



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  
**CAUCUS MEETING MINUTES**  
**November 23, 2010 7:00 PM**

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

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

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

**ROLL CALL:**

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

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

**FOOTBALL PRESENTATION**

**MUNICIPAL CORRESPONDENCE:**

1. Resolution from the Borough of Wharton Re: Opposing Assembly Bill No. 2095 which revises requirements for medical service delivery
2. Ordinance from Township of Randolph re: re-adopting Section 15-52, Lot Grading Permits
3. Letter from NJ State League of Municipalities Re: Newly Elected Officials
4. October 2010 Legislative Bulletin from NJ State League of Municipalities
5. Invitation to attend "An Orientation for Municipal Officials that are newly elected, re-elected or experienced from New Jersey State League Municipalities
6. Invitation to attend "19<sup>th</sup> Annual Mayors' Legislative Day" from New Jersey State League of Municipalities

**CONSENT AGENDA**

1. Resolution Approving Limos - Schedule A
2. Resolution Approving NJ Transit Bus Stop Location - W. Blackwell Street
3. Resolution Approving NJ Transit Bus Stop Location - Penn Avenue
4. Resolution Approving NJ Transit Bus Stop Location - Mt. Hope Ave., So. Morris St., E. Blackwell St.

**ORDINANCE FOR INTRODUCTION**

1. Ordinance #20-2010 – Amending Chapter 236 – Private Storm Drain inlet Retrofitting
2. Ordinance #21-2010 – Amending Chapter 333 – Covering of Refuse Containers/Dumpster
3. Ordinance #22-2010 – Amending Project Description of Bond Ordinance No. 29-2008

**AGENDA ITEMS:**

**RESOLUTIONS**

1. Approving Bills List
2. Approving Mayor & Board of Aldermen Meeting Minutes – November 9, 2010
3. Authorizing the sale & issuance of bond anticipation notes
4. Approving Volunteer Fire Department Member – Javier Ojedis
5. Approving Special Permit for Social Event for Casa Puerto Rico to be held on 12/31/10
6. Approving Liquor License Transfer from Twice 21 Inc. to Just A Bar Corp.

Alderman Poolas & Alderman Delaney abstained from the bills list due to a payment that pertains to the Memorial Association.

Alderman Picciallo abstained from the bills list due to a payment to the Memorial Association and a refund of a construction permit.

**REGULAR MEETING MINUTES**  
**November 23, 2010**

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

The meeting was called to order by Mayor Dodd at 7:39 pm

**ROLL CALL**

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

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

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

Mayor Dodd closed the meeting to the public.

**WARREN DARNULC** – 151 Grant Street – Mr. Darnulc asked for specific details on the projects that are listed in bond ordinance no. 22-2010. Mr. Close explained all the projects were approved in bond ord. 29-2008 and this ordinance is amending the project description by reducing town hall improvements by \$13,000 and re-appropriating it to library improvements. Mr. Darnulc asked for clarification on the resolution authorizing the sale & issuance of bond anticipation notes. Attorney Pennella provided clarification on the bond anticipation note sale process.

**ED RIDNER** – 33 Knickerbocker – Mr. Ridner explained that it may be difficult to maintain the garbage can lids since they sometimes go missing after a pickup day (heavy winds). Alderwoman Romaine read a section of the ordinance and noted that the lids may only be required while storing the garbage. Attorney Pennella commented that the ordinance is to bring the town in compliance with the storm water management legislation from the state. He noted that most towns have the blue recycling containers and expressed it wouldn't be a bad idea. Mayor Dodd explained that Alderman Picciallo and Alderman Poolas were very aggressive in purchasing recycle cans but noted that the expense would be in excess of \$100,000.00.

Seeing no hands and hearing no voices, Mayor Dodd closed the meeting to the public.

**MAYOR'S REPORT** – Mayor Dodd commented that some of the board members attended the League of Municipalities. He attended several seminars including the 2% cap that the Governor is putting into effect in 2011, the Governor's Tool Kit which focused on areas like arbitration, civil service and collective bargaining. Mayor Dodd provided an explanation on the seminars that he attended. Mayor Dodd made the following announcements:

- \*A special train that will stop at Town Hall, on Sunday, December 12<sup>th</sup> to collect donated toys for Toys for Tots.
- \*The Turkestanian American Association will host a Thanksgiving dinner on Wednesday, November 24, 2010. Mayor Dodd thanked Alderwoman Blackman for her assistance with the volunteer process. Alderwoman Blackman noted that so far there's about 188 dinners requested for delivery and there are 5 drivers and 14 volunteers.
- \*The Tree Lighting is scheduled for Wednesday, December 1<sup>st</sup> with a rain date of Thursday, December 2<sup>nd</sup>.
- \*The contractors working at Chestnut Street have begun installation of new curbing, concrete work should be completed early next week and the paving should be finished by December 6<sup>th</sup>.

Alderman Poolas noted that there's no definition for litter receptacles in ordinance no. 21-2010.

Attorney Pennella commented that before the ordinance is moved, a definition can be added to say "as those receptacles put out by the municipalities."

**ADMINISTRATOR CLOSE** – No report

**ATTORNEY'S REPORT** – Attorney Pennella commented that the town received a notice from the Briard Lodging Group expressing that they are selling as part of a bulk sale, Dover is only one (1) of ten (10) units. Attorney Pennella explained that under the deed they can't transfer title without consent from the board. He noted that he will advise counsel, in order, to obtain the needed information.

**CONSENT AGENDA**

**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**, the following companies, have applied for a license to operate the vehicle(s) listed below on Schedule A hereto and made a part hereof as taxicab(s)/limo(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/limos;

**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)/limo(s) listed below are hereby approved for taxi/limo license(s) in the Town of Dover.

**Schedule A**

**ELITE LIMO & TAXI SERVICE, LLC**

- |                        |                      |                     |                    |                       |
|------------------------|----------------------|---------------------|--------------------|-----------------------|
| 1. 2003 Dodge (LIMO)   | <b>Passengers:</b> 6 | <b>Color:</b> Jade  | <b>VIN:</b> 325692 | <b>Plate#</b> OL9820G |
| 2. 2002 Lincoln (LIMO) | <b>Passengers:</b> 5 | <b>Color:</b> Black | <b>VIN:</b> 603348 | <b>Plate#</b> OL2670H |

**CITY LIMO & TAXI INC.**

- |                      |                       |                     |                     |                       |
|----------------------|-----------------------|---------------------|---------------------|-----------------------|
| 1. 2002 Chevy (LIMO) | <b>Passengers:</b> 12 | <b>Color:</b> White | <b>VIN:</b> 1212760 | <b>Plate#</b> OL4116H |
| 2. 2001 Dodge (LIMO) | <b>Passengers:</b> 6  | <b>Color:</b> Blue  | <b>VIN:</b> 213914  | <b>Plate#</b> OL2579G |
| 3. 2002 Dodge (LIMO) | <b>Passengers:</b> 6  | <b>Color:</b> Black | <b>VIN:</b> 725965  | <b>Plate#</b> OL8830G |

**FIRST CLASS OF DOVER, INC.**

- |                          |                      |                     |                    |                       |
|--------------------------|----------------------|---------------------|--------------------|-----------------------|
| 4. 2000 Chrysler (LIMO)  | <b>Passengers:</b> 6 | <b>Color:</b> Blue  | <b>VIN:</b> 636444 | <b>Plate#</b> OL3266H |
| 5. 2002 Dodge (LIMO)     | <b>Passengers:</b> 6 | <b>Color:</b> Green | <b>VIN:</b> 710705 | <b>Plate#</b> OL3265H |
| 6. 2002 Chevrolet (LIMO) | <b>Passengers:</b> 6 | <b>Color:</b> Blue  | <b>VIN:</b> 206523 | <b>Plate#</b> OL7595G |

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

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

**RESOLUTION**

**WHEREAS** the Governing Body of the Town of Dover, County of Morris, State of New Jersey, has received a proposal to consider certain Bus Stop Locations along State Highway Route 46 therefore;

**BE IT RESOLVED** by the Governing Body that in accordance with N.J.S.A. Title 39:4-138.1, the Commissioner of Transportation be requested to adopt a regulation to effect the following Bus Stop Locations and in accordance with the provisions of N.J.S.A. Title 39:4-198 permission is hereby granted to erect appropriate signs at the following Bus Stops:

STATE HIGHWAY

1. **Along West Blackwell Street (Route 46), eastbound on the southerly side thereof at:**
  - a. S. Elk Avenue - (Near Side)  
Beginning at the westerly curb line of S. Elk Avenue and extending 105 feet westerly therefrom. (In front of St. Clare's Hospital.)
2. **Along West Blackwell Street (Route 46), westbound on the northerly side thereof at:**
  - b. N. Elk Avenue – (Far Side)  
Beginning at the westerly curb line of N. Elk Avenue and extending 100 feet westerly therefrom. (Across from St. Clare's Hospital.)

**BE IT FURTHER RESOLVED** that a copy of this Resolution, duly certified by the Clerk of this Town be forwarded to the Department of Transportation.

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

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

**RESOLUTION**

**BE IT RESOLVED** by the Governing Body of the Town of Dover, County of Morris, State of New Jersey.

That pursuant to N.J.S.A. 39-4-8(e) the following described locations are designated as bus stops:

**Municipal Road**

1. **Along Penn Avenue, eastbound on the southerly side thereof at:**
  - a. Fifth Street - Near Side  
Beginning at the westerly curb line of Fifth Street and extending 105 feet westerly therefrom.
2. **Along Penn Avenue, westbound on the northerly side thereof at:**
  - a. Kensington Avenue - Near Side  
Beginning at the easterly curb line of Kensington Avenue and extending 105 feet easterly therefrom.

That the Governing Body of the Town of Dover will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

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

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

**RESOLUTION**

**BE IT RESOLVED** by the Governing Body of the Town of Dover, County of Morris, State of New Jersey.

That pursuant to N.J.S.A. 39-4-8(e) the following described locations are designated as bus stops:

**County Road**

**Added:**

1. **Along Mt. Hope Avenue, northbound on the easterly side thereof at:**
  - a. McDavitt Place – Far Side  
Beginning at the northerly curb line of McDavitt Place and extending 100 feet      northerly therefrom.
  - b. Berry Street - Near Side  
Beginning at the southerly curb line of Berry Street and extending 105 feet      southerly therefrom.
2. **Along Mt. Hope Avenue, southbound on the westerly side thereof at:**
  - a. King Street - Near Side  
Beginning from the prolongation of the northerly curb line of King Street and extending 105 feet northerly therefrom.
  - b. Segur Street - Near Side  
Beginning at the northerly curb line of Segur Street and extending 105 feet      northerly therefrom.
3. **Along S. Morris Street, northbound on the easterly side thereof at:**
  - a. Boonton Avenue – Far Side  
Beginning at the northerly curb line of Boonton Avenue and extending 100 feet      northerly therefrom.
4. **Along S. Morris Street, southbound on the westerly side thereof at:**
  - a. Penn Avenue - Near Side  
Beginning at the northerly curb line of Penn Avenue and extending 105 feet      northerly therefrom.
5. **Along East Blackwell Street, eastbound on the southerly side thereof at:**

- a. Bergen Street - Near Side  
Beginning at the westerly curb line of Bergen Street and extending 105 feet northerly therefrom

That pursuant to N.J.S.A. 39-4-8(e) the following described location is deleted as a bus stop:

**Deleted:**

**6. Along East Blackwell Street, eastbound on the southerly side thereof at:**

- a. Bergen Street – Far Side  
Beginning at easterly curb line of Bergen Street and extending 100 feet easterly therefrom.

That the Mayor and Council of the Town of Dover will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

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

**ORDINANCES FOR INTRODUCTION**

**ORDINANCE NO. 20-2010**  
**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,**  
**COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 236 –**  
**LAND USE AND DEVELOPMENT OF THE CODE OF THE TOWN OF DOVER TO CREATE**  
**ARTICLE VC – PRIVATE STORM DRAIN INLET RETROFITTING.**

**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**

Chapter 236, Land Use and Development, is supplemented with Article VC – Private Storm Drain Inlet Retrofitting as follows:

**ARTICLE VC, Private Storm Drain Inlet Retrofitting**

**§ 236-63.23. Purpose.**

The purpose of this Article is to meet the requirements of the Town of Dover’s Municipal General Stormwater Permit - Statewide Basic Requirement F.5.h., requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Town of Dover so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 236-63.24. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Town of Dover or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STORM DRAIN INLET**- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 236-63.25. Prohibited Conduct**

A. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- (1) Already meets the design standard below to control passage of solid and floatable materials; or
- (2) retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

**§ 236-63.26. Design Standard.**

Storm drain inlets identified in Section 64.25 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 63.26.C. below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

- (1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- (2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - [a] A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - [b] A bar screen having a bar spacing of 0.5 inches.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**Section 2**

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

**Section 3**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 4**

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

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

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

Attorney Pennella amended ordinance no 21-2010 to clarify the definition for "litter receptacles" which shall reflect the following: any containers placed by the town along sidewalks or any public places for use of the public.

**ORDINANCE NO. 21-2010**  
**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,**  
**COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 333 –**  
**SOLID WASTE DISPOSAL OF THE CODE OF THE TOWN OF DOVER TO CREATE ARTICLE IIIA –**  
**COVERING OF REFUSE CONTAINERS / DUMPSTERS.**

**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**

Chapter 333, Solid Waste Disposal, is supplemented with Article IIIA – Covering and Leaking of Refuse Containers / Dumpsters as follows:

**ARTICLE III – Covering and Leaking of Refuse Containers / Dumpsters**

**§ 333-9.1. Purpose.**

The purpose of this Article is to meet the requirements of the Town of Dover's Municipal General Stormwater Permit - Statewide Basic Requirement F.5.f., requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Town of Dover and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 333-9.2. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**REFUSE CONTAINER** – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**LITTER** – Litter is garbage discarded in a public place that has not been properly disposed. The terms "garbage" and "public place" are defined at Chapter 333 of this Code. EN "Litter" is also defined as any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can, or any top, cup or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

**LITTER RECEPTACLE** – A container suitable for the depositing of litter.

**STORMWATER** – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 333-9.3. Prohibited Conduct**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Town of Dover.

**§ 333-9.4 Exceptions.**

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- D. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**Section 2**

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

**Section 3**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 4**

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

**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**

**ORDINANCE NO. 22-2010**

**BOND ORDINANCE AMENDING SECTION 3 OF BOND ORDINANCE NO. 29-2008 ADOPTED SEPTEMBER 9, 2008 TO AMEND THE PROJECT DESCRIPTION OF THE PROJECTS TO BE UNDERTAKEN IN AND BY THE TOWN OF DOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DOVER, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

SECTION 1. Section 3 of Bond Ordinance No. 29-2008 adopted September 9, 2008 entitled: “**BOND ORDINANCE CANCELING APPROPRIATIONS IN THE AMOUNT OF \$171,955.51 FROM PREVIOUSLY ADOPTED BOND ORDINANCES AND DETERMINING THAT SAID APPROPRIATIONS, INCLUDING BOND PROCEEDS, ARE NO LONGER NEEDED FOR THE PURPOSES SET FORTH IN SAID ORDINANCE AND TRANSFERRING SAID AMOUNT TO THE CAPITAL SURPLUS FUND AND APPROPRIATING THE SUM OF \$171,955.51 TO FUND THE COST OF CERTAIN GENERAL IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE TOWN OF DOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY**” be and is hereby amended to read as follows:

Section 3. The amount of \$171,955.51 is hereby appropriated from the Capital Surplus Fund as a supplemental appropriation for the improvement hereby authorized and reauthorized as follows:

<b><u>Improvement/Acquisition</u></b>	<b><u>Capital Surplus Fund</u></b>
1) NJ DOT - Thompson Avenue, including all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$60,000.00
2) Small Cities - Belmont Avenue area, including all equipment, improvements, appurtenances and cost related thereto or necessary therefor.	\$32,000.00
3) Hurd Park Walkway, including all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$8,100.00
4) Town Hall Improvements including all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$58,855.51



5) Library Improvements including all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$13,000.00
<b>TOTALS</b>	<b>\$171,955.51</b>

SECTION 2. The Capital Budget of the Town is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Town Clerk and is available there for public inspection.

SECTION 3. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 4. The provisions of this bond ordinance are severable. To the extent any clause, phase, sentence, paragraph, or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 5. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

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

**AGENDA ITEMS**

**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:	\$1,159,069.83
CAPITAL ACCT claims in the amount of:	\$13,061.94
WATER UTILITY ACCT claims in the amount of:	\$65,589.28
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	\$14,226.49
PARKING UTILITY ACCT claims in the amount of:	\$272.93
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:	\$129.60
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:	\$1,600.73
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$465.85
TRUST/OTHER ACCT claims in the amount of:	\$10,122.89
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
<b>TOTAL CLAIMS TO BE PAID</b>	<b>\$1,264,539.54</b>

**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:	\$287,711.34
WATER UTILITY ACCT claims in the amount of:	\$18,962.61
PARKING UTILITY ACCT claims in the amount of:	\$3,578.54
PAYROLL AGENCY ACCT claims in the amount of:	\$84,888.73
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$18.84
<b>TOTAL CLAIMS PAID</b>	<b>\$395,160.06</b>

**TOTAL BILL LIST RESOLUTION** **\$1,659,699.60**

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

**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:

**November 9, 2010 – Caucus and Regular**

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

**RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF BOND ANTICIPATION NOTES,  
IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,636,629 OF THE TOWN OF DOVER,  
IN THE COUNTY OF MORRIS, NEW JERSEY.**

**WHEREAS**, the Town of Dover (the “Town”), County of Morris, New Jersey adopted Bond Ordinance No. 14-2009 on August 25, 2009, which authorized bonds or notes of the Town in the principal amount of \$929,879; and

**WHEREAS**, the Town adopted Bond Ordinance No. 16-2010 on September 14, 2010 which authorized bonds or notes of the Town in the principal amount of \$706,750; and

**WHEREAS**, the Town has determined that it is in the best interest of the Town to authorize an issuance of bond anticipation notes to the projects set forth in the above ordinances.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF DOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to N.J.S.A. 40A:2-8, the following amounts of General Improvement Bond Anticipation Notes (the “Notes”) shall be issued at such dates and in such amounts as is determined by the Chief Financial Officer and/or acting Chief Financial Officer in accordance with this resolution:

- a. pursuant to Bond Ordinance No. 14-2009, Notes in the principal amount of not to exceed \$929,879 shall be issued for the purposes stated therein.
- b. pursuant to Bond Ordinance No. 16-2010, Notes in the principal amount of not to exceed \$706,750 shall be issued for the purposes stated therein.

Section 2. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof, and in lieu of the sale of more than one (1) issue of bonds or notes as provided for in said Local Bond Law, the issues of bonds and notes of the Town authorized pursuant to the Bond Ordinances of the Town hereinabove set forth shall be combined into one (1) issues of Note in the aggregate principal amount of not to exceed \$1,636,629.

Section 3. The following matters in connection with said Notes are hereby determined:

(a) All notes issued hereunder and any renewal thereof, shall mature at such times as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Town, provided that any note issued pursuant hereto shall be issued for a period not to exceed one (1) year, but all such notes, including renewals, shall mature and be paid in accordance with the Local Bond Law.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Town.

(c) The notes shall be in a form as permitted by law and approved by Bond Counsel, and issued pursuant to the Local Bond Law, and any such notes or any renewal thereof, may be signed or sealed by officers of the Town in any manner permitted by Section 40A:2-25 of said Law notwithstanding what is otherwise set forth herein.

Section 4. The Chief Financial Officer and/or acting Chief Financial Officer of the Town is hereby authorized and directed to determine all matters in connection with said Notes or any renewal thereof, not determined by this or a subsequent resolution and his/her signature upon said Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer an/or Chief Financial Officer of the Town is hereby authorized to sell said Notes or any renewal thereof, from time to time at public or private sale in such amounts as he/she may determine at not less than par value and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from the dated date of the Notes to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Town, and the Town's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligation and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The governing body of the Town hereby covenants on behalf of the Town to take any action necessary or refrain from taking any action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. This resolution shall take effect immediately.

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

#### **RESOLUTION APPROVING VOLUNTEER FIRE DEPARTMENT MEMBER**

**WHEREAS**, the Town of Dover Fire Department has received an application for membership in the Fire Department from Javier Ojedis; and

**WHEREAS**, he has met all the requirements as stated in Chapter 20-4, Volunteer Fire Department; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover approve the membership of Javier Ojedis to the Volunteer Fire Department as a member of Engine Company No. 1.

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

**RESOLUTION**

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

**WHEREAS**, Casa Puerto Rico, is permitted to have twenty-five events per year; 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 is approved for a dance (#8) to be held on Friday, December 31, 2010 at Casa Puerto Rico, 50 W. Blackwell Street, Dover, NJ from 8:00 pm through 5:00 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**

Mayor Dodd commended Ed Murray for his efforts as a property owner, for his building on Blackwell Street. (Murrays) Mayor Dodd thanked Mr. Murray for investing in Dover.

**RESOLUTION**

**WHEREAS**, Twice 21 Inc., T/A Schillers, a license in the Town of Dover, County of Morris and State of New Jersey is the owner of Alcoholic Beverage License No. 1409-33-004-005; and

**WHEREAS**, the present holder Twice 21 Inc. has consented in writing to such transfer, and

**WHEREAS**, all applicable fees have been paid; and

**WHEREAS**, investigating agencies of the Town of Dover have approved; and

**WHEREAS**, proper advertisement has been made and no objections have been filed with the Town Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, that Plenary Retail Consumption License No. 1409-33-004-005 to be transferred to Just A Bar Corp. T/A Just A Bar.

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to execute the endorsement of said license effective November 24, 2010.

**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**

**PUBLIC COMMENTS – Three Minutes per Person**

**JIM BOCCHINO** – 147 Park Heights Avenue – Mr. Bocchino thanked Luis Acevedo and the Department of Public Works (DPW) for repairing his driveway entrance. He expressed that DPW responded positively regarding the pickup of leaves on his street. He noted that a bundle of brush was not picked up from 149 Park Heights Ave. Mayor Dodd noted that, last Friday, the town had a furlough day and he appreciates the patience with the pick up of the leaves. Mayor Dodd noted that there's man power difficulty, retirees are not being replaced, one of the leaf vacuum is out on repair and things just add up which causes a delay. Mayor Dodd noted that the brush will be cleared even if it requires billing the property owner. Mr. Bocchino explained that the stream that runs behind Park Heights Avenue has a certain point were it catches all the debris which is piling up. Mayor Dodd explained that certain point is designed to catch debris in a heavy storm event and the purpose is to stop the flow of water going down the Rockaway River and use Hurd Park as a basin. Mayor Dodd noted that the state is responsible to maintain the debris catcher. Mr. Close noted that Superintendent Luis Acevedo has notified the state regarding the debris.

**MARIE TAMBINI** – 10 E. Blackwell Street – Ms. Tambini thanked Marge Verga and Luis Acevedo for their assistance with the flooding issue at her complex. Ms. Tambini was able to get in contact with the county office to they were able to resolve the issue.

**ED RIDNER** – 33 Knickerbocker – Mr. Ridner expressed his concern with the curb design at Orchard, Chestnut and Second Streets. He stated he had a problem with his truck and had concerns with the fire trucks. Mayor Dodd explained that he took a course at Princeton University on Community Design and one of the topics was “traffic calming devices.” He noted that the curb design is referred to “bump outs” and the reason they were installed in that area was because of Crescent Field and the way vehicles would speed down Chestnut Street. Mayor Dodd expressed that the fact is that the bump outs work by forcing people to slow down or stop. He noted that there’s pro or cons about the design but it received the Department of Transportation’s approval and the town is doing that project with a DOT Grant.

Alderman Poolas commented that, last year, Orchard Street Cemetery (same area of the bump outs) received summonses for not shoveling their sidewalks and noted that now they have twice the amount of footage in sidewalks. Alderman Poolas suggested talking to somebody and see if the problem can be resolved before it arises. Alderwoman Romaine noted that they will try to get the boy scouts to adopt that area. Mr. Close has spoken to Mr. Miller regarding the boy scouts.

Alderman Donofrio suggested a trial run, in the Orchard Street area, with the fire truck especially since the Prospect Street Bridge is due to close in June for repairs.

**JIM BOCCHINO** – 147 Park Heights Avenue – Mr. Bocchino asked if the Mayor could provide the public with an update on the Route 46 Bridge. Mayor Dodd explained that he spoke with Chief Engineer, Alex Borovski and they anticipate on opening one lane in each direction by the end of December, which they originally projected. Mayor Dodd expressed that for such a large and difficult project, he believes they are doing a phenomenal job.

**EDWARD CORREA** – 88A E. Blackwell Street – Mr. Correa wanted to know if ordinance no. 20-2010. to amend Chapter 236 of the Code of Town of Dover applies to dual homes. Attorney Pennella confirm that it applies to dual homes. Mr. Correa wanted to know how the ordinance is being communicated to the community. Attorney Pennella noted that property owners will be notified of the regulation when they apply for a permit. Mayor Dodd noted that all ordinances are codified and on the web site.

**Motion to adjourn made by Alderwoman Romaine at 8:31 p.m., and duly seconded by Alderman Timpani and passed by the following voice vote.**

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

**Respectfully submitted,**

**Margaret J. Verga, Municipal Clerk**