



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  

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**CAUCUS MEETING MINUTES**  
**September 23, 2008 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 Poolas, Visioli, Donofrio, Picciallo, Timpani, Romaine and Mayor Dodd

Absent: Aldermen Fahy & Delaney

Also present were Attorney Pennella and Clerk Verga

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

**PRESENTATION:** Silvio Marin of Club Colombia presented the Town of Dover with a \$1,000 check for the planting of trees at Crescent Field.

**MUNICIPAL CORRESPONDENCE:**

1. Ordinance from Township of Mine Hill re: Title 25 “ Land Development Code to recycling plans to be submitted as part of site plan and subdivision application
2. Municipal Court Financial Report For August 2008
3. Tax Collector’s Report for August 2008
4. Publication of the Morris County Board of Chosen Freeholders – Division on Aging, Disabilities & Veterans
5. Newsletter from Arc Morris “Touchstone”
6. Celebrate the child in you at the Community Children’s Museum’s Fundraising Event
7. Letter from NJDEP re: the availability of information regarding contaminated sites within their jurisdiction
8. No Further Action Letter from NJDEP re: 20 Lincoln Avenue
9. Public Notice hearing on September 24, 2008 for a minor subdivision at 74 Baker Avenue
10. Explanation of Computed Tax Rates for the Town of Dover from the Morris County Board of Taxation
11. Public notice for Combines Flood Hazard Area Verification & Individual Permits & Freshwater Wetland General Permit North Main Street Extension, Borough of Wharton
12. NJLM Notice of the League Luncheon for all delegates on November 20, 2008
13. NJLM Notice of the Women in Government Breakfast on November 20, 2008
14. NJLM notice of the Michael A. Pane Memorial Award
15. Township of East Hanover invitation to their Annual Morris County Columbus Day Parade & Awards Dinner

**AGENDA ITEMS:**

**ORDINANCE(S) FOR DISCUSSION**

1. Ordinance #31-2008 Regulating videotaping of open public meetings by members of the general public
2. Ordinance #32-2008 Regulating Garage Sales

**DISCUSSION ON ORDINANCE #32-2008 REGULATING GARAGE SALES**

Alderman Poolas commented on the ordinance of regulating garage sales. Alderman Poolas is in favor of this ordinance however he feels the town should not get in the business of selling garage sales signs. The ordinance should specify the specifications of the signs (ex. size and information about the garage sale, time limits of the posted sign) which should be followed but the town should not sell signs.

Attorney Pennella noted that signs specifications are not required for this ordinance. Some towns have garage sale ordinances but do not mention anything about signs.

Aldermen Visioli reviewed the ordinance and he’s concerned with the enforcement of the removal of the signs. Garage Sales usually take place on the weekend when Code Enforcement employees are not on the job. The Police Department

would be the main department able to enforce this ordinance.

Mayor Dodd mentioned that the signs should specify the dates (start and completion of the garage sale) which are usually on weekends, then when Monday comes around Code Enforcement will be able to enforce the ordinance.

Attorney Pennella noted that some of the other property code provisions, where a notice of violation is given to the resident; which gives the resident an opportunity to remove the signs and if the signs are not removed a summons would be issued.

Alderman Romaine wanted to know how the public would be notified if the ordinance was approved. Mayor Dodd mentioned that it would be advertised in the newsletter.

#### **ORDINANCE(S) FOR SECOND READING**

1. Ordinance #30-2008 Repealing Section 162-2, "Drunkness and Disorderly Behavior" of the Code of Dover

#### **RESOLUTIONS**

1. Approving Bills List
2. Authorizing to enter into Executive Session
3. Authorizing an Interlocal Services Agreement for Emergency 911 Dispatch Services
4. Authorizing Dover Child Care Center, Inc. to cross municipal property
5. Approving Municipal Licenses for Mambo's Bar Café (Billiard Hall)
6. Approving Raffle License for Dover Boxing Inc. to be held on December 20, 2008
7. Approving Raffle License for Sacred Heart Church to be held from Nov. 1, 2008 to Jan. 31, 2009
8. Approving Raffle License for Sacred Heart Church to be held on Friday, October 24, 2008
9. Approving Taxi Drivers' License (As per schedule A)
10. Approving Limo License (Axel's Express)
11. Approving Mayor & Board of Aldermen Meeting Minutes – April 2008 to September 9, 2008
12. Approving Renewal of Liquor Licenses
13. Approving a reimbursement agreement with the Municipal Excess Liability Fund (MEL)
14. Approving the Settlement of a Tax Court Appeal for Townsquare Inc.
15. Awarding a professional service contract to Heyer Gruel & Assoc. for COAH Fair Share Plan update
16. Committing to petition with a Third Round Affordable Housing Plan & to expend affordable housing trust fund monies on the development of a housing element & fair share plan

Alderman Poolas commented on resolution #5, Approving Municipal License for Mambo's Café (Billiard Hall). Alderman Poolas is in favor of approving the billiard license. He noted that taverns in town have billiard & dart leagues. Billiard Halls help out in the lean months for paying the bills and he's against taking someone's livelihood away. The licenses are not cheap and he always thought pinball machines and billiard tables should not be restricted on the number that an establishment has, as long as it meets the fire department code so people can enter and exit the building safely. He feels that having a billiard hall is not detrimental to the town and believes in giving the person a chance. Billiard Halls have been trouble but you have to run them correctly just like anything else.

Alderman Romaine wants clarification on the diagram that was provided.

Mayor Dodd noted that representatives from Mambo's Café were present. He noted that he sat on the board a few years back when the billiard hall was discussed for Mambo's. There had been some concerns about the loud music and some issues that weren't done appropriately. Mayor Dodd still continues to receive complaints (loud music) and he will weigh his decision on the number of call made to the Police Department concerning Mambo's. Mayor Dodd is not against a billiard hall and he's not against anyone making a living. The establishment is in a residential neighborhood and it certainly affects the residents of that area; which weighs heavily on our decision whether or not to grant this license. Alderman Romaine brings a valid point regarding the layout. Mayor Dodd recalls having Mambo's in front of the board regarding the loud music and a vestibule was to be installed to prevent loud music from offending residential neighbors in that area. Mayor Dodd is curious to know if the vestibule was installed. Mayor Dodd needs input from the police department before he makes his decision.

Attorney Nelson Gonzalez represents Jhon Freddy Cardona, owner of Mambo's. The purpose of the application is to expand what Mambo's is offering more so than a restaurant. Mr. Cardona is trying to remove the aspect of the restaurant and provide two separate services. During the week it will be the gaming area which will be the pool hall. There will be a dividing wall with access to the gaming area only on weekdays and on the weekends it will continue to be the dance area that has been in operation for quite sometime. Mr. Cardona doesn't desire to mix both and given the competition for food and restaurants, it becomes quite lean in terms of maintaining the business. By offering the billiard tables, Mambo's will be

catering more to families who would enjoy a meal and they can now play pool and on weekends they can partake to the music.

Attorney Gonzalez commented on Mayor Dodd's concern about the vestibule. He explained that there is a vestibule with dual doors. You must enter through one set of doors that will bring you into a foyer and a second set of doors that will allow you into the dance floor. Mr. Cardona is mindful of the concerns of the board with regards to the complaints. He wants to taper off the concerns of the restaurant folks sitting around and allow them to partake in an activity. This will allow him not only to maintain his business in full service but also provide the gaming aspect. His idea is three billiard tables and his hopeful that he will be able to expand that but this is a work in progress. The restaurant business in town has taken a difficult turn given the economy and the make up of the town. Currently, it's very difficult to sustain a business just by way of the restaurant and dance area. Mr. Cardona would like to offer more. Mr. Gonzalez noted that complaints that have been levied in the past will not be the same complaints or will be diminished given the different complexion of the establishment assuming that the billiard tables are installed.

Mayor Dodd has a concern with Mr. Gonzalez's statements in the aspect that he feels that the complaints will be diminished. Mayor Dodd finds it odd that a restaurant environment will receive more complaints than billiard hall. Mr. Cardona's removing aspect of a restaurant and putting in billiard tables, Mayor Dodd feels that it would invite larger amount of complaints. His concern is that if it's a permitted use in that zone. Secondly, the conditions that were applied to the last application need to be reviewed. Mayor Dodd needs to have police and fire departments input, as well as construction and zoning officials' input, to know if a wall is built that it doesn't create a fire hazard for patrons in that restaurant. Mayor Dodd has a concern with the direct access exterior door which is ingress (in the sketch) to the billiard which then will open to the public on the front side of the building. Mayor Dodd noted that the permit will be contingent upon the comments that were stated. Mayor Dodd suggested that the resolution be tabled until the needed information is gathered to make a decision.

Attorney Nelson Gonzalez noted that the layout is just a sketch so that the board could have an idea as to what is proposed. If the board required further schematics it could be provided. Mayor Dodd noted that the construction or zoning department would require that information. Attorney Gonzalez also noted that appropriate security would be provided during the billiard and dance portion. Attorney Gonzalez noted that the billiard hall will be open from 2:00pm to 1:30am. Mayor Dodd asked if Mambo's intention was to remove the entire (kitchen) restaurant and turn it into a billiard hall. Attorney Gonzalez noted that the entire kitchen facility would be removed. The restaurant aspect would be completely abolished which would require a great deal of investment.

Attorney Pennella noted that if the permit for a billiard hall is approved, the ABC (liquor license) application would have to be amended because they require schematics to be attached to all their application. Attorney Gonzalez agreed that it will be their intent to notify ABC.

Alderman Visioli agreed with the Mayor's approach. He agreed that input from different departments will be needed prior to voting on the permit. Attorney Gonzalez noted that the complexion of the establishment will be changed however we don't want to create a hazard and they welcome the input from the different departments.

Alderman Donofrio noted that last time a pool hall was above the Harry Lorie Building it didn't have a liquor license. He's wondering if when the police review the application if they'll take into consideration whether or not the security would be ample enough for gambling occurring in that scenario. Attorney Gonzalez noted that gambling will not be allowed and security shall be provided to maintain the order of the establishment.

Alderman Timpani noted that the attorney mentioned that it will be a family oriented place. However, you're taking away the restaurant establishment and keeping the liquor and dancing, how is that a family oriented place? He explained that if you drive by the establishment the music could be heard from the vehicle and by taking the restaurant out which would keep it quiet could change things. Attorney Gonzalez noted that the music remains at a steady continuous tone and doesn't believe that the change of the establishment has anything to do with the music level.

Mayor Dodd noted that the request will be tabled until further information is gathered.

Mayor Dodd commented on the above resolution #16 - *Committing to petition with a Third Round Affordable Housing Plan and to expend affordable housing trust fund monies on the development of a housing element & fair share plan*. Awhile back the Town of Dover had entered into a professional service contract with Heyer Gruel to draft the fair share plan. Unfortunately, the State of NJ came out with Second-Third Round Ruling regarding COAH. The town stopped Heyer Gruel from drafting the share plan until the COAH Third Round came out. The Town is required by law to have a fair share housing plan and this is continuance of what was originally started. Alderwoman Romaine commented that Heyer Gruel was the consultant firm that did the Master Plan and they are extremely familiar with what the town has and what is

planned for Dover's future, so they'll be very knowledgeable with COAH.

Alderman Visioli will be abstaining from Resolution 7 & 8 (Raffle License for Sacred Heart).

Mayor Dodd noted that the board will break at 8:00pm to enter into executive session to discuss personnel issues and action may be taken at the conclusion of the meeting.

## **REGULAR MEETING MINUTES September 23, 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 7:37pm

### **ROLL CALL**

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

Absent: Alderman Delaney

Also present were Attorney Pennella and Clerk Verga

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

Mayor Dodd opened this portion of the meeting to the public for agenda items only. Seeing no hands and hearing no voices this portion of the meeting was closed.

**Mayor Dodd's Report** – Mayor Dodd has been involved with personnel related issues, the committee continues to interview for the positions for DPW Director and Administrator. He commended Alderman Visioli and the personnel committee for their efforts. Mayor Dodd also has met with surrounding towns regarding shared services. He explained that many of the surrounding towns are in the same situation regarding fiscal constraints and noted that we need to look into different areas for cost savings to the taxpayers. Mayor Dodd and Alderman Poolas attended the Red, White and Blue Sunday event that was sponsored by the First Baptist Church of Dover-Rockaway. It was an event to honor local law enforcement officers, fire departments, EMTs and paramedics. He noted that Reverend John Hackworth does a phenomenal job with the First Baptist Church. Mayor Dodd noted that the Mayor & Board of Aldermen meeting minutes are up to date and commended the staff in the administrative office for working diligently. Mayor Dodd commended Attorney Pennella for his efforts regarding the taxi litigation; recently the town had a victory in the taxi case. He also thanked and complimented Captain Ugalde for his hard work with the taxi situation in the community. Mayor Dodd notified the public that the tax assessor will be in the office on Friday mornings and no longer on Thursdays. Mayor Dodd acknowledged that Carol Walker, a long time educator in the town has expressed interest and will be appointed to the Library Board. Mayor Dodd thanked the Mayor & Council of Victory Gardens for allowing the town to use their ambulance while Dover's ambulance is being repaired.

### **ALDERMEN/COMMITTEE REPORTS –**

**Alderman Fahy** – He received complaints about King Field and the geese. There's also concern regarding the volleyball court location in Crescent Field and possibly securing another porta-potty due to the number of people in that area.

**Alderman Picciallo** – Last week, Alderman Picciallo addressed a garbage issue on Fairview Avenue regarding residents putting more than two bags out for pick-up. This morning Alderman Picciallo met with Bill Isselin, Don Costanzo, and a representative from Blue Diamond (solid waste hauler) to re-enforce the two bag limit per household. The representative of Blue Diamond will notify his employees about the two-bag rule. If more than two bags are put out on the curb, they will not be picked-up. If there's a severe violation, the board of health will be notified. If a resident needs to put out more than two bags a sticker can be purchased for \$2.50. Alderman Poolas received a request for the increase of the lumens for a street light on Baker and Fairview which has been forwarded to Luis Acevedo. Alderman Poolas and Alderman Picciallo have been addressing the issue on Davis Avenue/Rt. 15 regarding the request to turn it into a one way street. On September 30<sup>th</sup>, Attilio's Tavern will be starting a craft night once a month at Millpond Towers titled "Bridging the Gap". Alderman Poolas has been notified by the road superintendent that an area of Crescent Field has been cut down and that some citizens



**RETURN FOR EXECUTIVE SESSION**

**Alderman Visioli made a motion to return from executive session and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

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

**CONSENT AGENDA**

**ORDINANCE(S) FOR SECOND READING**

**ORDINANCE NO. 30-2008  
AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER REPEALING SECTION 162-2, "DRUNKENNESS AND DISORDERLY BEHAVIOR" OF THE CODE OF DOVER**

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

- 1. Code of the Town of Dover Section 162-2 entitled "Drunkenness and Disorderly Behavior" is hereby repealed; and
- 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.

**Mayor Dodd opened the meeting to the public for a hearing, seeing no hands and hearing no voices this portion of the meeting was closed.**

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

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

**RESOLUTIONS**

**BILL 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)

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover

**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:	\$1,549,107.86
CAPITAL ACCT claims in the amount of:	\$675.37
WATER UTILITY ACCT claims in the amount of:	\$130,480.74
WATER UTILITY RESERVE ACCT claims in the amount of:	\$4,900.00
WATER CAPITAL ACCT claims in the amount of:	



**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER  
AUTHORIZING DOVER CHILD CARE CENTER, INC. TO CROSS MUNICIPAL PROPERTY**

**WHEREAS**, Dover Child Care Center, located at the corner of North Morris Street and Clinton Street in the Town of Dover, County of Morris and State of New Jersey, has been required by the New Jersey Department of Environmental Protection (DEP) to perform an investigation of ground water on its property; and

**WHEREAS**, the sites of the monitoring wells are located on the property of Dover Child Care Center in such an area that it cannot be accessed through their property; and,

**WHEREAS**, the Dover Child Care Center, Inc. lies adjacent to the Dover Public Library and it is possible to reach the sites where the monitoring wells are to be installed from the library property; and

**WHEREAS**, Dover Child Care Center, Inc. has requested permission to cross the library property to install its wells; and

**WHEREAS**, it is in the public interest and the safety of the children attending the day care center to determine any environmental contamination so that it can be effectively remediated; 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. The Town of Dover hereby grants permission to the Dover Child Care Center to cross the library property at the rear of the library property to access its property for purpose of installing monitoring wells; and
2. This consent is conditioned upon the concurrent consent by the Trustees of the Board of the Dover Free Public Library; and
3. Dover Child Care Center, Inc. agrees to release, indemnify and hold harmless the Town of Dover and the Dover Free Public Library and its Board of Trustees from all claims, costs and expenses, including reasonable attorney's fees resulting from their use of the Dover Free Public Library property; and
4. Dover Child Care Center, Inc. shall provide proof of liability insurance in the minimum amount of \$ 1,000,000.00 naming the Town of Dover and the Dover Free Public Library as additional insureds; and
5. Dover Child Care Center, Inc. shall be required to post a performance bond for the installation and removal of the wells as directed by the municipal engineer of the Town of Dover; and
6. Prior to the performance of any work, complete plans and details of the well installation must be submitted to the municipal engineer of the Town of Dover for review and approval, which work may not proceed until approved by the municipal engineer.
7. All disturbed areas shall be restored to their original condition. If trees or bushes are to be removed or are damaged, they shall be replaced at the expense of Dover Child Care Center, Inc.

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

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

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

**WHEREAS**, applications for a billiard hall license has been made by Mambo's Bar and Café located at 90 Belmont Ave; and

**WHEREAS**, the appropriate fees have been paid for three pool tables and the license shall be prominently displayed by attaching the same on each device, 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 a Billiard Hall license for those for Mambo's Bar and Café is hereby approved.





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

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

**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 - Norberto Gonzalez  
Axel’s Express Taxi & Limo – Ana Rosa Acevedo**

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

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

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

**WHEREAS**, Axel’s Express Taxi & Limo, has applied for a license to operate the vehicle(s) listed below hereto and made a part hereof as taxicab(s) in the Town of Dover; and

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

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

- |    |                        |               |              |             |                |
|----|------------------------|---------------|--------------|-------------|----------------|
| 1. | 2001 Lincoln Town Car  | Passengers: 5 | Color: Black | VIN #656476 | Plate #OL7591G |
| 2. | 2001 Lincoln Town Car  | Passengers 5  | Color: Black | VIN #664650 | Plate #OL3395G |
| 3. | 2005Toyota Sienna      | Passengers: 6 | Color Black  | VIN #286712 | Plate #OL7592G |
| 4. | 2000 Chrysler Town Car | Passengers: 6 | Color: Black | Vin #24234  | Plate #OL7593G |

**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 Fahy, Poolas, Visioli, Donofrio, Picciallo, Timpani, Romaine and Mayor Dodd  
Nays: None                      Absent: Alderman Delaney                      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 8 & 22, 2008 – Caucus and Regular      July 8 & 22, 2008 – Caucus and Regular  
May 13 & 27, 2008 – Caucus and Regular      August 12 & 26, 2008 – Caucus and Regular  
June 10 & 24, 2008 – Caucus and Regular      September 9, 2008 – Caucus and Regular

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

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

**RESOLUTION**

**WHEREAS**, the herein named duly filed applications for renewal of their Alcoholic Beverage Licenses for their respective premises as listed below for July 1, 2008 to June 30, 2009; 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 listed below.

AC Doit Corp		Mark Mont Inc.	
T/A Unique Bar	1409-33-005-006	T/A Charlotte's Web	1409-33-031-003
97 E. Blackwell St.		39 W. Clinton St.	

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

**APPROVING A REIMBURSEMENT AGREEMENT WITH THE MUNICIPAL EXCESS LIABILITY FUND (MEL)**

**WHEREAS**, the MEL has agreed to advance the sum of \$375,000.00 to the Town of Dover to meet certain obligations pursuant to a municipally approved settlement agreement; and

**WHEREAS**, as a condition of their advance of these funds, the Town has agreed to repay the money in 36 monthly installments commencing January 1, 2009; and,

**WHEREAS**, the MEL has requested a resolution to memorialize this agreement; 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. The Town of Dover shall accept the sum of \$375,000.00 from the MEL; and
2. The Town hereby agrees to repay the sum above mentioned to the MEL in 36 monthly installments commencing January 1, 2009.

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

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER  
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL ON BLOCK 603, LOT 1**

**WHEREAS**, Townsquare Inc. filed an appeal with the Tax Court of New Jersey bearing Docket # 002015-2006 and # 000703-2007 for property located at 22-40 Richboynton Road, Dover, New Jersey being further described as Block 603, Lot 1; and

**WHEREAS**, the Tax Assessor has reviewed Answers to Interrogatories and leases and has consulted with the expert appraiser for the Town, Robert J. Edgar, who has thoroughly reviewed the appeal and discovery provided by the taxpayer; and,

**WHEREAS**, the current assessment is \$3,872,000.00; and

**WHEREAS**, after review and negotiations with the taxpayer, a settlement has been reached as follows:

- 2006 – Withdraw the complaint
- 2007 – \$3,500,000.00
- 2008 – \$3,250,000.00; and

**WHEREAS**, no refund is to be paid and instead a credit is to be granted; and

**WHEREAS**, no interest is to be paid; and

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Dover believe it to be in the interest of the Town to approve of such settlement based on the Tax Assessor and expert appraiser’s recommendation;

**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 tax court appeals of Townsquare Ind. in the above referenced tax court cases are hereby approved to be settled on the terms set forth above.
2. The Tax Assessor and Municipal Attorney are hereby authorized to execute the Stipulation of Settlement for filing with the New Jersey Tax Court.

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

**RESOLUTION AWARDED A PROFESSIONAL SERVICE CONTRACT  
TO HEYER GRUEL & ASSOCIATES FOR COAH FAIR SHARE PLAN UPDATE**

**WHEREAS**, the Town of Dover has received a proposal for the COAH Fair Share Plan Update; and

**WHEREAS**, the plan is necessary to comply with the COAH Regulations; and

**WHEREAS**, funds are available for this work through the Municipal Housing Trust Fund for \$11,800.70 and the 2007 Local Budget for \$5,699.30; and

**WHEREAS**, the work to be performed as outlined in the attached proposal is determined to be a Professional Service and therefore exempt from the Public Bidding Requirement as per N.J.S.A. 40A:11-5 et seq.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris that a contract with a maximum amount of \$17,500.00 for COAH Fair Share Plan is hereby awarded to Heyer, Gruel & Associates, 63 Church Street, New Brunswick, NJ 08820.

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

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

**RESOLUTION COMMITTING TO PETITION WITH A THIRD ROUND AFFORDABLE HOUSING PLAN AND TO EXPEND AFFORDABLE HOUSING TRUST FUND MONIES ON THE DEVELOPMENT OF A HOUSING ELEMENT AND FAIR SHARE PLAN FOR**

**TOWN of DOVER**

**WHEREAS**, on December 17, 2007, COAH proposed revised third round regulations that require municipalities with pending petitions to adopt a revised Housing Element and Fair Share Plan in conformance with the revised third round regulations and petition in accordance with the deadlines prescribed in the proposed procedural rules; and

**WHEREAS**, COAH's current regulations at N.J.A.C. 5:97-6.12(e), allow 20 percent of monies deposited in a municipal housing trust fund account to be expended on administrative costs, which includes, but is not limited to, consultant fees necessary to develop or implement a Housing Element and Fair Share Plan in accordance with COAH's proposed third round; and

**WHEREAS**, the Town of Dover petitioned COAH for substantive certification of a third round Housing Element and Fair Share Plan on December 20, 2005; and

**WHEREAS**, pursuant to N.J.A.C. 5:94-6.2(c), a municipality under the Council's jurisdiction shall not spend development fees unless the Council has approved a plan for spending such fees and until the municipality has received substantive certification or a judgment of compliance; and

**WHEREAS**, on March 25, 2008, COAH issued a blanket waiver from N.J.A.C. 5:94-6.2(c) for municipalities with COAH approved development fee ordinances and an established housing trust fund account to allow the expenditure of up to 20 percent of housing trust funds prior to the grant of certification and/or approval of a spending plan, on the cost of developing a revised Housing Element and Fair Share Plan in accordance with COAH's new third round rules; and

**WHEREAS**, the waiver issued by the Council requires that the Town of Dover shall pass a resolution stating the current balance in the municipal housing trust fund account and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules, shall not exceed 20 percent allowed for administrative costs.

**NOW THEREFORE BE IT RESOLVED** by the Board of Aldermen of the Town of Dover, in the County of Morris, State of New Jersey, that the Town of Dover commits to petition COAH for substantive certification of a newly adopted Housing Element and Fair Share Plan in accordance with COAH's new third round regulations; and

**BE IT FURTHER RESOLVED** that the Town of Dover's current balance in the municipal housing trust fund account is \$59,003.50 and the 20 percent allowed for administrative costs equals \$11,800.70 and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules is \$17,500.00 which results in a shortfall of \$5,699.30 and said shortfall shall be made up with funding by the Town of Dover already budgeted for; and

**BE IT FURTHER RESOLVED** that this resolution shall be submitted to COAH within seven days of the municipal governing body action.

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

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

**PUBLIC COMMENTS – Three Minutes per Person**

**Mr. Palanchi** – Address inaudible- Mr. Palanchi noted that on the ice cream trucks do not have garbage receptacles which should be noted when the ordinance is reviewed. Mr. Palanchi wanted to know on what side the crossing guard has to be stationed when crossing the children at the East Dover School. He noted that the crossing guarded should be stationed

nearest from where the children are exiting or entering. For example, when the children are walking towards the school the crossing guard should be on the eastside of Rt. 46 and when the children are exiting the crossing guard should be on the Westside of Rt. 46. Mayor Dodd noted that they will look into the matter. He also wanted to know how many times a person can receive a noise complaint until further action is taken. Mayor Dodd explained that it is police department's discretion. Attorney Pennella explained that the police will make an inquiry and ask the resident to reduce the sound level and if the resident complies they typically do not issue a ticket. However, if there has been repeated offenses they may charge but the officer do have some discretion to charge.

**Antonio Acosta** – 130 Madison Street – Mr. Acosta congratulated the town with the (taxi) judgment. Mr. Acosta has some concern with what he believes was once a baseball field behind Spruce Street. He noted that it's becoming an eyesore with the grass growing over the sand. He noted that a decision should be made if the field should be a baseball or soccer field. Mr. Acosta is concerned with the property maintenance and downtown aesthetics. He doesn't understand why it's so difficult to control and enforce the rules. He noted that there are numerous violations that are so clear and he doesn't understand why they are not addressed.

**Connie Sibona-Foster** – 90 Penn Avenue – Ms. Foster noted that the Salvation Army building (which is really not the Salvation Bldg.) has become an eyesore. She noted that if you pass by there on Sunday nights or Monday morning you can see the problem. People drop off huge bags of clothing and then others rip through it and the clothing is scattered all over the property. She asked if the town (code enforcement) could talk with them to solve the problem.

**Seeing no hands and hearing no voices, Mayor Dodd closed this portion of the meeting.**

**Motion made by Mayor Dodd to adjourn at 9:01 p.m.,  
Seconded by Alderman Visioli and passed by the following voice vote.**

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

**Respectfully submitted,**

**Margaret J. Verga, Municipal Clerk**