something about recreational vehicle.

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

Ayes: Aldermen Fahy, Delaney, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: Aldermen Poolas, Ryan Absent: None Abstained: None

ORDINANCE NO. 10-2007
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
DESIGNATING SMOKING AND NON-SMOKING ZONES AT THE MUNICIPAL BUILDING

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

Section 1. There is hereby designated a no smoking zone in the following locations at the Municipal property located at 37 North Sussex Street, Dover, NJ as follows:

- a. From the outside face of the entrance door measured from the door's centerline at the southern side entrance of Town Hall for a distance of twenty-five (25') feet in all directions.
- b. From the outside face of the entrance door measured from the door's centerline at the North Sussex

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Street entrance of Town Hall for a distance of twenty-five (25') feet in all directions.

Section 2. There is hereby designated an employees smoking area at the northern entrance of the Municipal Building located at 37 North Sussex Street, Dover, NJ.

Section 3. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. 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 5. The Ordinance shall take effect in accordance with law.

Mayor Dodd opened the meeting for a public hearing; he asked if there was anybody wishing to be heard, seeing no hands and hearing no voices he closed the hearing.

Alderman Timpani has moved the foregoing ordinance be adopted and duly seconded by Alderman Visioli and passed for second reading by the following roll call vote.

**Ayes: Aldermen Fahy, Delaney, Ryan, Visioli, Picciallo, Timpani and Mayor Dodd
Nays: Aldermen Poolas, Donofrio Absent: None 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:	\$35,978.32
CURRENT ACCT claims in the amount of:	\$479,117.38
CAPITAL ACCT claims in the amount of:	\$4,223.94
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:	\$684.70
PARKING UTILITY RESERVE ACCT claims in the amount of:	
PARKING CAPITAL ACCT claims in the amount of:	\$46,314.00
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:	
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:	\$11,569.22

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DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:

TOTAL CLAIMS TO BE PAID **\$577,887.56**

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: \$282,814.68

CAPITAL ACCT claims in the amount of:

PARKING UTILITY ACCT claims in the amount of: \$3,240.63

PAYROLL AGENCY ACCT claims in the amount of: \$677,737.74

UNEMPLOYMENT TRUST ACCT claims in the amount of: \$247.27

TOTAL CLAIMS PAID **\$964,040.32**

TOTAL BILL LIST RESOLUTION **\$1,541,927.88**

MANUAL DISBURSEMENTS

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

Ayes: Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None **Absent: None** **Abstained: None**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DOVER**

WHEREAS, the State of New Jersey intends to construct South Salem Street Bridge Replacement over the NJ Transit Morristown Line with the Town of Dover; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation may require the use of municipal police for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

WHEREAS, the State of New Jersey Department of Transportation has requested that the Town of Dover enter into a Police Agreement and Statement of Costs for Traffic Directors. The cost incurred by the Town of Dover Police in connection with the project shall be paid directly to the Town of Dover by the State of New Jersey Department of Transportation pursuant to an agreement attached hereto.

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 appropriate municipal officials of the Town of Dover are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Town of Dover to provide for the direct payment to the Town of Dover of costs incurred on the South Salem Street Bridge Replacement over NJ Transit Morristown Line construction project(s) for municipal police services in the form attached hereto.

**Alderman Visioli has moved the foregoing resolution be adopted and duly seconded by
Alderman Fahy and passed by the following roll call vote.**

Ayes: Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None **Absent: None** **Abstained: None**

TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

RESOLUTION APPOINTING MUNICIPAL COURT JUDGE

WHEREAS, There exists a need for a Municipal Court Judge; and

WHEREAS, George R. Korpita has been serving as Municipal Court Judge for the Town of Dover for the past twelve (12) years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen Town of Dover, County of Morris, State of New Jersey, that GEORGE R. KORPITA, ESQ. be and is hereby appointed Judge of the Municipal Court for three (3) year term commencing on May 1, 2007.

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

Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None Absent: None Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING AMUSEMENT DEVICES

WHEREAS, Murphy's Third Rail, located at 3 South Bergen Street has applied for the renewal of coin operated amusement device license; and

WHEREAS, the appropriate fees have been paid.

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. That the application of Murphy's Third Rail for a coin operated amusement device license be approved.
2. The license shall be prominently displayed by attaching the same on each device.
3. The placement of each and every amusement game within an establishment must have the approval of the chief of police of the Town of Dover.
4. No amusement device shall be installed within two hundred (200) feet of any school or church.

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

Ayes: Aldermen Fahy, Delaney, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: Absent: None Abstained: Alderman Poolas

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING RENEWAL OF ANNUAL DANCE LICENSE(S)

WHEREAS, Murphy's Third Rail Bar and Restaurant located at 3 South Bergen Street, Dover, NJ; has applied for renewal of their Annual Dance License for the period July 1, 2006 - June 30, 2007; and

WHEREAS, all the applicants have submitted appropriate licensing fee; and,

WHEREAS, the appropriate municipal departments have reviewed the renewal request and have no objections thereto; and

TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

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. An annual dance license is hereby granted for the period July 1, 2006 – June 30, 2007 to the following establishments:

A. Murphy’s Third Rail, 3 South Bergen St., Dover, NJ

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

Ayes: Aldermen Fahy, Delaney, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None Absent: None Abstained: Alderman Poolas

RESOLUTION

WHEREAS, the Casa Puerto Rico Inc. has filed application(s) for their **third** and **fourth** Special Permit for Social Affair to be held at Casa Puerto Rico Inc., 50 W. Blackwell Street; and

WHEREAS, Casa Puerto Rico Inc 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 that said application be approved and that the respective Social Affair Permit be granted; and

BE IT FURTHER RESOLVED that the Town Clerk and Police Chief are authorized to sign said application(s) for the following affairs:

1. Dance on May 12, 2007 from 8:00pm to 2:00am
2. Dance on May 26, 2007 from 8:00pm to 2:00pm

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

Ayes: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd
Nays: None Absent: None Abstained: Alderman Poolas

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING TAXICAB DRIVER LICENSES

WHEREAS, applications for taxicab drivers licenses have been made by the people listed on Schedule B attached hereto and made a part hereof; and

WHEREAS, the Police Department of the Town of Dover has reviewed their applications and has advised that there is no prohibition to the issuance of their license; 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 taxi driver licenses for those people listed on Schedule A attached hereto and made a part hereof are hereby approved.

Schedule A

Queens Limo -	Edgar J. Velez – New
Chamo Limo -	Teofilo Mariano – Renewal

