



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

CAUCUS MEETING MINUTES

June 10, 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 Fahy, Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Absent: Alderwoman Romaine

Also present were Attorney Pennella, Administrator Garvin and Clerk Verga

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

MUNICIPAL CORRESPONDENCE:

1. Resolution from the Township of Chester re: Support for Constitutional Amendment to Dedicate Revenue for open space and farmland preservation
2. Legal Notice from Township of Rockaway, Planning & Development Board for Preliminary & Final Site Plan Approval-Lord & Taylor located at the Rockaway Townsquare Mall
3. Notice from Town of Dover Zoning Board of Adjustment re: 91 Park Heights Avenue-Dover
4. Letter from the Township of Randolph re: State Budget-Shifting of Costs, COAH Obligations
5. Closure Notice from DOT re: So. Salem Street Bridge

AGENDA ITEMS:

ORDINANCE(S) FOR INTRODUCTION

1. Ordinance #16-2008: Amending & Supplementing Code Section 349 (Ordinance 03-2006 & 10-2006)

ORDINANCE(S) FOR SECOND READING

RESOLUTIONS

1. Approving Bills List
2. Approving Indoor Air Quality Standards Designee
3. Approving Taxis/Limos Licenses-First Class of Dover
4. Approving Taxi/Limos Licenses-Queens Limos
5. Approving Taxi Driver Licenses
6. Approving of Mobile Vendor License for Julio's Ice Cream
7. Approving Special Permit for Social Event for Fiesta De Reyes, Inc., to be held at Casa Puerto Rico on July 12, 2008
8. Approving Special Permit for Social Event for Casa Puerto Rico, Inc. to be held at Casa Puerto Rico on July 26, 2008
9. Approving Municipal License to operate amusement device (Schedule A Attached)
10. Approving renewal of annual dance licenses (Municipal License)
11. Authorizing discharge of mortgage for Ana Lara for 27 Kyle Drive, Dover, New Jersey
12. Authorizing the Mayor & Board of Aldermen to enter into executive session
13. Authorizing the execution of a settlement agreement



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REGULAR MEETING MINUTES June 10, 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 7:10pm

ROLL CALL

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

Absent Alderwomen Romaine

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.

COMMENTS ON ANA LARA'S DISCHARGE OF MORTGAGE:

Blaise DeMasi: Attorney for Ana Lara: Mr. DeMasi noted that the previous contract had different amounts and names on the HUD-1 form. The HUD-1 form has been updated with the correct information. Mr. DeMasi stated that the new agreement allows for a settlement to the Town of Dover for \$7,000 of the \$14,000 of the lien.

Alderman Poolas asked if the buyer was related to the seller.

Christian Vega: 18 Hillside Avenue, Dover – Mr. Vega confirmed that the buyer has no relation to the seller.

Alderman Fahy wanted to know if the town approved the settlement, would it be removed from foreclosure. Mr. DeMasi noted that a dismissal of foreclosure could be granted if the closing took place and checks were issued to the lenders in time.

Mayor Dodd wanted to know if the owners have any intention of living in the property since they have an address in Florida. Mr. Vega noted that the family has intentions of moving to New Jersey and plan to owner occupy the property.

Administrator Garvin's Report – No report

Mayor Dodd's Report – Mayor Dodd noted that on June 17th the high school has been reserved for an information session for Certified Valuations, Inc. to explain the revaluation process. Mayor Dodd explained that the Bassett Hwy. negotiations are back on the table and a committee meeting is scheduled for tomorrow night.

ALDERMEN/COMMITTEE REPORTS –

Alderman Fahy – No Report

Alderman Picciallo – Alderman Picciallo reported that Mill Pond Tower's has replaced all the windows in the building however residents complained that they were not permitted to install their air conditioners. He also noted that residents were required to pay \$350 for the maintenance man to install the units. Alderman Picciallo and Mayor Dodd were referred to HUD and a representative did intervene. The matter has been rectified. He expressed that Costco has donated cases of Gatorade to Mill Pond Towers' residents to help with the heat situation.

Alderman Poolas – Alderman Poolas reported that the Memorial Association will hold a flag retirement ceremony at Hurd Park-Veteran's Path on June 14th which is also remembered as Flag Day.

Alderman Donofrio – Alderman Donofrio attended the Board of Health meeting and noted if a restaurant is visited and receives a conditional rating a \$100 fee will be charged for a re-inspection. He noted that on the Prospect Street Bridge there's a deep man hole which should be addressed.

Alderman Timpani – Alderman Timpani noted the Fishing Derby Awards Ceremony is scheduled for the next town



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meeting. Alderman Timpani has been busy campaigning and made an announcement that if his fourth ward residents need to ask questions or file a complaint he's available by phone and e-mail which is stated on any literature that is sent to them.

Alderman Delaney – Alderman Delaney noted that East Dover School has started to install the new playground. The Fire Department will have a ladder testing day to insure the safety of the ladders.

Alderman Visioli – Alderman Visioli requested input from the board regarding the towing ordinance. He noted that at the next meeting he would have a draft for a garage sale ordinance. Alderman Visioli and few members of the board noticed about 23 vacated dwellings with property maintenance issues which have been forwarded to the proper department. He expressed that he is researching an ordinance to hold the bank and/or real estate agents responsible for property maintenance of vacated homes.

Alderwomen Romaine – Absent

Attorney Pennella Report – Attorney Pennell reported that Azua Taxi & Limo has had their case dismissed with prejudice and they are no longer participating in the lawsuit.

CONSENT AGENDA

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE NO. 16-2008

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND SUPPLEMENTING CODE SECTION 349 (ORDINANCES 03-2006 AND 10-2006)

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

SECTION 1: Section 349-14, C, stating “Render reasonable, prompt and adequate service” and Section 349-13, O, stating that “shall be clean and neat and appropriately dressed” are hereby stricken from Ordinance No. 03-2006 and a line shall be drawn through these phrases and a footnote included that such language was declared unconstitutionally vague by order of the Superior Court of New Jersey in the matter of Apple Limo – Taxi Service, Inc., et al. vs. Town of Dover, et al.

SECTION 2: Section 349, B (4) of Ordinance No. 10-2006 requiring an appellant to speak “sufficient” English..., is to be supplemented by inserting an asterisk after the word “sufficient” and adding by asterisk at the end of the paragraph the following language: “The Superior Court of New Jersey has held that an English language requirement is constitutional as long as the Town of Dover establishes standards with respect to what is meant by ‘sufficient’ and absent such standard, the ‘sufficient’ English requirement is unenforceable.”

SECTION 3: Section 349-20 of Ordinance 03-2006 is amended and supplemented to read as follows:

Notwithstanding any other provisions of law to the contrary, the town of Dover requires a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intra-municipal point-to-point basis within the Town of Dover. The fee for the issuance of this license is \$50.00 (which is addition to any other fee) which applies all limousines operated by a limousine service providing such intra-municipal point-to-point service within the Town of Dover.

SECTION 4: All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5: 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 6: The Ordinance shall take effect in accordance with law.



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

Ayes: Aldermen Delaney, Poolas, Visioli, Picciallo, Timpani and Mayor Dodd

Nays: Aldermen Fahy, Donofrio

Absent: Alderwoman Romaine

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:	\$7,178.50
CURRENT ACCT claims in the amount of:	\$346,146.59
CAPITAL ACCT claims in the amount of:	\$800.00
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:	\$2,134.86
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:	\$118.20
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$411.00
TRUST/OTHER ACCT claims in the amount of:	\$21,029.57
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$377,818.72

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:	\$277,361.68
WATER UTILITY ACCT claims in the amount of:	\$21,346.91
PARKING UTILITY ACCT claims in the amount of:	\$2,969.33
PAYROLL AGENCY ACCT claims in the amount of:	\$79,500.57
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$124.36
TOTAL CLAIMS PAID	\$381,302.85

TOTAL BILL LIST RESOLUTION **\$759,121.57**



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Schedule A

QUEENS'S LIMO

1. Jesús Bernardo Flantermesk
2. Jose Reyes
3. Eugenio Vazquez
- 4 Tito San Juan Gonzalez

AXEL'S EXPRESS

1. Geraldo Coello
2. Angel Medardo Celig
3. Carlos Escobar

FIRST CLASS OF DOVER

1. Yurquen Geraldo-Feliz

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

Ayes: Aldermen Fahy, Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Nays: None

Absent: Alderwoman Romaine

Abstained: None

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

WHEREAS, Julio Paguay, Julio's Ice Cream, has a filed an application for a Class 3 Mobile Retail Food Establishment License; and

WHEREAS, a Class 3 license is for the sale of frozen dairy products and frozen snacks from a motorized vehicle. The licensee may sell in any zone, provided that no sale stops shall be for more than ten (10) minutes in any residential zone and thirty (30) minutes in any other zone.

WHEREAS, Julio's Ice Cream has provided proof of insurance, sale tax certificate, physician certificate(s), photograph(s) of employees, proof of citizenship and proof of payments of sales tax; and

WHEREAS, the appropriate fee 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 Julio's Ice Cream for a Mobile Retail Food Establishment, Class 3 License be approved.
2. This approval is conditional upon approval of the Health Officer's satisfactory inspection of the vehicle for said license.

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

Ayes: Aldermen Fahy, Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Nays: None

Absent: Alderwoman Romaine

Abstained: None

RESOLUTION

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

WHEREAS, Fiesta De Reyes, Inc., a non-profit organization is permitted to have twelve events per year and Casa Puerto Rico, Inc., is permitted to have twenty-five events; 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. Fiesta De Reyes, Inc., is approved for a dance (#3) to be held on Saturday, July 26, 2008 at Casa Puerto Rico,



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50 W. Blackwell Street, Dover, NJ (#7) from 8:00 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.

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

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

RESOLUTION

WHEREAS Casa Puerto Rico, filed an application for their **eighth** Special Permit for Social Affair to be held at Casa Puerto Rico; and

WHEREAS, Casa Puerto Rico, Inc., is permitted to have twenty-five events; 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 (#8) to be held on Saturday, July 12, 2008 at Casa Puerto Rico, 50 W. Blackwell Street, Dover, NJ from 8:00 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.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING AMUSEMENT DEVICE LICENSE(S)

WHEREAS, applications for amusement device licenses have been made by the people listed on Schedule A attached hereto and made a part hereof; and

WHEREAS, the appropriate fees have been paid and the license shall be prominently displayed by attaching the same on each device, and

WHEREAS, the placement of each and every amusement game within an establishment must have the approval of the chief of police of the Town of Dover.

WHEREAS, no amusement device shall be installed within two (200) hundred feet of any school or church.

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 coin operated amusement device licenses for those people listed on Schedule A attached hereto and made a part hereof are hereby approved.

SCHEDULE A

SILVANA'S
337 E. Blackwell Street
1 Device

Murphy's Third Rail
3 So. Bergen Street
2 Devices

Dover Video
15 Bassett Hwy.
2 Devices



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

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

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

WHEREAS, the Baker Theater, located at 39-41 West Blackwell Street, Dover, NJ and Angel Mero, located at 337 E. Blackwell St., Dover, NJ have applied for renewal of their Annual Dance License(s) for the period July 1, 2007 - June 30, 2008; and

WHEREAS, all the applicant(s) have submitted appropriate licensing fee; and,

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

1. An annual dance license is hereby granted for the period July 1, 2007 – June 30, 2008 to the following establishments:

- A. Silvana's, 337 E. Blackwell Street, Dover, NJ
- B. Murphy's Third Rail, 3 S. Bergen Street, Dover, NJ

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AUTHORIZING
DISCHARGE OF MORTGAGE OF ANA LARA FOR 27 KYLE DRIVE, DOVER, NEW JERSEY

WHEREAS, the Town of Dover Housing Rehabilitation Program issued a mortgage to Ana Lara in the amount of \$14,060.00 for property located at 27 Kyle Drive, Dover, New Jersey; and

WHEREAS, there is approximately \$370,000.00 in debt to Countrywide Home Loans, Inc. which holds a superior position to the Town of Dover Housing Rehabilitation Mortgage Loan; and

WHEREAS, there is insufficient equity to cover all three loans; and

WHEREAS, Countrywide Home Loans, Inc. has filed a foreclosure action in Superior Court, Morris County, Chancery Division bearing Docket No. F-22472-07; and

WHEREAS, the borrower, Ana Lara, is attempting to do a short sale to Aida Hernandez for the amount of \$257,000.00; and

WHEREAS, such sale cannot take place as long as the Town of Dover mortgage continues to exist; and

WHEREAS, Ms. Lara has requested the Town of Dover to discharge its mortgage in return for a \$7,000.00 payment to be paid by Countrywide Home Loans, Inc. to the Town of Dover;

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



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1. The Town of Dover hereby authorizes the Discharge of Town of Dover Housing Rehabilitation Program Mortgage in the amount of \$14,060.00 filed in Mortgage Book 20846 page 0163 on June 18, 2007 for the sum of \$7,000.00;
2. The debt, however, is not forgiven and the balance owned on the Note remains due and payable to the Town.
3. The Administrator is hereby authorized to execute the Discharge of Mortgage.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER FOR EXECUTIVE SESSION

WHEREAS, the Open Public Meeting Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover wish to discuss:

PERSONNEL ISSUES such as: any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public office officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Authorizing the execution of settlement agreement for the Town Administrator.

Minutes will be kept and once the matter involving the confidentiality of the above no requires that confidentiality, then the minutes can be made public.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT

WHEREAS, a dispute has arisen between the Town of Dover and the Administrator of the Town; and

WHEREAS, the parties have amicably resolved their differences which are incorporated in a confidential settlement agreement;

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 Mayor and Clerk are authorized to execute such settlement agreement.

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



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

Motion was made by Alderman Visioli to return from executive session at 8:26. Seconded by Alderman Picciallo and passed by the following roll call vote.

Ayes: Aldermen Fahy, Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani & Mayor Dodd
Nays: None **Abstain: Alderwomen Romaine** **Absent: None**

PUBLIC COMMENTS – Three Minutes per Person

Maria Tambini – 10 E. Blackwell Street: The Library Director was unable to make the meeting but wanted the Mayor and Board of Aldermen to know that he's in receipt of the contract and grant for the film which was signed and returned for processing.

**Motion made by Alderman Visioli to adjourn at 8:27 p.m.,
Seconded by Alderman Picciallo and passed by the following voice vote.**

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

Respectfully submitted,

Margaret J. Verga
Municipal Clerk