



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
July 14, 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 (7:12pm), 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.

MUNICIPAL CORRESPONDENCE:

1. Resolution from the Twp. of Washington re: Opposing Governor Corzine's Proposal to Transfer Money from the Emergency Medical Technician Training Fund
2. Ordinance from the Twp. of Mine Hill re: Amending Twp. Land Use and Development Regulations to provide for non-profit/public land overlay zone in specified area
3. Ordinance from Twp. of Randolph re: Amending Section 15-95.3, Applicability of Article VIII, Stormwater control Ordinance, of the Land Development Ordinance
4. Ordinance from Twp. of Randolph re: Amending Refunds of Fees of the Land Development Ordinance
5. Ordinance from Twp. of Rockaway re: Off-Street Parking and Loading
6. Legal Public Notice of Proposed Continuation of Open Burning and Public Meeting from Picatinny Arsenal Public Affairs Office
7. Suspected Hazardous Substance Discharge Notification from Dept. of Environmental Protection-5 Mt. Pleasant Avenue
8. Letter from Rockaway Valley Regional Sewerage Authority re: "2009 Sanitary Interceptor Sewer Repairs Project"
9. Publication from the Morris County Board of Chosen Freeholders re: Division on Again, Disabilities & Veterans

AGENDA ITEMS:

RESOLUTION

1. Adoption the 2009 Municipal Budget
2. Approving Bills List
3. Approving Liquor License Renewals
4. Certification of the Annual Audit by the Governing Body
5. Approving an Edward Byrne Memorial Justice Grant (JAG)
6. Approving Special Permit for Fiesta De Reyes, Inc. to be held at Casa Puerto Rico on August 22, 2009
7. Approving Return of 6% Year-End Penalty Over-Payment-Wachovia
8. Approving Sewer Credit for 8 W. Blackwell Street
9. Granting Permission for Aqua Tek to Install Sidewalk Right-of-Way Monitoring Wells

REGULAR MEETING MINUTES

July 14, 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 7:36 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 – 51 Grant Street – Stated when he asked for the agenda to be put on the web site, he also meant for all the backup documentation to be put with it and still wanted it posted earlier.

Mayor Dodd responded that he approves the agenda on Friday and the board receives it in their boxes also on Friday. It will be posted on the website on Tuesday. It would be too time consuming to scan all the backup documentation also.

CONNIE SIBONA-FOSTER - 90 Penn Ave. – Wanted to know what the next step is since the budget is adopted. Administrator Close explained it is sent to County Board of Taxation and they strike the tax rate. She also stated she gets here 15 minutes prior to the meeting and reads everything.

WARREN DARNULC – 51 Grant Street – stated other boards such as Planning Board, Library and Heath Boards do not have the power to plunder the citizens and feels it's not too much to ask to have the agendas on the web site earlier.

Mayor Dodd responded as earlier and thanked him for his comments.

Alderman Donofrio stated when the agenda is revised he feels there is not ample time to review everything.

MAYOR DODD'S REPORT – He will reserve his report until the next meeting but wanted to commend the Recreation Commission, Police, Fire and Public Works Departments for the great job with the fireworks. He also commented about giving keys to the town to three Dover servicemen, Specialist Carlos Alvarez, Private First Class Michael Rosa and Corporal Herrera Garcia that came back from tours in Iraq.

ALDERMEN/COMMITTEE REPORTS

ALDERMAN PICCIALLO –

ALDERMAN POOLAS –

ALDERMAN TIMPANI –

ALDERMAN DELANEY –

ALDERMAN DONOFRIO –

ALDERWOMAN ROMAINE –

ALDERWOMAN BLACKMAN –

ALDERMAN VISIOLI –

ADMINISTRATOR CLOSE –

ATTORNEY PENNELLA – Attorney Pennella noted that there is a motion pending on consolidated taxi cases to have the plaintiff's complaints dismiss for failing to response to financial discovery.

CONSENT AGENDA

ADOPTING MUNICIPAL BUDGET

(See Attached)

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

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:	
CURRENT ACCT claims in the amount of:	\$1,499,366.51
CAPITAL ACCT claims in the amount of:	
WATER UTILITY ACCT claims in the amount of:	\$137,091.76
WATER UTILITY RESERVE ACCT claims in the amount of:	\$412.50
WATER CAPITAL ACCT claims in the amount of:	\$5,014.00
PARKING UTILITY ACCT claims in the amount of:	\$3,266.85
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:	\$40.80
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	
TRUST/OTHER ACCT claims in the amount of:	\$32,829.41
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$1,678,021.83

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:	\$312,679.86
WATER UTILITY ACCT claims in the amount of:	\$24,248.19
PARKING UTILITY ACCT claims in the amount of:	\$3,854.42
PAYROLL AGENCY ACCT claims in the amount of:	\$152,465.87
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$110.83
TOTAL CLAIMS PAID	\$493,359.17

TOTAL BILL LIST RESOLUTION \$2,171,381.00

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, and Mayor Dodd
Nays: None Absent: None Abstained: Alderwoman Blackman

RESOLUTION

WHEREAS, the herein named duly filed applications for renewal of their Alcoholic Beverage Licenses for their respective premises as shown on Schedule A for July 1, 2009 to June 30, 2010; and

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved by the Police Department, Board of Health and the Bureau of Fire Prevention.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover that said applications be approved and that the respective licenses be granted; and

BE IT FURTHER RESOLVED that the Town Clerk or Director in the case of a conflict license be and hereby is authorized to issue license certificates accordingly as per attached Schedule A.

2009/2010 LIQUOR LICENSES

TWICE 21, INC.	SCHILLER'S 9 W. CLINTON ST.	1409-33-004-005
BLACKWELL STREET CAFE, INC.	MURRAY'S 111 E. BLACKWELL ST.	1409-33-008-004
SHIV LIQUOR LLC	SAM'S LIQUOR WINE & DELI 325 W. CLINTON ST.	1409-44-026-005

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

RESOLUTION OF THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB -52- to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Board of Aldermen of the Town of Dover, hereby states that it has complied with N.J.A.C.5:30-5.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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, 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 AN EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG)**

WHEREAS, the U. S. Department of Justice offers JAG Grants through local police departments to support all components of the criminal justice system; and

WHEREAS, Morristown and Dover have agreed to apply for a JAG grant; and,

WHEREAS, Morristown has agreed to act as the lead agency; and

WHEREAS, the total grant is in the amount of \$29,548.00 with \$10,113.00 being applied to Dover’s program and \$19,435.00 being applied to Morristown’s program; and

WHEREAS, Dover has agreed to pay out of their grant amount an administration fee of \$250.00 to Morristown;

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

1. The JAG Grant in the amount of \$10,113.00 with an administration fee of \$250.00 for an adjusted award of \$9,863.00 is approved;

2. The Memorandum of Understanding executed by Chief of Police Harold Valentine and Municipal Attorney David C. Pennella on July 7, 2009 is hereby affirmed.

Alderman Delaney has moved the foregoing resolution be adopted and duly seconded by Alderman Timpani 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, the Fiesta De Reyes, Inc., filed an application for their **fifth** Special Permit for Social Affair to be held at Casa Puerto Rico, Inc., which is their **twelfth** 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; 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. (#5) is approved for a dance to be held on Saturday, August 22, 2009 at Casa Puerto Rico (#12), 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 Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman 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

A RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT

Block 2307, Lot 2

WHEREAS, Wachovia-Cust/Sass Muni D dtr., (hereinafter "Wachovia") purchased tax sale certificate # 200406 for Block 2307, Lot 2, commonly known as 261-263 U. S. Highway 46, Dover, New Jersey; and

WHEREAS, Wachovia has continued to make tax payments on said lot and block; and,

WHEREAS, Wachovia paid a six (6%) percent year-end penalty for 2005 and a six percent year-end penalty for the year 2007 in the amount of \$1,079.40 and \$1,150.70 respectively totaling \$2,230.10; and

WHEREAS, the tax collector has requested authority to either refund the money or credit said \$2,230.10 against future tax payments;

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 overpayment by Wachovia is hereby approved to be refunded by payment of check or by credit against future tax payments; and
2. The tax collector is hereby authorized to take such steps as are necessary to effectuate said approval.

Alderman Visioli has moved the foregoing resolution be adopted and duly seconded by Alderwoman 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 AUTHORIZING CREDIT FOR SEWER CHARGES

WHEREAS, owner of 8 W. Blackwell Street have contacted Dover Water Commission seeking a credit for Sewer Charges because of a defective hot water heater which exploded; and

WHEREAS, the Water Department Service Division confirmed the water did not enter the sewer system.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Dover that a sewer credit be issued in the amount of \$210.93

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER GRANTING PERMISSION FOR AQUA TEK TO INSTALL IN SIDEWALK RIGHT-OF-WAY MONITORING WELLS

WHEREAS, Hilltop Exxon located at 61 Route 46 West, a former gas station is required by the New Jersey Department of Environmental Protection (NJDEP) to install off-site monitoring wells; and

WHEREAS, Aqua Tek Environmental Consulting, Inc. (Aqua Tek) operating under NJDEP oversight is engaged in groundwater remedial investigation; and

WHEREAS, in accordance with the ongoing remedial investigation activities, Hilltop is required by the NJDEP to install off-site monitoring wells on Lincoln Avenue in the sidewalk right-of-way; and

WHEREAS, the Town of Dover will require a road opening permit for the installation of the monitoring wells; and

WHEREAS, the Engineering Department of the Town of Dover will review the plans and approve same.

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 approves the installation of off-site monitoring wells at 2 Lincoln and for the issuance of a Road Opening Permit is hereby approved subject to the following:

- a. The installer must obtain a Street Opening Permit with associated performance bond and insurance certificate;
- b. Construction details must be provided subject to the engineer's approval;
- c. The installer is responsible for complete maintenance of the wells and sidewalk while wells are in place and until they are removed or abandoned and will remain responsible for the removal or proper abandonment of same;
- d. The bond shall remain in force until such time as the wells can be removed or abandoned;
- e. The amount of the bond shall be determined by the engineer.

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

PUBLIC COMMENTS – Three Minutes per Person

Wayne Paterson – Wharton Resident and Mine Hill coach. He stated he had a problem with another coach. Attorney Pennella referred him to the Recreation Commission since it was a recreation matter. Mayor Dodd said their next meeting is on Thursday, August 13th.

KAY WALKER – 72B East Blackwell Street – Ms. Walker attended the recreation trip and expressed that Alice (Recreation) does a phenomenal job. She expressed to the board that the kiosk system is a great system and noted that commuters are using the lots (lots are full). She asked if a sound system could be checked for the meeting room, she had problems hearing. Mayor Dodd expressed that currently there's a system in place and maybe some volume adjustments need to be made.

DENISE RIDNER – Dover Recreation – She thanked the Mayor, Board Aldermen and Mr. Close for all their support with the fireworks event. She noted that everyone involved did a great job. She thanked Alderwoman Blackman for standing at the entrance collecting admission fees and Alderwoman Romaine for her assistance with the Dover Day fundraising. She thanked the Dover Fire, Police and Public Works Departments and for their assistance.

SANDRA SCARNEO – 66 First Street – Thanked that Board and Recreation for the great fireworks. She commented that it was very difficult to hear the Mayor and Denise speak at the fireworks and she was hoping the town could fix the problem. Mayor Dodd and Denise expressed that it's a concern and they will work on a better system for next year.

ED RIDNER – He asked for an update on the installation of signs at the corner of Glenwood Avenue and Knickerbocker Avenue. Mayor Dodd apologized for the signs not being installed and noted he will request for them to be installed. He wanted to know if Van Nostrand could be made one-side of the street parking. Mayor Dodd noted that a request would need to be sent to the county and with their approval, an ordinance could be introduced.

MARIE TAMBINI – 6-16 E.Blackwell Street – Ms. Tambini commented on several signs that are faded around town. Mayor Dodd commented that DPW is touring the area for bent and/or faded signs and noted that they will be addressed. She noted several incidents (people picnicking & hanging out on cars in her driveway) with the flea market vendors. She explained that Sgt. Smith assisted her with her complaints and was very pleasant. Mayor Dodd noted that he and Mr. Close will discuss the issues with Mr. & Mrs. Brumale.

CONNIE SIBONA-FOSTER – 90 Penn Avenue – She commented that the fireworks were excellent and suggested fundraising buckets to be placed in businesses to help defray the cost of the fireworks. She noted that people without permits are using the fields and litter is left behind. Mayor Dodd recognizes that there's a problem and explained that Mr. Close advised him that the goal posts will be removed and placed back when a permits are issued.

Seeing no hands and hearing no voices, Mayor Dodd closed this portion of the meeting and asked for a motion to adjourn.

**Motion made by Alderwoman Romaine to adjourn at 8:00 p.m.,
Seconded by Alderman Donofrio 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,

