



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
June 9, 2009 7:00 PM

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

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

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

ROLL CALL:

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

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

Mayor Dodd recognized Town Engineer Mike Hanston, Assistant Engineer Bill Isselin and Eric Beavermen from Parkeon for their work on the new parking system. Mayor Dodd commented that the town has hit some bumps in the road which were not anticipated however some minor changes are being made to accommodate the residents and commuters. He believes this system will be a much fairer process for commuters and for the local businesses who struggle everyday with parking in the downtown area. It was explained that with the old system, people were buying permits and only using them once or twice a week and that parking spots remained vacant for the rest of the days. Mayor Dodd expressed that with a new system there are going to be some challenges along the way but the most important thing is that changes have been made.

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

MARYANN DECOSTA - 2 Spruce Street - She was very concerned about the seniors who attend bingo at the American Legion and now have to pay for parking. Mayor Dodd expressed that he's sympathetic to the needs of the American Legion however the board did take a lot of those issues into consideration. Mayor Dodd noted that the board recognized the seniors in this community. He expressed that the committee established a \$5.00 parking permit for the seniors of Dover. This permit will exempt seniors from paying the kiosk system and allow them to park in municipal lots. He explained that the town decided to include the space by the legion because commuters knew it was a free and parked their cars there for the entire day. Mayor Dodd commented that he spoke with the Commander (Glenn, Past Commander) of the legion and both sides expressed their concerns. Mayor Dodd expressed that the parking lot is on an hourly rate not a daily rate. He commented they are looking into street parking with time restrictions to avoid commuters from parking there all day. Ms. DeCosta asked if something can be done for one day (Wednesday). Mayor Dodd noted that he's not prepared to comment and asked Ms. DeCosta to supply the administrator with her name and phone number. Ms. DeCosta commented that bingo is the only thing the American Legion has and without it the legion will not survive.

Alderman Poolas commented that when speaking with the Commander he stated that they weren't making enough money to support bingo, they were just breaking even. Alderman Poolas noted that the support comes from the bar and pull-tabs.

NANCY HAGERICH – 18 W. Munson Avenue – She wanted to know what plans were made for people that go on the recreation trips that previously used the Prospect Street parking lot for parking. Mayor Dodd commented that Dover seniors can purchase a sticker (\$5.00 annually) for parking. Mayor Dodd explained that for non-residents attending the trips they will have to utilize the kiosk which is \$2.50 for the entire day parking. Mayor Dodd expressed that the board really took a lot of time and effort to try and think of everything. The board understands there may need to be some changes but you have to have the system up and running to understand what works and what doesn't work. Mayor Dodd expressed that the fee was discussed and the board felt that the \$2.50 a day was not enough to prohibit someone from going on the trip.

CONNIE SIBONA-FOSTER – 90 Penn Avenue – Ms. Foster believes the kiosk system is a great idea. Ms. Foster asked if a shield could be put over the kiosk systems to protect the commuters from getting wet since it can be difficult to hold an umbrella and insert money at the same time. Administrator Close commented that the issue has been discussed with Mr. Hanston and Mr. Beavermen as well as additional lighting.

WARREN DARNULC – 151 Grant Street – Mr. Darnulc was concerned with the size of the parking spaces that were created (too small). Mr. Darnulc also expressed his concern with the security of the credit card process. Mr. Beavermen

expressed that the credit card process has the highest level of security which can be verified on the Visa and Mastercard website.

MARYANN DECOSTA – 2 Spruce Street – Ms. DeCosta wanted to confirm the process for people with handicapped placards. Mayor Dodd confirmed that everyone including handicapped placard holders have to pay for parking. She wanted to know the process for obtaining a parking spot at the lot (i.e. how to display the ticket once you paid).

MICHAEL HANSTON, TOWN ENGINEER – Mr. Hanston explained that State of NJ law states that people utilizing a handicapped space have to pay however, they are entitled to stay in that space for the entire day as long as they pay the maximum fee for that lot. Mr. Hanston commented that the covers over the kiosks were not part of the contract. If the town decides to install them it would be an additional expense. Mr. Hanston commented that when the lots were striped the widths of the spots were not changed with the exemption of the handicapped spaces. He confirmed that there are six handicapped spaces in Lot D. The layouts of the handicapped parking space were placed where the majority of the traffic was going too. He explained that in Lot B the majority of the traffic was heading towards the train station so most of the handicapped spaces were placed at the nearest entrance and a few spots were placed on the other side. He noted that each municipal lot meets the state's ADA handicapped parking guidelines. Mr. Hanston commented that in the future when the re-striping of the parking lots occurs the town can take into consideration the width of the parking spaces.

Mayor Dodd commented that it is important to recognize the need to maintain the parking lots in the town of Dover. He doesn't feel and it's not the position of the board to put that burden on the backs' of the taxpayers. Mayor Dodd feels that it comes down to "users pay" and that's the way this lot will be maintained.

MARYANN DECOSTA – 2 Spruce Street – Ms. DeCosta asked if the side street was two hour parking. Mayor Dodd confirmed yes there's a limit to prohibit commuters from parking there which was brought up by the commander of the America Legion.

MUNICIPAL CORRESPONDENCE:

1. Notice from NJDEP re: Suspected hazardous substance discharge notification located at 5 S. Morris Street
2. Letter from NJDEP re: No further action required for 136 Park Heights Avenue
3. Letter from NJDEP re: Draft Hazardous Waste Storage Facility Permit Renewal (Picatinny Arsenal)
4. Letter from NJDEP re: Acceptance of Operations and Maintenance manual for Homewood Suites
5. Notice from Office of the Child Advocate re: Healing Homes: A Road to Recovery for NJ Children program
6. Ordinance from Randolph Township re: Deleting Section 15-43.11.I of the Land Development Ordinance
7. Ordinance from Rockaway Borough re: Amending Chapter 169 Land Use Administration and Procedures definition of "Drainage Right-of-Way"
8. Ordinance from Mine Hill Township re: Amending Land Use and Development Regulations to provide for Non-Profit/Public Land Overlay Zone in specified areas
9. Resolution from Chatham Township re: Supporting Assembly Bill A-3570 proposing the abolition of the Council on Affordable Housing (COAH)
10. Resolution from Chester Township re: Supporting Assembly Bill A-3570 proposing the abolition of the Council on Affordable Housing (COAH)
11. Notice from the Morris County League of Municipalities re: Picatinny Overview program with Brigadier General Larry D. Wyche
12. Dover Joint Municipal Court Monthly Financial Report April 2009
13. Invitation from Long Hill Township to Elected Officials to attend the Long Hill Township Day on 9/12/09

Alderman Donofrio wanted to know if the court's monthly financial report can have a key (definition of the numbers) to distinguish the different towns. Mayor Dodd commented that it's something that they can look into.

AGENDA ITEMS:

ORDINANCE(S) FOR SECOND READING

1. Ordinance #12-2009 – Amending Code Section 199-9 et. Sec. Mobile Retail Food Establishments
2. Ordinance #13-2009 – Exceeding Municipal Budget Appropriation Limits and to Establish a Cap Bank

RESOLUTION

1. Approving Bills List
2. Authorizing Execution of Small Cities Agreements
3. Authorizing Execution of Release as to the Combe Fill South Litigation
4. Supporting Assembly Bill A-3570 proposing the abolition of the Council on Affordable Housing (COAH)
5. Opposing Governor Corzine's proposal to transfer money from the EMT Training Fund
6. Approving One-Day ABC License for Casa Puerto Rico (#11) to be held on 7/18/09 from 8:00 pm – 2:00 am
7. Approving Mobile Vendor License Class II for Chucky's Dawgs
8. Approving Taxi Cab Drivers Licenses
9. Approving Tax Sale Certificate 07-00004 Block 1218 Lot 21 (23-25 S. Warren St.)

10. Approving Tax Sale Certificate 05-00004 Block 2314 Lot 27.01 (7 Reeves St.)

Mayor Dodd commented on the resolution to support Assembly Bill A-3570, proposing the abolishment of the Council on Affordable Housing (COAH). He stated that the Council on Affordable Housing did serve a purpose but no longer serves the purpose it was intended too. He believes that at this point COAH is more of an obstacle than a benefit to community especially, in the Town of Dover where we have a substantial amount of low to moderate income housing. He believes what makes a community is (low, moderate and some higher incomes) Mayor Dodd commented that the town of Dover ran into a stumbling block on the Bassett Highway Project when COAH pulled the hearing off their agenda after a group challenged it.

Alderman Donofrio commented that people are not aware that COAH allowed a lot of towns, to pay other towns to take on their obligation to build affordable units. COAH finally did away with that. Now, we're seeing towns that have to make space for affordable housing and they want to do away with the whole concept. He believes there are unintended consequences if that were to be the ultimate outcome. Alderman Donofrio commented that this is the reason he plans to vote no.

Alderwoman Romaine commented that COAH has put the town in a position where they are unable to move forward with the project because they want us to take the higher share of the obligation. She noted that it's absurd to have a group come out, file a lawsuit against Dover's plan and have it tossed out from being heard in Trenton. She doesn't believe there should be a group with so much clout to tell COAH that they shouldn't hear Dover's plans because they feel we should have more. Alderwoman Romaine sat on the planning board for four years working on the master plan and commented that the affordable housing plan was submitted timely, accurately and it was well planned to meet the town's obligations. The town just wanted COAH to recognize what the town has done and noted that people might not be aware that Dover has the housing rehabilitation program which provides property maintenance assistance to people of low to moderate incomes. She expressed that COAH needs to stop running the towns and let the towns run their town. She noted that COAH wants towns to go from 8 in 1 to 5 in 1 which reduces the odds so much that you can't get people to come to build. Alderwoman Romaine stated the town probably lost close to a million dollars in ratables for the Bassett Highway Redevelopment project. She noted that those residents would've paid property taxes which would've helped the school budget even though the town didn't anticipate many students from that development. She commented that she understands where Alderman Donofrio is coming from but unfortunately it's not doing justice for Dover.

Mayor Dodd mentioned that the Bassett Highway project is on hold and not dead like the newspaper stated. He explained that two new developers are interested in taking over where the previous developer left off. Mayor Dodd commented that Dover is the perfect example for the exemption in the second-third round ruling of COAH which states you must meet a 20% low to moderate income units unless it's economically infeasible. Mayor Dodd noted that the developer explained to COAH that they were able to give them 8% however they didn't accept that amount. He feels by COAH not accepting the 8% of low to moderate income units they received zero so they're being counter productive to what they are trying to achieve. Mayor Dodd expressed that it might come to a point where he makes a recommendation to the board to pull out as a member of COAH.

REGULAR MEETING MINUTES

June 9, 2009

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 7:39 pm

ROLL CALL

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

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

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

WARREN DARNULC – 151 Grant Street –Mr. Darnulc wanted to know if the budget could be posted on the website. Mayor Dodd mentioned that the file is too big to be posted on the website and possibly a summary could be posted. He was informed he could view the budget at town hall (clerk's office), Dover library and the Morris County Library.

MAYOR DODD'S REPORT – Mayor Dodd complimented the fire department for their 135th Anniversary Parade. He noted that it was great to see the street lined with residents and non-residents alike. He commended Chief McDougall and the entire staff for the great job they did. Mayor Dodd thanked Aldermen Picciallo, Poolas, Delaney, Timpani and Alderwoman Blackman for their assistance with the Mayor's Fishing Derby. Mayor Dodd commented that Woodmont Properties received the Good Neighbor Award for the Sussex Street Landfill Redevelopment Project and the Hilton Hotels/Briad Group presented Dover with a plaque for the redevelopment of the landfill. He commended Woodmont Properties, Briad Group, FedEx, Town Engineer Michael Hanston and Administrator William Close. Mayor Dodd was notified of the Jefferson Awards for Public Service which is a prestigious national recognition system honoring community and public service in America. Jefferson Awards are presented on two levels national and local. This award began in 1972 to create a Noble Prize for public service and today their primary purpose is to serve as a call to action for volunteers. This year the award was presented to Mrs. Katherine Zufall of the Dover Community Clinic. He also said he would be remiss if he didn't thank Connie Foster for her help with running the Mayor's Assistance Program which utilizes people required to perform community service.

ALDERMEN/COMMITTEE REPORTS

ALDERMAN PICCIALLO – Alderman Picciallo commented that the Mayor's Fishing was a success and expressed that the Firemen's parade was excellent. Alderman Picciallo was very disappointed with the newspaper for their lack of coverage on the Fire Department's 135th Anniversary Parade.

ALDERMAN POOLAS – Alderman Poolas attended the Firemen's Parade. He had some complaints which were handled by Mr. Close. Alderman Poolas is currently working on the Davis Avenue project to attempt to make the first block a one way due to the dangerous conditions.

ALDERMAN TIMPANI – Alderman Timpani is very proud to be a volunteer fireman in the Town of Dover and he was glad to see the great turnout at the parade. He thanked everyone for coming and thanked everyone for their help with the Mayor's Fishing Derby.

ALDERMAN DELANEY – Alderman Delaney commented that Dover's (fire dept.) volunteers are very busy with 710 EMS runs and 146 fire calls in just the first 5 months of this year. Alderman Delaney agrees with Alderman Picciallo regarding the newspapers not reporting on the parade.

ALDERMAN DONOFRIO – Alderman Donofrio attended the Smart Growth Awards of 2009 which is the organization that awarded Dover in 2007. He thought it was great event and a great way to make new contacts. Alderman Donofrio commented that he appreciated being part of the firemen's parade.

ALDERWOMAN ROMAINE – Alderwoman Romaine commented that the parade was very well attended and thanked Alderman Picciallo and Mrs. Picciallo for obtaining the flag that had been flown over the Capitol. She noted that it was kind a gesture to have the flag presented to the Fire Department. She noted that there are some housing issues that she's waiting for a follow-up.

ALDERWOMAN BLACKMAN – Alderwoman Blackman commented that the Salem Village residents wanted to make sure Mr. Close made the maintenance crew aware of the great job they did with the clean up after the Firemen's Parade. Alderwoman Blackman commented that the Board of Education hosted their annual scholarship award brunch and three

students will be attending the University of New Haven, Brown University and the University of Pennsylvania. The Board of Education is happy that the sod has been planted at the baseball field. Alderwoman Blackman attended the Board of Health meeting and noted that H.O. Costanzo provided them with an update on the swine flu situation. She noted that Animal Control complaints from April to May have increased by 20 calls. She reminded the public that the fireworks display will be held on Friday, July 3rd with a rain date of Friday, July 10th.

ALDERMAN VISIOLI – Alderman Visioli noted that the Town of Dover’s application was the first to make it to COAH. He explained that the coalition did not exist until the town submitted their application. He will support the resolution to abolish COAH. He noted that he and Alderwoman Blackman communicated with limos drivers in their ward and were able to address some issues.

ADMINISTRATOR CLOSE – Stated we are currently working on a grant application for Homeland Security which is a 0% match grant. A LEPC meeting was held to review procedures for the July 3rd fireworks. He commended the Fire Department for the great job with the parade and also the police and public works departments.

ATTORNEY PENNELLA – Attorney Pennella noted at the last town meeting that the county tax board hearings are coming up. He explained that about 125 appeals have been filed and explained that at the request of the tax assessor he’s in the process of filing 16 motions. These motions are to dismiss tax appeals of properties that didn’t submit income expense statements. He expressed that two trial dates in June have been scheduled.

CONSENT AGENDA

ORDINANCE NO. 12-2009
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING CODE SECTION 199-9 et. seq. “MOBILE RETAIL FOOD
ESTABLISHMENTS”

Be it ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, as follows:

1. A new Section 199-16 is hereby enacted as follows:

Section 199-16. Hours of Operation and Areas. No holder of any class of a mobile retail food license shall be permitted to operate in any residential zone as shown on the Zoning Map of the Town of Dover before 8 a.m. in the morning and after sunset. Sunset shall be defined to be the published time of sunset in Dover, New Jersey by the United States Naval Observatory. Special events may be an exception as approved by the Mayor and Board of Aldermen.

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

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

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

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

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

ORDINANCE NO. 13-2009
CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A. 40a:4-45.14

WHEREAS, the Local Government Cap Law, N.J.S.40A"4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover in the County of Morris finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Board of Aldermen hereby determines that a 1% increase in the budget for said year, amounting to \$137,531 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Board of Aldermen hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the Town of Dover, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Town of Dover shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$481,359 and that the CY 2009 municipal budget for the Town of Dover be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

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

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:	\$20,459.25
CURRENT ACCT claims in the amount of:	\$366,640.58
CAPITAL ACCT claims in the amount of:	\$935.65
WATER UTILITY ACCT claims in the amount of:	
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$2,913.89
PARKING UTILITY RESERVE ACCT claims in the amount of:	
PARKING CAPITAL ACCT claims in the amount of:	
ANIMAL CONTROL TRUST ACCT claims in the amount of:	
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	\$114.00
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	\$6,377.00
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	
TRUST/OTHER ACCT claims in the amount of:	\$2,938.66

DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:
TOTAL CLAIMS TO BE PAID **\$400,379.03**

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: \$296,111.45
WATER UTILITY ACCT claims in the amount of: \$23,137.01
PARKING UTILITY ACCT claims in the amount of: \$3,854.44
PAYROLL AGENCY ACCT claims in the amount of: \$144,785.56
UNEMPLOYMENT TRUST ACCT claims in the amount of: \$115.45
TOTAL CLAIMS PAID **\$468,003.91**

TOTAL BILL LIST RESOLUTION **\$868,382.94**

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING THE MAYOR AND CLERK TO SIGN THE SMALL CITIES AGREEMENTS

WHEREAS, the Town of Dover is in receipt of notification of the approval of Small Cities Grant for Housing Rehabilitation Project and Small Cities PF Project – Harrison, Harding, Taft and Wilson Streets Reconstruction; and

WHEREAS, the Town of Dover is required to enter into agreements with the State of New Jersey Department of Community Affairs accepting the terms and conditions of these grants.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover authorizes the Mayor and Municipal Clerk to sign the necessary grant agreements as follows:

1. Small Cities CDBG Program 2009 – Small Cities PF Project – The reconstruction of Harrison, Harding, Taft and Wilson Streets including drainage, roadway, sidewalks, curbing and water infrastructure. Grant Agreement Number – 2009-02292-0600-00
Amount \$500,000.00
2. Small Cities CDBG Program 2009 – Small Cities Housing Rehabilitation Project
Grant Agreement Number 2009-02292-0599-00 Amount \$200,000.00

Alderman Timpani 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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER
AUTHORIZING EXECUTION OF RELEASE AS TO THE
COMBE FILL SOUTH LITIGATION

WHEREAS, the Town of Dover had been identified as a Third Party Defendant in a case entitled NJDEP vs. American Thermoplast, et. al. and USA vs. Beckman Coulter, Inc. which was consolidated in the United States District Court for the District of New Jersey and is collectively referred to as “Combe Fill South Litigation”; and

WHEREAS, it was alleged that Dover had generated certain waste materials and disposed of them at the Combe Fill South Landfill; and,

WHEREAS, Dover is a participant in the environmental joint insurance fund; and

WHEREAS, through counsel assigned by such fund a settlement has been formulated amongst the many municipalities identified as Third Party Defendants; and

WHEREAS, Dover's responsibility for the settlement is \$800,000.00 plus interest; and

WHEREAS, Dover has requested that Arrowpoint Capital Corp., hereinafter "Arrowpoint," make payment for the defense and indemnification of Dover under the policies Dover had with them with respect to the proceedings that had been filed against Dover and others;

WHEREAS, Arrowpoint has agreed to pay a total of \$474,000.00 representing approximately fifty (50%) percent of Dover's share of payment to the municipal group settlement and Dover's defense fees associated with the Combe Fill South litigation; and

WHEREAS, in return for such payment Arrowpoint requires a Release by the Town of Dover.

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 Mayor and Municipal Clerk are hereby authorized to issue a Release to Arrowpoint Capital Corp., its successors and assigns, in return for payment of \$474,000.00 towards Dover's share of payment to the municipal group settlement and Dover's defense fees with regard to the Combe Fill South litigation.

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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
PROPOSING THE ABOLITION OF THE COUNCIL ON AFFORDABLE HOUSING (COAH)**

WHEREAS, the Town of Dover has consistently over a twenty year period embraced its responsibility to provide affordable housing; and

WHEREAS, as a result of COAH's demands for the towns to prepare and obtain approval for new affordable housing plans, the economic development of the Town of is placed on hold at a time of deepening economic recession; and

WHEREAS, COAH has been indifferent to the well-being of the State and its crippled economy; and

WHEREAS, housing in the State of New Jersey, and with mortgage and with mortgage financing rates, are at their most affordable levels in recent history thereby making COAH superfluous and redundant; and

WHEREAS, Assembly Bill A-3570 proposes the abolition of COAH which, in turn, will force the legislative and executive branches to come together to adopt corrective legislation addressing the needs of affordable housing employing a more reasonable approach.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover calls upon the State Assembly and Senate to immediately adopt Assembly Bill A-3570;

BE IT FURTHER RESOLVED that a copy of this resolution shall be distributed to Governor Jon S. Corzine, members of the 24th Legislative District and all Morris County Municipalities.

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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF DOVER OPPOSING GOVERNOR CORZINE'S PROPOSAL
TO TRANSFER MONEY FROM THE EMT TRAINING FUND**

WHEREAS, the Town of Dover depends on a volunteer emergency squad to serve the community with a population greater than 20,000, not including daytime visitors; and

WHEREAS, the Town of Dover relies on our volunteers to provide emergency assistance and medical care of injured, wounded, sick and infirm persons in case of emergency by rendering pre-hospital basic life support (BLS) and transportation of those persons to hospital or other like places for medical treatment and care; and

WHEREAS, the Emergency Medical Technician (EMT) Training Fund was created by New Jersey P.L. 1992, Chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification, and for which that entity is not otherwise reimbursed; and

WHEREAS, the Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge, which has never been increased, on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund; and

WHEREAS, a \$400,000 balance in the EMT Training Fund, which is currently running at approximately a \$1,000,000 deficit per year, is inadequate to meet the annual training needs of the Volunteer EMTs of this state and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community; and

WHEREAS, this plan to re-appropriate monies from the EMT Training Fund would potentially shift the cost of Volunteer EMT Training to volunteer ambulance, first aid and rescue and recovery squads when the squads continue to see a decrease in donations, contributions and a short fall in fund raising; and

WHEREAS, it is fundamentally unfair to ask those who already volunteer their time to their communities to pay for their own training; and

WHEREAS, the burden of funding could potentially be shifted to already overstressed local municipalities, resulting in an increase in local municipal expenses and direct cost to the citizens during this time of economic hardship.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover as follows:

1. The Town of Dover opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, therefore shifting the cost of Volunteer EMT Training to volunteer ambulance, first aid, rescue squads and local municipalities.
2. The Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the Fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, Chapter 143.
3. That a copy of this resolution be sent to the Honorable Jon Corzine, Governor of the State of New Jersey; the Members of the 26th Legislative District, the Town of Dover Fire Department and Rescue Squad and all Morris County Municipalities urging them to adopt similar resolutions in opposition to this proposal.

Alderman Delaney 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, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: Alderman Timpani**

RESOLUTION

WHEREAS, Casa Puerto Rico, Inc, filed an application for their **seventh** Special Permit for Social Affair to be held at the Casa Puerto Rico, Inc., which is their **eleventh** event; and

WHEREAS, Casa Puerto Rico, Inc. 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. Casa Puerto Rico, Inc. is approved for a dance (#7) to be held on Saturday, July 18, 2009 at Casa Puerto Rico, 50 W. Blackwell Street, Dover, NJ (#11) from 8:00pm through 2:00 am.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING A MOBILE RETAIL FOOD ESTABLISHMENT

WHEREAS, Barbara Serpone of Chucky's Dawgs has filed for a Class 2 Mobile Retail Food Establishment License; and

WHEREAS, a Class 2 license allows the licensee to set up on the paved portions of the following public parks and or playgrounds of the town: Crescent Field, Second Street Playground, Hooey Park, King Field, Hurd Park, Steffany Park at Waterworks and Overlook Park.

WHEREAS, Chucky's Dawgs has provided proof of insurance, sales tax certificate, physician certificate(s), photograph(s) of employees, proof of citizenship and proof of payment of sales tax; and

WHEREAS, the appropriate fees have been paid.

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

1. That the application of Chucky's Dawgs for a Mobile Retail Food Establishment, Class 2 License be approved.
2. This approval is conditioned upon approval of the Health Officer's satisfactory inspection of the vehicle for said license.
3. This approval is conditioned upon the Town's Police Department determining the location of vendor.

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

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

First Class Taxi
Rios Leonel

Axel's Express
Teofilo Mariano

City Limo & Taxi Inc.
Ana Rosa Acevedo

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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None**

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on December 18, 2008, a municipal lien was sold on Block 1218 Lot 21, also known as 23-25 S Warren Street, Dover, New Jersey for delinquent 2007 taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 07-00004 was sold to the Town of Dover for \$3367.60, and,

WHEREAS, Davenport, Glantz & Racier, owners, have effected redemption of Certificate No.07-00004 in the amount of \$8,561.79.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, Town of Dover, County of Morris, State of New Jersey that this Certificate be cancelled on this 9th day of June 2009.

BE IT FURTHER RESOLVED that two certified copies of this resolution be returned to the Tax Collector.

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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None**

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on December 6, 2006, a lien was sold on Block 2314 Lot 27, also known as 7 Reeves Street, Dover, New Jersey for delinquent 2005 taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 05-00004 was sold to Royal Tax Lien Service LLC for 3,264.93; with a premium of \$19,000.00 and,

WHEREAS, Robert Farley, owner, had effected redemption of Certificate No.05-00004 in the amount of \$37,023.21 on August 28, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, Town of Dover, County of Morris, State of New Jersey that the Treasurer be authorized to issue a check in the amount of \$56,023.21 payable to Park Finance LLC, P.O. Box 109, Cedar Knolls, NJ, which was the total of the redemption plus premium due on the 28th day of August 2008.

BE IT FURTHER RESOLVED that two certified copies of this resolution be returned to the Tax Collector.

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, Timpani, Romaine, Blackman, and Mayor Dodd
Nays: None Absent: None Abstained: None**

PUBLIC COMMENTS – Three Minutes per Person

WALTER SLYKER – Audrey Place - He wanted to know if the town was aware of the pot holes on Penn Avenue. Mayor Dodd commented that they are currently working on it.

CONNIE SIBONA-FOSTER – 90 Penn Avenue – Mrs. Foster wanted to know the status on the garage sale ordinance. Mayor Dodd noted that it's something they can revisit. Mrs. Foster thanked Mr. Close for always addressing her complaints. She noted that the bottles were cleaned up at the train station platform. Mrs. Foster has concerns with a mattress vendor at the flea market and wanted to know if they had the proper labels on the mattresses. Mayor Dodd noted that it's something they can look into by expressing their concern to the owners of the flea market.

LUIS GOMEZ – 172 So. Morris Street – Mr. Gomez agrees with the board on their position with COAH and can't understand why a group from South Jersey can have a hearing pulled from the agenda, this group wasn't from Dover. He commented that with the Rt. 46 construction the homeless are coming to other area like behind the bank which can be uncomfortable especially at night. Mayor Dodd stated that Mr. Close would look into it.

**Motion made by Alderman Donofrio to adjourn at 8:17 p.m.,
Seconded by Alderman Poolas and passed by the following voice vote.**

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

Respectfully submitted,

Margaret J. Verga, Municipal Clerk