



# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

### CAUCUS MEETING MINUTES

April 22, 2008

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 Delaney, Poolas, Visioli, Donofrio, Picciallo, Romaine and Mayor Dodd

Absent: Aldermen Fahy, Timpani

Also present were Administrator Garvin, Attorney Clapps and Clerk Verga

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

**PRESENTATION:** Promotion of PO Anthony Smith to Sergeant

**PRESENTATION:** Affinity Federal Credit Union presents their banking benefits for employees

#### **PROCLAMATION FOR ARBOR DAY**

#### **MUNICIPAL CORRESPONDENCE:**

1. Resolution from the Town of Boonton supporting assembly bill A1105 authorizing on-line publication of Municipal Legal Notice
2. Resolution from the Town of Boonton urging the governor & legislative to implement a stay on the further implementation of the COAH Third Round Proposals and the Fair Housing Act
3. Resolution from the Township of Pemberton opposing the Governor's proposed state budget for the 2008-2009 fiscal year for its failure to treat property tax relief as a property
4. Resolution from Rockaway Township re: Requesting new state regulations to permit local police to enforce new trucking regulations & the creation of financial incentives to off-set the impact of new toll hikes
5. Ordinance from Rockaway Township to amend & supplement Chapter 54-29.20, Energy Conservation & Recycling, of the Land Use & Development Ordinance
6. Ordinance from Randolph Township amending the land development ordinance to rezone Block 76, Lot 7 & 8
7. Ordinance from Randolph Township supplementing & amending Sections 15-2.2 & 15-50.2 of the land development
8. Ordinance from Randolph Township amending & supplementing Chapter 15-73, Solid Waste & recyclables
9. Ordinance from Township of Randolph amending & supplementing Chapter 42, Solid Waste Management
10. Accessible Parking User Guide developed by the Mercer County office for the Disabled
11. Rutgers' Spring 2008 Training Programs for Municipal Elected Officials
12. NJLM Legislative Bulletin No. 2
13. Letter from NJDOT announcing application are being accepted for the NJDOT Municipal Aid, Bikeway, Center of Place, Historic Bridge, and Safe Streets to Transit Programs
14. Letter from Wendy Berger of Cole Schotz, Attorneys at Law re: Regency Grande Nursing & Rehabilitation Center's application to the Board of Adjustment
15. Public Notice from the Planning Board regarding Application # SP-03-08 (36-42 W. Blackwell Street)
16. Suspected Hazardous Substance Discharge Notification from DEP re: 4-6 No. Elk Ave, 419 Rt. 46 West & 7 W. Cooper St.
17. Notification from the Water Dept. re: water system flushing beginning April 20<sup>th</sup>
18. Brochure from Rutgers: Jersey Roots, Global Reach
19. Tax Collector's Report for March 2008
20. Court's Financial Report for March 2008

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21. Invitation to the Mayor & Board of Aldermen to attend a Community Forum sponsored by LLANJ & the United Methodist Church

**AGENDA ITEMS:**

**ORDINANCE(S) FOR INTRODUCTION**

1. Ordinance #10-2008 Repealing Handicapped Parking Space at 155 Baker Street/Poolas

**ORDINANCE(S) FOR SECOND READING**

1. Ordinance #7-2008 Amending Chapter 291, Recycling & Chapter 236 Land Use & Development  
Ordinance #8-2008 Amending & Supplementing Ordinance 07-2007 "Parking"
2. Ordinance #9-2008 Amending & Supplementing Article 28 of the Revised Ordinances of 1969

**RESOLUTIONS**

1. Approving Bills List
2. Approving the authorization of the advertisements of bids for the right to operate a flea market
3. Approving Special Permit for Social Event for Global Reach International to be held at The Baker Theater on May 3, 2008 and at Crescent Field on May 4, 2008
4. Approving Special Permit for Social Event for Club Colombia to be held at Crescent Field on July 19, 2008
5. Approving changes to the personnel policies and procedures manual
6. Approving Limos for First Class of Dover
7. Approving personnel action-Promotion of PO Anthony Smith to Sergeant
8. Approving personnel action-Summer Recreation Program Staff
9. Authorizing Right of Entry Agreement with NJDOT

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### REGULAR MEETING MINUTES

April 22, 2008

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 7:23 pm

#### **ROLL CALL**

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

Absent: Aldermen Fahy, Timpani

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, seeing no hands or hearing no voices this portion of the meeting was closed.

**Administrator Garvin's Report** – Ms. Garvin provided updates on several concerns that the board mentioned at the prior meeting. Ms. Garvin attended a PERKS seminar that provided labor law updates.

**Mayor Dodd's Report** – Attended the Mayor's Conferences in Atlantic City at which the Governor spoke on budget concerns. There was discussion on OPRA requests and the effect it has on municipalities. A suggestion was made to help alleviate the workload, is to establish a page on the website and allow the public to see who and what is being requested. There's a request for approval for a one day ABC licenses for Global Reach. A meeting has been conducted with representatives of Global Reach and they discussed the possibility of obtaining a theater license. A hearing will be conducted to permit Global Reach to explain what occurred at the Baker Theater and to give details on why they should be granted a one day ABC license. Mayor Dodd also met with representative of the Club Columbia to discuss their security plan. He attended the DOT meeting to discuss the Route 46 project and its progress, the advertisement of bids will be set for Friday. DOT anticipates it to be a three year project.

#### **ALDERMEN/COMMITTEE REPORTS –**

**Alderman Fahy** – Absent

**Alderman Picciallo** – Attended the Memorial Association presentation and the Association will be hosting an essay contest for grades 1-8 on "What Memorial Day means to me." Attended the DOT meeting through a conference call and DOT presented a well thought out plan, also attended the Global Reach meeting.

**Alderman Poolas** – Attended the meeting with Global Reach. He also attended the DOT meeting regarding the Route 46 Bridge and his main concern were the detours that would affect the residents of the first ward. DOT explained that at no time will Route 15 South be closed, except at the time Route 15 gets rerouted. The Memorial Association attended Academy Street School to provide the students with a history on Memorial Day. He would like the Board to discuss the possibility of putting a shed at the town garage for the storage of equipment for the Memorial Association.

**Alderman Donofrio** – No report

**Alderman Timpani** – Absent

**Alderman Delaney** – Thanked everyone that voted at the school board elections. He attended the meeting on Global Reach and also gave a presentation to all the fourth graders on the meaning of Memorial Day. The Fire Committee will present the board with a proposed plan on raising the fees on fire inspections.

**Alderman Visioli** – Personnel Committee has been busy with the policy & procedures manual. The approval of personnel for the summer recreation program is very important. This is a very critical program for the youth of Dover and it must be staffed appropriately. They're finalizing talks with JCP&L about the intersection at Morris Street & Dickerson Street to increase the lumens of the street lights. Dover Business College sent out invitations to their 50<sup>th</sup> Anniversary and Alderman Visioli encourages everyone to attend.

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**Alderwomen Romaine** – There’s been a few personnel meetings. The committee is still waiting for information on finance to continue moving forward with the budget process. Currently, the committee is reviewing different options for the town’s website and possible upgrades to. Alderwomen Romaine would like to remind everyone about the fishing derby.

**Attorney Clapps Report** – Attorney Pennella is absent. Attorney Clapps has nothing to report.

### CONSENT AGENDA

### ORDINANCE(S) FOR INTRODUCTION

#### **ORDINANCE NO. 10-2008**

#### **AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND SUPPLEMENTING ARTICLE XXVII OF THE REVISED GENERAL CODE OF THE TOWN OF DOVER ENTITLED “PARKING” HANDICAPPED PARKING “SPACES” BY REPEALING HANDICAPPED PARKING 155 BAKER STREET**

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

SECTION 1. The following location which was designated as a Handicapped parking space by Ordinance No. 29-2002 is hereby repealed:

Handicapped Parking for 155 Baker Street

Said handicap parking space shall be located along the westerly curb line of Baker Street beginning at a point two hundred forty-five (245) feet north of the northwesterly curb line intersection of Lemar Street and Baker Street, thence continuing in a westerly direction for a distance of twenty-five (25) feet to a point.

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

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

SECTION 4. The Ordinance shall take effect in accordance with 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 Delaney, Poolas, Visioli, Donofrio, Picciallo, Romaine and Mayor Dodd  
Nays: None                      Absent: Aldermen Fahy, Timpani                      Abstained: None**

### ORDINANCE(S) FOR SECOND READING

#### **ORDINANCE NO. 07-2008**

#### **AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 291, RECYCLING OF THE CODE OF THE TOWN OF DOVER TO REPLACE IT IN ITS ENTIRETY AND CHAPTER 236, LAND USE AND DEVELOPMENT, ARTICLE V, 236-54. STANDARD REQUIRED IMPROVEMENTS, TO REPLACE PARAGRAPH M. AND AMEND CHAPTER 333, SOLID WASTE DISPOSAL.**

**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 291, RECYCLING, is replaced with the following:

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### Chapter 291, RECYCLING

#### § 291-1. Short Title.

This chapter shall be known and may be cited as the "Town of Dover Recycling Ordinance."

#### § 291-2. Purpose.

In accordance with the requirements of the New Jersey Solid Waste Management Act (N.J.S.A. 13:E-1 et seq.), Morris County has been designated as a solid waste management district, along with each of the remaining New Jersey counties and the New Jersey Meadowlands Commission. Each solid waste management district has been charged with the responsibility of developing a solid waste management plan consistent with the state's goals and objectives. The Morris County Municipal Utilities Authority ("MCMUA") has been designated by the Morris County Board of Chosen Freeholders as the agency responsible for implementing the Morris County Solid Waste Management Plan ("SWMP" or "Plan"). In order to insure the achievement of the Municipal Solid Waste Recycling Goal established by Morris County, and in order to meet the requirements as set forth in N.J.S.A. 13:1E-99.16, this ordinance sets forth the mandated municipal responsibilities and recommendations identified in the Town of Dover Recycling Element of the Master Plan.

#### § 291-3. Definitions.

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

**COMMINGLED** - means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

**DESIGNATED RECYCLABLE MATERIALS** - means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

**Aluminum Cans** - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

**Glass Bottles and Jars** - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

**Plastic Bottles (coded 1 and 2)** - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as



**PETE** polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.

**Steel (Tin) Cans** - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, and metal. Examples are soup cans and tuna fish cans.

**Newspaper** - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time. **Corrugated Cardboard** - Shipping containers made with kraft paper linerboard and corrugated medium.

**Mixed Paper** - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

**Leaves** - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

**Grass Clippings** - Vegetative material generated when grass (lawns) are cut.

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Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural Wood Waste - Logs, stumps, branches and other wood tree parts.

Dimensional lumber is omitted from inclusion in this definition.

Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26. Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Whole Tires\* - Tires that are whole, not chipped into small pieces.

\*Tires are allowed to be recycled and/or incinerated for energy recovery.

ELECTRONIC WASTE - (to be included in those instances where a recycling program has been, or will be, established for these materials. Additionally, the following definition may be changed to reflect individual municipal program requirements) shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

MULTIFAMILY DWELLING - means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

MUNICIPAL RECYCLING COORDINATOR - means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR – means the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

MUNICIPAL SOLID WASTE (MSW) STREAM - means all solid waste generated at residential, commercial, and

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institutional establishments within the boundaries of the Town of Dover which is not bulky waste or construction and demolition debris;

**RECYCLABLE MATERIAL** - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

**SOURCE-SEPARATED RECYCLABLE MATERIALS** - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

**SOURCE SEPARATION** - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

### **§ 291-4. Source Separation; Exemption from Source Separation Requirements.**

- A. **Mandatory source separation:** It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Town of Dover, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Town of Dover.
- B. **Exemptions:** Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

### **§ 291-5. Acceptance of the Municipal Solid Waste Recycling Goal**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Town of Dover accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.]

### **§ 291-6. Collection of Recyclable Materials.**

#### **A. Prohibited deposit in Business Areas.**

It shall be unlawful to deposit or leave any Recyclable Materials, including containers for same, of any kind upon the sidewalks, curbs or gutters of the Town of Dover on the following streets, except that such Recyclable Materials, including containers for same, of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated Recyclable Materials removal date until 5:00 p.m. the day of the Recyclable Materials collection for such section. The streets in question are as follows:

- (1) Blackwell Street from Prospect Street to Mercer Street.
- (2) Dickerson Street from Warren Street to Essex Street.
- (3) Bassett Highway from Warren Street to Sussex Street.
- (4) Warren Street from Dickerson Street to Bassett Highway.
- (5) Sussex Street from Dickerson Street to Clinton Street.
- (6) Morris Street from Dickerson Street to Clinton Street.
- (7) Essex Street from Dickerson Street to Central Railroad tracks.
- (8) Bergen Street from the Dover Train Station to the Central Railroad tracks.

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(9) Union Street from Blackwell Street to the Central Railroad tracks.

**B. Prohibited deposit in Other Areas.**

It shall be unlawful to deposit or leave any Recyclable Materials of any kind upon the sidewalks, curbs or gutters of the Town of Dover, on any streets in the Town of Dover, except those streets set forth in § 291-5.A. above, except that such Recyclable Materials of any kind may be placed on the sidewalks or curbs only from 5:00 p.m. the night before the designated Recyclable Materials removal date until 8:00 p.m. the day of the Recyclable Materials collection for such section.

**C. Recyclable Materials Containers.**

Recyclable Materials Containers shall be used for commingled aluminum cans, glass bottles, glass jars, plastic bottles coded 1 and 2, and steel and tin cans properly prepared. Recyclable Materials Containers shall be any light-gauge steel, plastic or galvanized receptacle, closed at one end and open at the other, furnished with a top or lid, and weighing not more than 30 pounds when full of Recyclable Materials.

**D. Preparation of Recyclable Materials.**

Recyclable Materials shall be prepared in accordance with the annual Recycling and Garbage Handbook, copies of which are available at the office of the Town Clerk.

**E. Storage of Recyclable Material**

Recyclable materials and recyclable material containers shall not be permitted to be stored in the front yard space, as defined in §236-5, for any residential use regardless of zoning district.

**F. Recyclable Materials Collection Contractor**

The Recyclable Materials Collection Contractor for the Town of Dover shall, subject to procedures and exceptions set forth in the contract with the Town of Dover, as amended, provide curbside recyclable materials collection for all recyclable materials generated in the Town of Dover from each residential dwelling unit, multifamily dwelling, business, office and store. Such work shall be under the supervision of the Town of Dover Health Department. Specifically excluded from recyclable materials pickup are schools, hospitals and industrial buildings. Also specifically excluded from recyclable materials collection is the collection of Municipal Solid Waste, medical waste, industrial waste, hazardous materials and construction debris. The Town of Dover Department of Public Works or an authorized contractor will provide collection of white goods and tires to all premises receiving curbside solid waste collection, subject to the requirements of the sticker program.

G. All receptacles and dumpsters used for the storage of recyclable materials shall be kept in a clean and safe manner.

**§ 291-7. Residential Dwelling Compliance Requirements.**

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

**§ 291-8. Non-Residential Establishment Compliance Requirements.**

A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

C. Non-residential facilities meeting the minimum size indicated in the table below, shall report on an annual basis to the Municipal Recycling Coordinator no later than March 1st of the year following the reporting



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period, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

Facility Type/Use	Minimum Size Requiring Reporting (Square Feet of Gross Floor Area)
Retail	6,000
Manufacturing and other General Commercial	7,500
Office, Educational & Institutional	5,000
Multi-Dwellings	10 Units or More

D. All retail food establishments as defined in NJAC 8:24, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

### **§ 291-9. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties**

A. Any application to the Planning Board or Board of Adjustment of Town of Dover for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan in accordance with § 236-54.M (1).

B. Prior to the issuance of a Certificate of Occupancy by the Construction Official of the Town of Dover, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Town Engineer.

### **§ 291-10. Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

### **§ 291-11. Enforcement**

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

### **§ 291-12. Penalty for Non-compliance with Source Separation Requirement**

A. Any person who violates a provision of Chapter 291 shall, upon conviction, forfeit and pay a fine of seventy-five dollars (\$75.) for the first offense, one hundred fifty dollars (\$150) for the second offense and, for

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the third and any subsequent offenses, shall be subject to one (1) or more of the following: a minimum fine of two hundred fifty dollars(\$250) but not exceeding one thousand, two hundred fifty dollars (\$1,250.), a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days. And if the municipality has provided for clean up and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

B. Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

**Section 2**

Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE V, 236-54. Standard required improvements, paragraph M. is replaced with the following:

A. Recycling Plan and Solid Waste & Recyclable Materials Storage.

(1) Recycling Plan

Any application to the Planning Board or Board of Adjustment of Town of Dover for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

(a) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and

(b) Locations documented on the application’s site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as required below, and as may be recommended by the municipal recycling coordinator.

(2) Solid Waste & Recyclable Materials Storage There shall be included in all uses other than single or two-family homes that require subdivision or site plan approval an indoor and/or outdoor solid waste and recycling area(s) for the collection and storage of commercially and/or residentially-generated solid waste and recyclable materials. The number of sites and dimensions of the solid waste and recycling areas shall be sufficient to accommodate solid waste and recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The number of sites and dimensions of the solid waste and recycling areas, and the bins or containers shall be determined in consultation with the Health Department and the Municipal Recycling Coordinator, and shall be consistent with the Morris County Solid Waste Management Plan adopted pursuant to section 3 of P. L. 1987, c.102 (N.J.S.A.13:1E-99.13) and any applicable requirements of the Town of Dover Master Plan, adopted pursuant to section 26 of P.L. 1987, c102, but in no case smaller than that indicated below.

Facility Type/Use	Minimum Enclosure Size
Retail	5 SF / 1,000 GFA*
Manufacturing and other General Commercial	3 SF / 1,000 GFA*
Office, Educational & Institutional	2 SF / 1,000 GFA*
Multi-Dwellings	100 SF for 1st 10 DU Plus 5 SF/Additional DU **

\*65 SF Min., 1,000 SF Max.

\*\* DU = Dwelling Unit

(3) For existing developed sites, this requirement may be waived by the Planning Board or Board of Adjustment upon showing by the applicant that the site currently handles all solid waste and recyclable materials in an existing location not meeting these standards, but in a satisfactory manner. Evidence of this

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shall include a report from the Town of Dover Health Department and Recycling Coordinator indicating same.

(4) Solid waste and recycling areas shall be subject to the following minimum standards:

(a) The solid waste and recycling areas should not be located within any front yard area.

(b) The walls of each solid waste and recycling enclosure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure(s). Split face concrete block finish is recommended. The walls shall be a minimum of six feet in height.

(c) Each recycling and trash enclosure shall have decorative solid heavy gauge metal gates and be designed with cane bolts to secure the gates when in the open and closed positions

(d) One side should contain a gate of sufficient width to accommodate the containers.

(e) A separate pedestrian entrance shall be provided. The pedestrian entrance shall be located such that it shields the view of the containers, or in the alternative accommodated with a decorative solid heavy gauge metal gate

(f) A concrete apron shall be constructed either in front of each recycling and trash enclosure or at the point of receptacle pick-up to minimize damage to the surrounding asphalt paving. The minimum dimensions of the concrete apron shall be 10 feet wide and twenty feet long. The apron material shall consist of five inch dense graded aggregate base and six inch Class B concrete slab.

(g) The location, size and shape of the storage area should be such that each container can be moved in and out of the storage area without interfering with other containers in the storage area or other land uses adjacent to the storage area. The size shall be in accordance with paragraph 3. above, unless otherwise approved by the Planning Board.

(h) A five-foot-minimum-width landscape area should be provided along the fence or wall enclosing the refuse storage area where deemed appropriate by the Planning Board or Board of Adjustment. The landscaping to be provided should be shown on the site plan submitted to the Planning Board or Board of Adjustment for approval.

(i) The solid waste and recycling areas should be well lit, and shall be safely and easily accessible by solid waste and recycling personnel and vehicles. Collection vehicles shall be able to access the solid waste and recycling areas without interference from parked cars or other obstacles. Reasonable measures should be taken to protect the solid waste and recycling areas, and the bins or containers.

(j) The solid waste and recycling areas and the bins/containers placed therein should be designed so as to provide protection against adverse environmental conditions which might render the recyclable materials unmarketable. Any bins or containers which are located in an outdoor solid waste and recycling area, should be equipped with a lid, or otherwise covered, so as to keep the contents dry.

(k) Signs clearly identifying the recycling portion of the solid waste and recycling areas and the materials accepted therein should be posted adjacent to all points of access to the solid waste and recycling areas. Individual bins or containers for recyclable materials should be equipped with signs indicating the materials to be placed therein.

(l) No containers or solid waste and recycling materials should be maintained anywhere on a site except in a solid waste and recycling area meeting these requirements.

(m) It should be a violation of the site plan when the gates of a solid waste and recycling area are left open or when solid waste or recyclable material is placed outside of the approved solid waste and recycling area(s).

(n) If outdoor storage of solid waste or recyclable materials is not proposed, the site plan should detail the methods proposed for accommodating the solid waste or recyclable materials within the structure. The Planning Board or Board of Adjustment may require that a suitable area be set aside, but not improved, for a future solid waste and recycling area meeting these requirements even if indoor accommodations are proposed.

(5) Standard details of solid waste and recyclable material enclosures prepared by the Town Engineer and approved by the Recycling Coordinator that meet the requirements of (4) above shall be made available to applicants required to comply with this section.

### **Section 3**

Chapter 333, SOLID WASTE DISPOSAL, § 333-4. Residential Solid Waste, is supplemented with the following:

Storage of Municipal Solid Waste Municipal Solid Waste and Municipal Solid Waste Containers shall not be permitted to be stored in the front yard space, as defined in §236-5, for any residential use regardless of zoning district.

### **Section 4**

Chapter 333, SOLID WASTE DISPOSAL, § 333-16. Violations and penalties. Additional penalty for cleanup cost, is replaced with the following:

Any person who violates a provision of Chapter 291 shall, upon conviction, forfeit and pay a fine of seventy-five







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advertise in an Official Newspaper in accordance with Law, for Requests for Proposals. Said Proposals to be received in the Main Meeting Room (Council Chambers) of the Dover Town Hall: Thursday, May 8, 2008 at 10:00 a.m., prevailing time.

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

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

### RESOLUTION

**WHEREAS**, Club Colombia, filed an application for their **first** Special Permit for Social Affair to be held at Crescent Field, which is their **second** event; and

**WHEREAS**, Club Colombia, is permitted to have twenty-five events per year and Crescent Field, is permitted to have twenty-five and

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

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

1. Club Colombia is approved for a festival (#1) to be held on Saturday, July 19, 2008 at Crescent Field, Dover, NJ (#2) from 12:00 pm through 7:00 pm.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND SUPPLEMENTING PERSONNEL POLICIES AND PROCEDURES MANUAL OF THE TOWN OF DOVER

**WHEREAS**, it is necessary from time to time to update and supplement the Town of Dover Personnel Policies and Procedures Manual; and

**WHEREAS**, the municipal excess liability joint insurance fund makes recommendations on amendments and updates to personnel policies and procedures manuals; and

**WHEREAS**, the Mayor and Board of Aldermen find it to be in the best interest of the municipality to adopt the recommended changes to the Personnel Policies and Procedures manual;

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

1. The Town of Dover Personnel Policies and Procedures Manual is amended as follows:
  - A. The sexual harassment policy contained in Section I. "General Information" is amended and supplemented to prohibit discrimination on the basis of gender identity or expression.
  - B. Section I, "General Information," "Employee Protection Against Reprisals or Political Coercion"

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is supplemented by adding the following:

### **“Whistle Blower” Policy**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Town of Dover shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et. seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Administrator. However, disclosure is not required where (1) the employee reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the Town a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

C. Section I entitled, “General Information,” is amended and supplemented to add a new section entitle “Americans with Disabilities Act Policy” as follows:

### **Americans with Disabilities Act Policy**

In compliance with the Americans with Disabilities Act and the New Jersey Law against Discrimination, the Town of Dover does not discriminate based on disability. The Town of Dover will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and Americans with Disabilities Act Accessibility Guidelines.

It is the policy of the Town of Dover to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Town of Dover. The Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Town of Dover to offer permanent “light duty,” relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.



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D. Section III entitled "Recruitment and Appointment," "Recruiting" is amended and supplemented to add a new section entitled "Physical Examinations" as follows:

### **Physical Examinations**

Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Town of Dover at the expense of the Town of Dover. All medical records of employees and prospective employees are confidential and are to be maintained by the Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

E. Section V entitled "Classifications and Compensation," "Overtime" is amended and supplemented to provide in addition to Department Heads and Supervisors not being eligible for overtime or compensation time managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Fair Labor Standards Act and are not entitled to compensatory time. There are also employees who may be exempt because their compensation exceeds \$100,000.00 per year depending on their job duties.

F. Section VI entitled "Employee Benefits" is amended and supplemented to include entitlements for civil union partners where entitlements exist for spouses or other family members.

G. Section VI entitled "Employee Benefits," "Medical, Dental, Prescription Benefits" is amended and supplemented to provide health insurance coverage for employees on a leave of absence or who cease Town of Dover employment will terminate at the end of the month in which the leave begins or employment is terminated except coverage will continue for up to 12 weeks for employees on leave pursuant to the Family and Medical Leave Act and up to 30 weeks for employees on military leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents, including civil union partners, by taking advantage of the Public Health Service Act provision for a period of up to 18 months to 36 months at their own expense. All newly hired employees and their spouses shall receive notice of COBRA rights upon being hired.

H. Section VII entitled, "Leaves of Absence," "Military Leave" is amended and supplemented to add that the first 30 work days of the leave shall be with full pay, except that a member of the New Jersey National Guard shall receive full payment for the first 90 days.

I. Section VII entitled "Leaves of Absence," "Family Leave" is amended and supplemented to read as follows:

### **Family and Medical Leave Act Policy**

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Town of Dover; and at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's

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position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Town of Dover reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Administrator.

J. Section VIII under "General Rules and Regulations," "Drug Free Workplace" is amended and supplemented to now read "Drugs and Alcohol Policy" and the following shall supplement and be added to the policy for a "Drug Free Work Place":

### **Drugs and Alcohol Policy**

The Town of Dover recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or department head will immediately report any reasonable suspicions to the Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Town of Dover premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify the Administrator who is required to maintain confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Town of Dover personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the Town of Dover's Employee Assistance Program).

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their names on Town of Dover property or while performing Town of Dover business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

K. A new section, to be placed in Section VIII, entitled "Employee Complaint Policy" will be added to and combined with the provision entitled "Employee Complaint Investigation Procedure," the new policy reading as follows:

### **Employee Complaint Policy**

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Administrator, or the

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municipal attorney. Reporting of such incidents is encouraged, both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report of an incident.

L. Section VIII entitled "General Rules and Regulations," subsection "Disciplinary Action," # 4 is amended to read as follows:

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Town of Dover, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Town of Dover property at any time.
- Being under the influence of intoxicants (e.g. liquor) or illegal drugs (e.g., cocaine or marijuana) on Town of Dover property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Town of Dover property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Town of Dover premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Town of Dover or suppliers' property.
- Sleeping on the job.

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- Carrying weapons of any kind on Town of Dover premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Town of Dover or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Town of Dover information.
- Gambling on Town of Dover premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Town of Dover premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Town of Dover rules or policies.
- Conduct unbecoming a public employee
- Violation of Town of Dover policies, procedures and regulations.
- Violation of Federal, State or Town of Dover laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and e-mail.
- Other sufficient cause.

M. The Contagious or Life Threatening Illness Policy, to be inserted in Section VIII, is amended to read as follows:

The Town of Dover encourages employees with contagious diseases or life-threatening illness to continue their normal pursuits, including work, to the extent allowed by their condition. The Town of Dover shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Town of Dover.

The Town of Dover will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these

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individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.

- Information may be disclosed to the Department of Health as required by State or Federal law.

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

N. There is added to the Town of Dover Policies and Procedures Manual under Section VIII entitled "General Rules and Regulation" the following policy:

**Driver's License Policy**

Any employee whose work requires the operation of Town of Dover vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Town of Dover vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Town of Dover vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Town of Dover vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a Town of Dover vehicle shall be subject to possible termination. Any information obtained by the Town of Dover in accordance with this section shall be used by the Town of Dover only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S2721 et. seq.).

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

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

**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, First Class Taxi**, has applied for a license to operate the vehicle(s) listed below hereto and made a part hereof as taxicab(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;

**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) listed below are hereby approved for taxi license(s) in the Town of Dover.

- |    |  |               |           |                |
|----|--|---------------|-----------|----------------|
| 1. | 2000 Mercury GMG Limo (Renewal) Passengers 5 | Color: Silver | VIN#25511 | Plate #OL5351G |
| 2. | 2000 Lincoln Town car Limo(New) Passengers 5 | Color: Black  | VIN#96167 | Plate #OL5364G |

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

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

**RESOLUTION APPROVING PERSONNEL ACTION**

**BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover upon the recommendation of the Business Administrator do hereby approve the following personnel actions subject to NJ Department of Personnel provisions and the SOA Memorandum of Agreement signed April 22, 2008:

PROMOTION: Anthony Smith                      Police Department  
FROM: Patrol Officer                      TO: Sergeant

**Alderman Visioli 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, Visioli, Donofrio, Picciallo, Romaine and Mayor Dodd**  
**Nays: None                      Absent: Aldermen Fahy, Timpani                      Abstained: None**

**RESOLUTION APPROVING PERSONNEL ACTION**

**BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover upon the recommendation of the Business Administrator do hereby approve the following personnel actions subject to NJ Department of Personnel provisions:

NEW HIRES:                      Summer Recreation Program (Sheet 1)

**Alderwomen Romaine has moved the foregoing resolution to be tabled and duly seconded by Alderman Visioli and passed by the following roll call vote.**

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

**RESOLUTION AUTHORIZING RIGHT OF ENTRY AGREEMENT**

**BE IT RESOLVED** that the Mayor and Clerk are authorized to execute a right of entry agreement between NJDOT and the Town of Dover for the following:

**Route: 46 and 15                      Section: 8                      Parcels: R54A, R54B, R54C and R54D**

**Project: Route 46 Section 7L & 8K, Route 46 & 15 Contract No. 038960701**

**BE IT FURTHER RESOLVED** that the Right of Entry Agreement does not limit or supplant the need for the Town's approval of the Right of Way Agreements for Parcels: R54A, R54B, R54C and R54D.

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

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

**PUBLIC COMMENTS – Three Minutes per Person**

**Carolyn Blackman** – 27 Brook Drive – Ms. Blackman took the appropriate action and had the antique street lights at St. John's Church and No. Bergen lights fixed.

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**Connie Sibona-Foster** – 90 Penn Avenue – Ms. Sibona-Foster made a statement about Alderman Donofrio not having a report for the last three meetings. She feels he owes it to the people that voted for him to give a report.

**John Sperry** – 58 No. Essex St. – He and his brothers operate a business in the town. In the rear of their building, behind their home at 51-53 Bergen Street there's a tree in very bad shape. He spoke with the construction department and they told him they couldn't do anything about the tree. There's a limb approximately 4-6 inches that's broken, hanging and other ones are hanging over his building. They did say they can have it cut down and then he can sue the neighbor. Mr. Sperry said "it's not a matter of suing people but all he wants is the town to back him up." Connie Sibona-Foster did an excellent job with the clean-up of JFK Park.

**Edna Hayes** – 10 Mt. Hope Ave. – Ms. Hayes has complained about the tree that has been pushing against her garage and has crows in it.

**Daniel Martinez** – 15 Lawrence St. – Daniel Martinez apologized to Alderman Poolas for the conflict with dates that were scheduled in the past. He does not like conflict. The public portion for public comment at these meetings states that no derogatory, abusive or threatening statements will not be permitted and he believes Connie Sibona's comments should have been stopped.

Seeing no hands and hearing no voices, this portion of the meeting was closed at 8pm.

### **Hearing for Global Reach International**

Mayor Dodd gave some background information before turning the hearing over to Attorney Clapps. As background information it was explained that on April 11, 2008 the Baker Theater had teen event at which a 1010 call came into the Police Department, which means additional towns were called to help with crowd control. He would like to commend our Police Department for the job they did controlling 700+ people. He also explained it is this board's job to protect the safety and welfare of its' residents. Global Reach will have to provide information to this board on why we should grant an ABC permits.

Attorney Clapps explained the procedure for a hearing and stated a one day alcoholic beverage permit is a privilege. It is the burden of the applicant to convince the board that it would in the best interest of the town should they should get a permit.

Lee Levitt, Esq. and principal owner of the Baker Theater thanked the board for hearing them. Went on to explain he and his partner Joe Luddy have run the theater for five years now and have partnered with Global Reach for the liquor part of the shows and there have never been any serious issues.

January of 2008 we leased the theater to Global Reach with Joe Luddy mentoring them on procedures. The night in question was billed as the largest teen event in New Jersey, the show had 500 tickets sold, and we had 10 security guards along with 2 Dover police officers, which the police department said was sufficient. Discussion took place on possibly canceling the show; myself and Joe Luddy recommended canceling the show. I believe 700 people were allowed to enter; the problem came when another 500 teenagers tried to enter but were turned away. People are searched upon entering.

I spoke with the Prosecutors Office, Attorney General's Office and Dover police officers and they commended on the job that was done. Issues did start when people tried to exit so fast. We are thankful that there was no alcohol, weapons and also that no serious injuries occurred.

Revenue that is raised by selling liquor is needed to bring the theater to the next stage. The ultimate goal is to have a theater license for the theater instead of using the one day abc permits. Most of the groups that perform at the Baker are sponsored and the sponsors do not want to be associated with gang activity, nor does the Baker. I personally brought to the Prosecutor's Office the advertising for the said show and the response from them none of the signs are recognized as heavily used by gangs, the good thing is now we have a relationship with the Prosecutor's office. Next I contacted the Attorney General's Office and they directed me to a web site which has all gang insignia on it.

The lease with Global Reach will be amended and every show will be reviewed by myself or Joe Luddy and we will have veto power. Joe will be required to handle all permitting aspects for liquor shows. Our ultimate goal is to have a theater license and with just 25 shows a year is not going to do it.

# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

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Some shows will be 21 and under. All people under 21 must be upstairs with no exceptions. I will be coming on as more of a liaison with the town and the theater as a whole. Either Joe Luddy or his brother John will be required at every show. We are also aware that the state does not look kindly on any liquor violations and as I said before the goal is to acquire a theater liquor license.

When you have certain age groups 1-30 anything over 600 people - 10 to 12 Security people & 2 Police Officers  
31-40 over 750 people  
41-50 over 1000 people

Mayor Dodd stated he doesn't feel you should be speaking for Global Reach.

Khushbu Adhikari, Secretary and Trustee of Global Reach was sworn in as a witness, she went on to explain the work that Global Reach does and how important it is for them to get the theater license.

Bill Sansone, President and Trustee of Global reach also explained what the organization did and that they are all volunteers and also of the importance of them needing a theater license because twenty-five events per year is the total you can have,

They are withdrawing their application for May 4, 2008.

### RESOLUTION

**WHEREAS**, Global Reach International, filed an application for their **fifth** Special Permit for Social Affair to be held at the Baker Theater, which is their **seventh** event; and

**WHEREAS**, Global Reach International, a non-profit organization is permitted to have twelve events per year and Baker Theater, is permitted to have twenty-five; and

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

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

1. Global Reach International is approved for a concert (#5) to be held on Saturday, May 3, 2008 at Baker Theater, 41 W. Blackwell Street, Dover, NJ (#7) from 7:00 pm through 2:00 am.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

**Mayor Dodd has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Delaney, Picciallo, Romaine and Mayor Dodd      Nays: Alderman Visioli, Donofrio**  
**Absent: Aldermen Fahy, Timpani      Abstained: Alderman Poolas**

**Motion made by Alderwoman Romaine to adjourn at 9:39 p.m.,  
Seconded by Alderman Visioli and passed by the following voice vote. All Ayes.**

Respectfully submitted,

Margaret J. Verga  
Municipal Clerk