



TOWN OF DOVER MAYOR & BOARD OF ALDERMEN

REGULAR MEETING MINUTES
DOVER TOWN HALL
37 N. SUSSEX ST., DOVER, NJ 07801
FEBRUARY 11, 2020

Mayor Carolyn Blackman called the February 11, 2020 Regular Meeting of the Mayor and Board of Alderman to order at 7:02p.m. and read the Sunshine Statement that the meeting was being held in accordance with the Open Public Meetings Act, also known as the Sunshine Law, N.J.S.A. 10:4-6. Notice of the meeting was sent to the Daily Record and Star Ledger on January 4, 2020 and published in the Record and Ledger on January 10, 2020. Notice was also posted on the Bulletin Board in Town Hall. Mayor Blackman also advised that under State Law that there is a no smoking in this public building and asked those in attendance to take notice of the emergency exits in the event of an emergency.

The Mayor then led those in attendance in the salute to the flag. Acting Clerk Schmidt then conducted the roll which resulted in the following:

Name	Present	Absent	Excused
Alderman Correa	X		
Alderman Tapia	X		
Alderman Ballesteros	X		
Alderwoman Rugg	X		
Alderwoman Cruz	X		
Alderman Valencia	X		
Alderman Quinones	X		
Alderwoman Wittner	X		
Mayor Blackman	X		

Following the roll, the Clerk announced that all members of the Governing Body were present and there was a quorum. Also present at the meeting was Acting Municipal Clerk John P. Schmidt, Town Attorney Timothy P. Downs, Deputy Administrator Carlos N. Sanchez and Labor Attorney Scott Salmon.

The first item for consideration were the meeting minutes of the January 28, 2020 Regular Meeting. Alderwoman Wittner made a motion to approve, seconded by Alderman Quinones.

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion								X	
Second							X		
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The motion carried 9-0.

The Board then considered the October 22, 2020 Caucus and Regular Monthly Meeting Minutes. Alderwoman Wittner made a motion to approve, seconded by Alderman Quinones.

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion								X	
Second							X		
Yes							X	X	X
No									
Abstain	X	X	X	X	X	X			

The motion carried 3-0-6.

REPORT OF COMMITTEES

Alderman Correa and Mayor Blackman gave an update on the Special Committee for Recommending Amendments to Chapter 2 of the Town Code. The committee met for over three hours to discuss various needed amendments and will be meeting again. It is possible that a draft could be presented and introduced by the next meeting but it is more likely that the final draft will be completed by the first meeting in March. Acting Clerk Schmidt noted that edits will be sent to the committee in preparation for the next committee meeting. Mayor Blackman thanked the Clerk for his comments and further added that it is best to spend the time to do it correctly the first time.

PRESENTATIONS OF COMMUNICATIONS, PETITIONS, ETC.

Mayor Blackman asked Clerk Schmidt to review the communications on the agenda. Clerk Schmidt reviewed the communications including Communication from Rockaway Township about Rt. 46; Communication from MCANJ IT Committee Fendon Township concerning Board of Education Election and Communication from the Dover Zoning Board Annual Report. Acting Clerk Schmidt explained that the Zoning Board is required to send an annual report to the Governing Body. He commented that it was sent to the committee of jurisdiction and also communicated to all members of the Board at this meeting. He mentioned that the last item, honoring Rafael Castro for scoring his 1,000th career point as a member of the Dover High School Basketball team will occur at the next meeting.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

After reading a statement and procedures for public comment, the Mayor then opened the floor up to the public who wished to make comments on agenda items only.

Stacey Gregg – 40 Sunrise Road, Wharton (Rockaway) – Mrs. Gregg spoke about OPMA issues and that she did not see the backup data for the agenda online. She said that the Board is violating OPMA. Acting Clerk Schmidt explained the process to Mrs. Gregg. He stated the agenda was posted online on Friday and that the backup data was available at the meeting. He said that the issue of the backup data being provided sooner is something that the Town of Dover

has never done and it is not a violation of OPMA as the Appellate Division overturned Operdeck v. Midland Park Board of Education, which was a decision by Judge Doyne in Bergen County. He commented that all is required is an agenda be provided to the public but Dover provides all the backup data for those attending the meeting.

Cain Pope – 36 Cayoga Ave. Roxbury, NJ: Mr. Pope asked what the communication from Rockaway Township / Route 46 was about. Mayor Blackman read the letter from Rockaway and stated that the information received from Rockaway was all the Town had. Bill Isselin, the Asst. Town Engineer explained that the DOT is asking municipalities to support their project which includes upgrading some traffic signals, installing handicap ramps and installing new crosswalks along Route 46. He said that Dover will be having a teleconference meeting on Friday this week. If DOT gets approval they hope to do the work in 2024.

T.C. McCourt – 32 Davis Ave., Dover: Mr. McCourt asked if the names of the recreation committee would be announced. Mayor Blackman responded that they would.

Seeing that no one else wished to comment, Mayor Blackman closed the public comment portion on agenda items only.

Mayor Blackman then gave some background on the recreation department and the committee. She said the administration is looking at different ways of doing some things and re-establishing the recreation committee is one of those things which is being done. She announced the members of the committee, some of whom were in attendance and also said that Aldermen Quinones and Ballesteros would be working with the committee. One of the things that the committee is going to do is conducting an assessment and review of all programs and recommend what to keep and build on and look at programs to add.

APPROVAL OF VOUCHERS

The Governing Body the considered the Bills List / Res. 63-2020. A motion was made by Alderman Correa, seconded by Alderman Ballesteros to approve.

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second			X						
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The motion carried 9-0 and the Bills List / Res. 63-2020 was approved.

APPROVAL OF RESOLUTIONS

The Governing Body then acted upon the consent agenda resolutions.

- 1) Res. 64-2020 – Appointment of Tax Searcher and Assessment Searcher
- 2) Res. 65 -2020 – Appointment of Assistant Town Treasurer

- 3) Res. 66 -2020 – Changing Custodian of the Petty Cash Fund
- 4) Res. 67 -2020 – Recognizing the Achievement of Rafael Castor for scoring his 1,000th career point as a member of the Dover High School Boys Basketball Team.
- 5) Res. 68 -2020 – Endorsing Sewer Extension for Block 606, Lot 18
- 6) Res. 69 -2020 – Appointment of Interim CFO / Interim Treasurer

A motion was made by Alderman Ballesteros, seconded by Alderman Correa to approve the consent agenda resolutions, except Res. 67.

Resolutions 64, 65, 66, 68 and 69-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion			X						
Second	X								
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Resolutions 64-2020 to 66-2020 and 68-2020 and 69-2020 passed by a vote of 9-0.

The Governing Body then acted upon the non-consent agenda resolutions. A motion to adopt Resolution 70 - Approving Settlement Agreement between PBA Local #107 and the Town of Dover was made by Alderwoman Wittner, seconded by Alderman Correa.

Res. 70-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion								X	
Second	X								
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Resolution 70-2020 passed by a vote of 9-0.

The Governing Body then considered Res. 71-2020 – Authorizing a closed session for three items: Litigation: A.B. Designs Contracting Corp. v. Town of Dover, MRS-L-2448-19, Schmidt, Hollenbeck and Valencia v. Dover Board of Aldermen and Mayor James P. Dodd, MRS-L-2499-19 and Personnel: Personnel status as it relates to employee(s) in the Recreation Department. A motion was made to adopt the resolution by Alderman Correa seconded by Alderwoman Cruz.

Res. 71-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second					X				
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The resolution was approved 9-0. It was announced in the reading of the resolution that the Governing Body would be in Closed/Executive Session for about 40 minutes. The Governing Body entered closed session at 7:30 which ended at 8:12p.m. Mayor Blackman called the public portion of the meeting back to session at 8:15p.m.

ORDINANCES FOR SECOND READING/ADVERTISED HEARINGS

(The Aldermember Moving the Motion / Ordinance, the Aldermember Seconding and the Votes of Each Member are included in the tables below the description of each vote. All motions to open for public hearing, close the public hearing and adopt each Ordinance for second reading were approved by a 9-0 vote of the Governing Body of the Town of Dover).

The Governing Body then considered Ord. 06-2020 – Ordinance of the Town of Dover, County of Morris and State of New Jersey amending Chapter 68 (Department of Recreation) of the Code of the Town of Dover to update the Administration of the Recreation Department.

Motion to Open Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second								X	
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The Mayor opened the public hearing. Seeing that no one wished to address the Governing Body, Mayor Blackman entertained a motion to close the public hearing.

Motion to Close Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion			X						
Second	X								
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Adoption of Ordinance 06-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second								X	
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The Governing Body then considered Ord. 07-2020 – Ordinance of the Town of Dover, County of Morris and State of New Jersey Authorizing the Mayor and Deputy Business Administrator to take all steps necessary to Purchase Block 1207, Lot 1 also known as 15 North Sussex Street

Motion to Open Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion								X	
Second			X						
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The Mayor opened the public hearing.

Cain Pope – 36 Cayoga Ave. Roxbury, NJ: Mr. Pope asked if the ordinance was to purchase the lot and received a response that it was. Mr. Pope asked for the purpose. Deputy Administrator Sanchez explained that in economic development a square off parcel was important to have, whether the Town moves forward with that for the Municipal Building or something else. Mr. Pope also asked if the price was \$650,000 for the lot and the building which is a bar. It was explained that it was for both. He also asked about taxes and said that the bar is the oldest in Town and should it operate.

Seeing that no one else wished to address the Governing Body, Mayor Blackman entertained a motion to close the public hearing.

Motion to Close Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion			X						
Second	X								
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Adoption of Ordinance 07-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion								X	
Second					X				
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The Governing Body then considered Ord. 07-2020 – Ordinance of the Town of Dover, County of Morris and State of New Jersey amending the Code of the Town of Dover creating the position of Constituent Affairs Coordinator.

Motion to Open Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion			X						
Second								X	
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

The Mayor opened the public hearing. Seeing that no one wished to address the Governing Body, Mayor Blackman entrained a motion to close the public hearing.

Motion to Close Public Hearing

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second			X						
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Adoption of Ordinance 08-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion							X		
Second					X				
Yes	X	X	X	X	X	X	X	X	X
No									

Abstain									
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INTRODUCTION OF ORDINANCES:

The Board then considered Ord. 09-2020 – Ordinance of the Town of Dover, County of Morris and State of New Jersey Repealing and Replacing Chapter 25 of the Code of the Town of Dover.

Ordinance 09-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion	X								
Second			X						
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

Ordinance 09-2020 was introduced 9-0.

UNFINISHED OR NEW BUISNESS / ALDERMEN COMMENTS

The Board discussed appointing an OPRA custodian for the Police Department. Currently the Municipal Clerk serves as the Custodian of Records for all municipal departments. Acting Clerk Schmidt explained that after discussion with the Attorney and others he wanted to bring this issue to the Board. There are some records within the police department that a civilian is not allowed to view and that is what prompted bringing this item for discussion to the Governing Body. Also in attendance was Captain Jonathan Delaney, Chief Law Enforcement Officer of the Police Department and Daniel DeGroot, Public Safety Director. Captain Delaney commented that this can be done if the Governing Body wished to adopt a resolution appointing him as the Custodian of Records for the Police Department. Attorney Downs also spoke about OPRA and the police department and about having proper processes. He also said that the Town’s OPRA attorney, Walter Lurers could do a training and this is part of the open government initiative of the Mayor and administration.

Alderman Ballesteros made a motion to adopt Res. 72-2020, appointing the Chief Law Enforcement Officer, Captain Jonathan Delaney as the Records Custodian of the Police Department. The Motion was seconded by Alderwoman Rugg.

Resolution 72-2020

	A.M. Correa	A.M. Tapia	A.M. Ballesteros	A.M. Rugg	A.M. Cruz	A.M. Valencia	A.M. Quinones	A.M. Wittner	Mayor Blackman
Motion			X						
Second				X					
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

PUBLIC COMMENT:

The Mayor then opened the meeting for public comment on any issue.

Maribal Garland – 138 Oxam Drive, Dover, NJ: Ms. Garland is a new member of the recreation committee. She stated she is excited to be back as a volunteer and thanked the Mayor for the appointment.

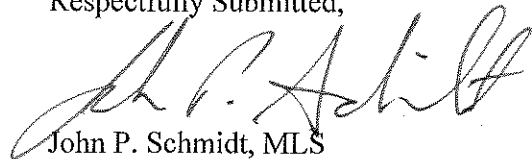
Cain Pope – 36 Cayoga Ave. Roxbury, NJ: Mr. Pope spoke to the Mayor about having a meeting and said that his church is having an event coming up at the theatre and asked what the best way to communicate with the Town was. He also had question on police officers on leave. Deputy Administrator states that was a personnel issue.

Dominic Timpani – 2 Elm Street, Dover, NJ: Mr. Timpani asked Captain Delaney how long he has been with the Department. The answer was 2009. Mr. Timpani commented that when he was on the Board, in 2006 the old Mayor stopped hiring because he did not like Dealney's father. Mr. Timpani congratulated the Captain on his appointment as Chief Law Enforcement Officer and said he has always been a good officer.

Seeing that no one else wished to address the Governing Body, Mayor Blackman closed the public comment portion of the meeting. Alderman Correa thanked the Mayor and professionals and said that the administration inherited a mess. He said that the Mayor is creating is a government that is open and thanked the Mayor, professionals and employees.

The Mayor then entertained a motion to adjourn. Alderwoman Wittner moved to adjourn, second by Alderman Ballesteros. On voice vote, 9-0 (Aldermembers Correa, Tapia, Ballesteros, Rugg, Cruz, Valencia, Quinones, Wittner and Mayor Blackman in favor) the meeting was adjourned at 8:44p.m.

Respectfully Submitted,



John P. Schmidt, MLS
Acting Municipal Clerk