



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
May 14, 2013 7:00 PM

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

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

All joined in the Pledge of Allegiance to the Flag.

Mayor Dodd asked the public for their thoughts and prayers for the Downs and Blackman Families.

ROLL CALL:

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd

Absent: Alderman Downs

Also present were Attorney Isa, Administrator Close and Municipal Clerk Verga

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

Mike Obremski, Area Manager from Jersey Central Power and Light (JCP&L). Mr. Obremski provided some background on his position with JCP&L. He will be involved with the daily operations with the operating team at Richboynton Road so he will be part of the scheduling process. On June 4th, JCP&L will roll-out a First Responder Training course which will run through the County Office of Emergency Management, this course will allow for first aid squad members to receive two CEU's towards their education requirement. Mr. Obremski will be in contact to set up a meeting to identify critical facilities in town and tie them into JCP&L's database. Mayor Dodd thanked Mr. Obremski and looks forward to working with him.

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Township of Parsippany-Troy Hills re: Supporting S-1896/A-1503 Sharing the Burden of Property
2. Ordinance from the Township of Rockaway re: Amending and Supplementing Chapter 54, The Land and use Development Ordinances of the Township of Rockaway, Section 54.37.2 Violations and Penalties
3. Ordinance from the Township of Randolph re: Amending Section 15-39, Valley Center Overlay District...To Establish the Village Center Residential Overlay District – 4
4. Ordinance from the Township of Randolph re: Amending Section 15-2.2, and Section 15-35.19, Congregate Care Retirement Communities
5. Administrative Order No.2013-06 from NJ DEP re: permit requirement
6. Invitation from the Dover Memorial Association to their Memorial Day Ceremonies on May 27, 2013
7. Notice of Public Hearing – Randolph Township's Zoning Board – 118 W. Hanover Ave, Randolph
8. Notice of Public Hearing – Randolph Township's Planning Board – 1181 Sussex Turnpike, Randolph
9. Notice of Public Hearing – Denville Township's Planning Board – 18 Echo Lane, Denville
10. Membership Advisory from NJ State League of Municipalities – League Profession Development Seminar “Municipal Preservation Projects; Past and Future Continuing the success of Municipal Preservation”
11. Letter from NJ Landscape Contractor Association regarding the enforcement of the “Contractors’ Registration Act’ in the state of NJ
12. NEWS from NJDEP re: “Christie Administration Fully Implements Landmark Fertilizer Law to Reduce Pollution and Keep Waterways Clean”
13. NEWS from NJDEP re: “Christie Administration Encourages Residents to Remove Standing Water on Property to Reduce mosquito Population”
14. “The Heritage Review” Newsletter from the Morris County Heritage Commission
15. Letter from NJ Business & Industry Association re: 2013 Awards of Excellence nomination
16. Letter from Rockaway Township re: The Rockaway Township Open Space and Recreation Plan

CONSENT AGENDA

1. Resolution Approving a Billiard Hall License – Los Arrieros
2. Resolution Approving a Billiard Hall License – Su Casa Colombia
3. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – April 9, 2013 & April 23, 2013

ORDINANCE FOR SECOND READING/PUBLIC HEARING

1. Ord. No. 07-2013 – Amending the Code of the Town of Dover to Regulate Unregistered and Junked Vehicles

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Limos
3. Resolution Approving Taxicab Driver Licenses
4. Resolution Appointing Municipal Court Judges

Alderman Picciallo abstained from item #13-00870 on the bills list.

REGULAR MEETING MINUTES

May 14, 2013

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 7:09 pm

ROLL CALL

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd

Absent: Alderman Downs

Also present were Attorney Isa, Administrator Close and Municipal Clerk Verga

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

Mayor Dodd opened the meeting to the public.

Fred Kantor – 81 Hanover Rd, Mt. Lakes, NJ – Mr. Kantor challenged almost an identical ordinance on abandoned and junked cars in Mountain Lakes and was overturned on many counts. Recently, a similar ordinance was proposed in two towns and their attorneys referenced Mr. Kantor’s Superior Court record which was used to advise their council that the ordinance could not be enacted. He noted that the Town of Dover does not have the authority to enact such law. Discussion continued on abandoned and junked vehicles. Mr. Kantor noted that if such ordinance is enacted, he will assist each and every person brought to trial. He wanted to know how a brand new BMW parked in his yard with no license plate affects the health and welfare of the town. He noted that the board of aldermen must have a valid interest in health, safety and welfare.

MAYOR’S REPORT: He expressed that the Town of Dover had a very successful shred day event and noted that 110 residents participated in the event. Mayor Dodd congratulated Alderman Picciallo and the DeShazo family for a very nice dedication ceremony. On Sunday, River Street was rededicated to Reverend Quiles for his service to the community. He reminded the public that on Saturday the Mayor’s Fishing Derby will take place at Hurd Park starting at 7:00 am. He expressed that there were a lot of people who donated time, food and prizes for the fishing derby. Mayor Dodd publically thanked Costco for their donation of all the food for the fishing derby. Mayor Dodd noted the dates for the “Youth Empowerment Program” which will take place on May 24th, June 7th and June 24th. He also noted that the first movie night will take place on May 31st at JFK Park.

ATTORNEY’S REPORT – No report

CONSENT AGENDA

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING A BILLIARD HALL LICENSE**

WHEREAS, an application for a billiard hall license has been made by Los Arrieros located at 9 W. Clinton St; and

WHEREAS, the applicant is requesting a license for one (1) pool table; and

WHEREAS, the appropriate fees have been paid and the license shall be prominently displayed; 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 billiard hall license for one (1) pool table is hereby approved.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING A BILLIARD HALL LICENSE**

WHEREAS, an application for a billiard hall license has been made by Su Casa Colombia located at 112 E. Blackwell St; and

WHEREAS, the applicant is requesting a license for two (2) pool tables; and

WHEREAS, the appropriate fees have been paid and the license shall be prominently displayed; 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 billiard hall license for two (2) pool tables is hereby approved.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None

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

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

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

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

April 9, 2013 – Caucus & Regular
April 23, 2013 – Caucus & Regular

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None

ORDINANCE FOR SECOND READING

ORDINANCE 07-2013
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF DOVER
TO REGULATE UNREGISTERED AND JUNKED VEHICLES

WHEREAS, the Mayor and Board of the Town of Dover has the authority to enact ordinances regulating abandoned, junked, and unregistered vehicles, and finds that this ordinance will advance the health, safety, and welfare of the Town's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, Morris County, New Jersey, that:

Section 1: Chapter 371 of the Code of the Town of Dover shall be amended to state:

Chapter 371 Vehicles, Unregistered or Junked

§371-1. Definitions. As used in this section:

A. "Person" means and includes a natural person, partnership, corporation, limited liability company, and business or firm of any other type or form.

B. "Unregistered motor vehicle" means a motor vehicle designed for operation on the public streets, which is not and has not for a period of 30 days or more been currently registered with, or is without bearing a valid motor vehicle inspection sticker from, the state motor vehicle commission or other agency having jurisdiction to register same, except for motor vehicles stored by new car dealers, used car dealers and motor vehicle repair facilities with current licenses issued by the State of New Jersey and the Town.

C. "Junked motor vehicle" means a motor vehicle that is not and has not, for a period of 30 days or more, been capable of operation on the public streets under its own power; and further means a vehicle, whether or not so operable, which

is kept and maintained for the purpose of stripping or removing parts therefrom, except for motor vehicles stored by new car dealers, used car dealers and motor vehicle repair facilities with current licenses issued by the State of New Jersey and the Town.

D. "Enclosed garage" means a fully enclosed building or structure having no means of vehicle ingress or egress other than through an operable door or doors.

§371-2. Storage Prohibited: Exception for Enclosed Garage. It shall be unlawful for any person to keep, store, or maintain an unregistered or junked motor vehicle in the Town of Dover, except in an enclosed garage.

§371-3 Presumption of Junked or Unregistered Vehicle. A motor vehicle that conforms to the definitions of Subsection 371-2 (B) or (C) will be presumed to be an unregistered or junked vehicle, as the case may be, subject to rebuttal upon proof of the owner's contrary intentions.

§371-4. Violations and Enforcement. Any person convicted for a violation of any provision of this Code shall be subject to one or more of the following: a fine of not more than \$2,000, imprisonment for any term not exceeding 90 days, and/or a period of community service not exceeding 90 days. The responsibility for enforcement is with the Police Department.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance shall take effect upon final approval and publication, according to law.

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

Mayor Dodd opened the meeting to the public for a hearing on ordinance #07-2013.

Fred Kantor – 81 Hanover Rd, Mt. Lakes – Mr. Kantor noted that if a vehicle is in such condition that it harbors vermin, animals, rats, mice, etc. it is indeed a danger to health, safety and welfare and that the statements that he gave are not to pertain to something that is dangerous as such. He noted that if such danger is present then the town would have every right to regulate the law.

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs 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:	\$2,996.21
CURRENT ACCT claims in the amount of:	\$606,177.21
GENERAL CAPITAL ACCT claims in the amount of:	\$4,573.40
WATER UTILITY ACCT claims in the amount of:	\$142,032.65
WATER UTILITY RESERVE ACCT claims in the amount of:	\$0.00
WATER CAPITAL ACCT claims in the amount of:	\$12,890.70
PARKING UTILITY ACCT claims in the amount of:	\$7,055.81
PARKING UTILITY RESERVE ACCT claims in the amount of:	\$4,066.00
PARKING CAPITAL ACCT claims in the amount of:	\$0.00

ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$3,839.40
EVIDENCE TRUST ACCT claims in the amount of:	\$0.00
RECYCLING TRUST ACCT claims in the amount of:	\$24,913.20
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	\$0.00
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$1,200.00
TRUST/OTHER ACCT claims in the amount of:	\$3,233.69
COAH TRUST Acct claims in the amount of:	\$0.00
TOTAL CLAIMS TO BE PAID	\$812,978.27

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:	\$306,129.11
WATER UTILITY ACCT claims in the amount of:	\$22,593.48
PARKING UTILITY ACCT claims in the amount of:	\$2,785.64
PAYROLL AGENCY ACCT claims in the amount of:	\$155,163.46
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$137.28
TOTAL CLAIMS PAID	\$486,808.97

TOTAL BILL LIST RESOLUTION **\$1,299,787.24**

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

Alderman Picciallo abstained from item #13-00870 on the bills list.

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega and Yzarnotegui
Nays: None Absent: Alderman Downs Abstained: Mayor Dodd

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

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

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

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

Schedule A

FIRST CLASS OF DOVER, INC

'04 Lincoln TC	1LNHM81W04Y644867	OL5091G
'03 Lincoln TC	1LNHM83W73Y627611	OL6642G
'03 Lincoln TC	1LNHM82W33Y658291	OL2512J

CITY LIMO & TAXI, INC

'02 Lincoln TC	1LNHM83W02Y658164	OL5091G
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Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Rutan and passed by the following roll call vote.

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None

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 A 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

AXEL'S EXPRESS LIMO & TAXI, INC.

Carmen Bustamante
Wilson Molina
Yuri Bustamante
Jorge Rodriguez
Jorge Jimenez

FIRST CLASS TAXI & LIMO

Israel Arteaga
Ramon Matos-Feliz

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPOINTING CHIEF JUDGE AND JUDGE FOR THE JOINT MUNICIPAL COURT OF DOVER

WHEREAS, the Town of Dover of the County of Morris, State of New Jersey, has established a Joint Municipal Court serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton under a Shared Services Agreement with the Town of Dover as lead agency; and

WHEREAS, N.J.S.A. 2A:3-5 states the appointment of a Judge of the Municipal Court is to be made by the Mayor with the consent of the Board of Aldermen; 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 is as follows:

- A. Gerald F. Smith, Esq. to be appointed as Acting Chief Judge of the Joint Court of Dover, serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton, the annual salary for the Chief Acting Municipal Court is \$44,000.00 (Forty-Four Thousand Dollars); and**
- B. Michael M. Luther, Esq. to be appointed Acting Municipal Court Judge of the Joint Court of Dover, serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton, the annual salary for the Acting Municipal Court is \$38,000.00 (Thirty-Eight Thousand Dollars); and**

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway, and Borough of Wharton which are hereby being requested to consider adoption of a similar Resolution.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None

PUBLIC COMMENTS

Fred Kantor – 81 Hanover Rd., Mt. Lakes, NJ – He wanted to know how the board could vote on an ordinance that is clearly un-constitutional. Mayor Dodd noted that the ordinance is not to prevent people from parking a brand new BMW in their driveway. He expressed that as elected officials in the Town of Dover they have a responsibility for the health and welfare of the community. Mr. Kantor noted that the ordinance should not specify motor vehicles and could say, anything that is stored outside that attracts vermin should be forbidden. Attorney Isa noted that the ordinance has not affected anyone at the time. Discussion continued on the ordinance.

Edna Hayes – 10 Mt. Hope Ave. Dover, NJ – She is looking for a junked car that she can put in her garage and get fixed.

**Motion to adjourn made by Mayor Dodd at 7:47 pm,
and duly seconded by Alderwoman Romaine passed by the following voice vote.**

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: Alderman Downs Abstained: None**

Respectfully submitted,

Margaret J. Verga, Municipal Clerk