



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

**37 North Sussex Street
Dover, NJ 07801**

CAUCUS MEETING MINUTES APRIL 11, 2006

CALL MEETING TO ORDER Meeting called to order at 7 PM by Mayor Dodd

FLAG SALUTE

INVOCATION

ROLL CALL

Present: Aldermen Romaine, Newman, Delaney, Poolas, Ryan, Visioli and Mayor Dodd.

Absent: Aldermen Burbridge, Fahy

Also present: Administrator Garvin, Attorney Pennella and Clerk Verga

SUNSHINE LAW STATEMENT

In accordance with the provisions set forth in the Open Public Meeting Law, notification of this meeting has been sent to all officially designated Town newspapers and notice is posted in the Town Hall.

MUNICIPAL CORRESPONDENCE:

1. NJ League of Municipalities re: Interlocal Services Summit
2. NJ League of Municipalities re: TTF Reauthorization
3. NJ League of Municipalities re: Full CDBG Funding Needed
4. NJ League of Municipalities re: House Action on Local Franchising Authority
5. NJ League of Municipalities re: Mayor's 3rd Annual Property Tax Summit
6. NJ League of Municipalities re: Update for Open Public Records Act
7. NJ League of Municipalities re: League Budget Testimony
8. NJ League of Municipalities re: Cap Relief bill introduced
9. NJ League of Municipalities re: Immigration Reform
10. NJ League of Municipalities re: Legislative Bulletin March 2006
11. NJ League of Municipalities re: Celebrate New Jersey
12. NJ Highlands Council re: Meeting agenda for 4/06/06
13. NJ Highlands Council re: Annual Report for 2005
14. Former Mayor Aldo Cicchetti re: Letter of appreciation to the Captain Warner, Dover Rescue Squad, Officer's O'Rourke and Pritchard for their professionalism during a 911 response for his brother.
15. Resolution from Township of Morris re: Exempting Municipal Clerks from penalties for OPRA Act violations
16. Resolution from Town of Boonton re: Cablevision charges for digital cable boxes
17. Ordinance from Rockaway Township re: Amending Chapter LIV Land Use and Development
18. Tax Collector's Monthly Report - March
19. Dover Fire Dept. Monthly Run Report - March

COMMENTS ON CORRESPONDENCE:

Alderman Burbridge would like the Board to consider doing a resolution to re-introduce legislation to exempt Municipal Clerks from penalties for Open Public Records Act under certain circumstances.

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Mayor Dodd commented on the letter from former Mayor, Aldo Cicchetti, commending our Fire and Police Departments for their professionalism during his 911 call for his brother Dominic. Specifically named were Capt. Warner of the Fire Dept. and Sgt. O'Rourke and PO Jim Prichard of the Police Department. He would also like to commend the departments for their dedication.

AGENDA ITEMS FOR DISCUSSION:

ORDINANCE(S) FOR PUBLIC HEARING & SECOND READING

1. Ordinance #12-2006 Prohibiting Parking on Easterly Side of Berkshire Avenue
2. Ordinance #13-2006 Providing the Street Name of a New Roadway to be Built on Block 901, Lots 1 and 1.01
3. Ordinance #14-2006 Amending Chapter 265 of the Code of the Town of Dover: Parks and Recreation
4. Ordinance #15-2006 Increasing Appropriations Limit to 3.5 Percent and Establishing a CAP Bank

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Authorizing Settlement of Tax Court Litigation
3. Resolution Authorizing the Execution of a Mutual Firefighting and EMS Assistance Agreement with Mine Hill
4. Resolution Awarding Bid for the 2005-2006 Bond Project No. 1 Curb and Drainage Improvements to Tony's Concrete Construction Corporation
5. Resolution Canceling the Mayor and Board regular meeting on 5/09/06 to a Special Meeting on 5/08/06
6. Resolution Authorizing the Execution of a Mutual Firefighting and EMS Assistance Agreement with Randolph Township
7. Resolution Authorizing Issuance of Limousine Licenses for Dover Livery (See Schedule A)
8. Resolution Authorizing Reimbursement of Taxi-Cab License Fees (See Schedule B)
9. Resolution Approving One-Day ABC License for Global Reach International (#3) to be held at the Baker Theatre (#4) 41 W. Blackwell Street on 4/29/06 from 7:00 p.m. to 1:30 p.m.
10. Resolution Approving Raffle License for Dover Rockaway Elks BPOE #782 to be held on 4/28/06 from 5:00 p.m. to 11:00 p.m.

REGULAR MEETING AGENDA

April 11, 2006

CALL TO ORDER 7:07 PM

ROLL CALL:

Present: Aldermen Romaine, Newman, Delaney, Poolas, Ryan, Visioli, Fahy and Mayor Dodd.

Absent: Alderman Burbridge

Also present: Administrator Garvin, Attorney Pennella and Clerk Verga

SUNSHINE LAW STATEMENT

In accordance with the provisions set forth in the Open Public Meeting Law, notification of this meeting has been sent to all officially designated Town newspapers and notice is posted in the Town Hall.

PUBLIC COMMENTS –

Alice Gilbert – Dover Recreation employee asked if Ord. 14-2006 can include “ball fields” with parks

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and playgrounds?

Seeing no hands and hearing no voices this portion of meeting was closed to public.

ADMINISTRATOR'S REPORT

Attended seminar on public sector law. A downtown business owners meeting has been scheduled for April 26 at 6 PM at Town Hall. Conference on tax appeals settlements was attended. DOT meeting scheduled for Rt. 46 bridge construction as well as South Salem St. Bridge on April 19.

MAYOR'S REPORT

Meetings attended were Freeholders, DeFaio Associates re: DPW & Water Dept. study as well as employees to explain the process of the study. Mayor Dodd met with owner of Dover Taxi regarding taxi stands.

Mayor Dodd addressed the Rotary club outlining the progress the Town has made over the last 3 months.

ALDERMEN/COMMITTEE REPORTS

Alderman Poolas

Attended Freeholders meeting. Board of Health meeting was attended and reported on same. T. Barth memorial will be ready for the Little League opening day.

Alderman Newman

Streets and Roads Dept. are doing job as expected.

Alderman Delaney

Reported on Police activities, foot-patrols will be started in the down-town area. Attended several meetings and took care of several residents problems.

Alderman Ryan

Attended a tour of the middle school renovations.

Alderman Fahy

Attended regular monthly meeting at the Recreation Commission as liaison and reported on same. It is the 25th anniversary of the Senior Citizens picnic, which is scheduled for September 21st.

Alderman Romaine

Attended Freeholders meeting. Resident complaints have been addressed. Gave Engineering and Code Enforcement updates.

Alderman Visioli

Attended Fire Committee meeting and reported statistics and activities. Fire prevention summonses and statistics were reported.

ATTORNEY REPORT

Litigation is on going. If the board would like a report he will do so in Executive Session.

Ordinance 12-2006: Second Reading and Public Hearing

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Ordinance 14-2006: First Reading

Mayor Dodd asked that this ordinance be pulled from the agenda until the Recreation Commission and this Board has time to review and comment on same.

ORDINANCE No. 14-2006
AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AMENDING AND SUPPLEMENTING CHAPTER 265 OF THE CODE OF DOVER ENTITLED
“PARKS AND RECREATION”

Ordinance was removed from the agenda until further clarification on areas to have no smoking.

Ordinance 15-2006: First Reading

ORDINANCE NO. 15-2006
CALENDAR YEAR 2006 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A. 40a:4-45.154)

WHEREAS, the Local Government Cap Law, N.J.S.40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover in the County of Morris finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Board of Aldermen hereby determines that a 1% increase in the budget for said year, amounting to \$93,403 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Board of Aldermen hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the Town of Dover, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations of the Town of Dover shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$326,909 and that the CY 2006 municipal budget for the Town of Dover be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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This portion of meeting was opened to public for a hearing. Seeing no hands and hearing no voices, this portion of the meeting was closed.

Alderman Romaine has moved the foregoing Ordinance be adopted and duly seconded by Alderman Delaney and was passed by the following vote.

Ayes: Alderman Romaine, Fahy, Poolas, Newman, Delaney, Ryan, Visioli and Mayor Dodd.

Noes: none

Abstain: none

Absent: Alderman Burbridge

RESOLUTIONS – CONSENT AGENDA

Resolution Approving Bills List – attached at end

Resolution. Authorizing settlement of Tax Court Litigation

Whereas, two matters are pending in the Tax Court of New Jersey and/or the Morris County Tax Board brought by *Morristown & Erie Railway, Inc.*, with respect to property owned by the County of Morris at Block 604, Lot 5, leased to the plaintiff, and parts of which are in turn leased by the plaintiff to third parties for non-railroad use, and

Whereas, the Tax Assessor and Special Counsel for Dover, after inspecting the sites, analyzing and examining the plaintiff's claims for dual assessment and exemption, and Dover's counterclaim on the issues of valuation and assessment for that part of the property in non-railroad use, and considering other appropriate information, have recommend that the matters be settled on the terms specified on the attached *Stipulation of Settlement*, as supplemented by an April 6, 2006 letter signed by Jon Huston, Esq., including payment to the Town of \$41,200.00 for taxes, interest, costs, and penalties, and

Whereas, after considering this recommendation and the supporting facts and circumstances, the Mayor and Board of Aldermen concur with this recommendation, and have determined that the proposed settlement is in the best interest of the Town of Dover,

Now, therefore it is resolved by the Mayor and Board of Aldermen of the Town of Dover, as follows:

Special Counsel, Jon Huston, Esq. is authorized to sign the proposed *Stipulation of Settlement* in the form as attached, and to sign such other documents as are necessary to finalize the settlement.

Resolution Authorizing the Execution of a Mutual Firefighting and EMS Assistance Agreement with Mine Hill

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AUTHORIZING THE EXECUTION OF A MUTUAL FIREFIGHTING AND EMS ASSISTANCE AGREEMENT WITH THE TOWNSHIP OF MINEHILL

WHEREAS, the Town of Dover and Township of Minehill wish to enter into a mutual aid agreement for the provisions of fire fighting and EMS assistance; and

WHEREAS, N.J.S.A. 40A:14-26 provides for emergency assistance for fire and police protection from another municipality; and

WHEREAS, it is in the public interest to provide for this additional coverage and support; and

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WHEREAS, the agreement is non-binding and subject to the immediate needs of each municipality at the time of the request for assistance; and

WHEREAS, there contains in the agreement provisions for the reimbursement of materials used or other direct expenses or losses;

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 Mayor and Clerk are hereby authorized to execute a mutual firefighting and EMS assistance agreement with the Township of Minehill.

Resolution Authorizing Issuance of Limousine Licenses for Dover Livery

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER
APPROVING LIMOUSINES TO BE LICENSED IN THE TOWN OF DOVER**

WHEREAS, Dover Livery has applied for a license to operate the vehicles listed on Schedule A attached hereto and made a part hereof as taxicabs in the Town of Dover; and

WHEREAS, the appropriate municipal departments have reviewed the applications as required and have no objections to same being licensed as limousines;

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 limousines listed on Schedule A are hereby approved for limousine licenses in the Town of Dover.

SCHEDULE A

- | | |
|-----------------------------|---------------------------------|
| 1. 1996 Ford Crown Victoria | 2FALP71W0TX181506 – Replacement |
| 2. 1992 Mercury Marquis | 2MECM75W3NX733836 – Replacement |
| 3. 1996 Ford Crown Victoria | 2FALP74W2TX185390 - Replacement |

Resolution Authorizing Reimbursement of Taxi-Cab License Fees (See Schedule B)

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER
AUTHORIZING REIMBURSEMENT OF FEES**

WHEREAS, Queen's Limo, Chamo Limo, 07 Taxi Limo and Apple Limo applied for Taxi Licenses for various vehicles; and

WHEREAS, fees had been paid to the Municipality for their applications; and

WHEREAS, the approval of these vehicles would have exceeded the number of approved cabs as set forth in the revised Code of the Town of Dover; and

WHEREAS, fees are to be refunded to the companies;

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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. Each of the Cab companies listed on Schedule B are hereby to be refunded the money set forth in such Schedule.

Alderman Romaine has moved the foregoing Resolutions be adopted and duly seconded by Alderman Delaney and were passed by the following vote.

Ayes: Alderman Romaine, Fahy, Poolas, Newman, Delaney, Ryan, Visioli and Mayor Dodd.

Noes: none

Abstain: none

Absent: Alderman Burbridge

Resolution Approving One-Day ABC License for Global Reach International) to be held at the Baker Theatre 41 W. Blackwell Street on 4/29/06 from 7:00 p.m. to 1:30 a.m.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER
APPROVING AN ALCOHOLIC BEVERAGE SOCIAL AFFAIR
PERMIT PURSUANT TO N.J.A.C. 13:2-5.1 FOR
GLOBAL REACH INTERNATIONAL**

WHEREAS, Global Reach International, Inc. has filed an application for their third Alcoholic Beverage Social Affair Permit to be held at the Baker Theater; and

WHEREAS, Global Reach International, Inc. has provided proof of their status as a non-profit organization operating solely for civic, religious, educational, charitable, fraternal, social or recreational purposes and not for private gain; and

WHEREAS, this request being the third request is within the permitted limits of twelve social affairs permits allowed per non-profit organization; and

WHEREAS, the approval of this permit at the Baker Theater is within the twenty-five permitted per location, being the fourth event held at such location;

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

1. That the application of Global Reach International, Inc. be approved for an Alcoholic Beverage Social Affair Permit to be held on April 29, 2006 at the Baker Theater, Blackwell Street, Dover, NJ from 5 pm through 1:30 a.m.

2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

Alderman Romaine has moved the foregoing Resolution be adopted and duly seconded by Alderman Delaney and were passed by the following vote.

Ayes: Aldermen Romaine, Fahy, Delaney, Ryan, and Mayor Dodd.

Noes: Aldermen Visioli, Newman

Abstain: Alderman Poolas

Absent: Alderman Burbridge

Resolution Approving Raffle License for Dover Rockaway Elks BPOE #782

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING OF RAFFLE LICENSES

WHEREAS, the below listed organizations have applied for Raffle Licenses; and

WHEREAS, such licenses have been reviewed by the appropriate departments and found to meet with all of the requirements and conditions of the municipality;

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 below listed raffles for the dates set forth following their name are hereby approved:

A. Dover Rockaway Elks BPOE #782 on 04/28/06 from at 5:00pm. to 11:00pm

Alderman Romaine has moved the foregoing Resolution be adopted and duly seconded by Alderman Delaney and were passed by the following vote.

Ayes: Alderman Romaine, Fahy, Poolas, Newman, Delaney, Ryan, Visioli and Mayor Dodd.

Noes: none

Abstain: none

Absent: Alderman Burbridge

UNFINISHED OR NEW BUSINESS – No unfinished or new business

PUBLIC COMMENTS – Three Minutes per Person

Virginia Brennan – 17 Cross St. Questioned the terms of the agreement for the Town Administrator. Mayor Dodd responded that there is not a signed agreement, therefore it can't be discussed.

Ed Ridner -33 Knickerbocker Ave. Questioned the terms of the pay increase for the Town Administrator Satellite Dishes – they are being hung off fire escapes. This is a safety issue. Certain awnings are also a safety issue to the fire department.

Renee Jacoby – Baker St. Concerned about the ethics of the Town Administrator regarding the recent events regarding the administrator's renegotiating contract. The 1.5% pay increase for town employees by previous administration was also questioned. Why is overtime reported differently at town hall than at the Water Department. Hallway as it relates to court is unsafe. OPRA information from Water Commission has been slow in forthcoming.

Jon Sperry -158 Essex St. - Questioned why at public meeting last week, why wasn't public allowed to speak. The lights in the park were not taken care of by Alderman Delaney. Mr. Sperry was able to get the lights replaced by JCPL employees. Signage for park should be moved as it relates to the hours of the park.

Bob Woodhull-North Sussex St.. When are trucks doing work at FEDEX going to stop going by his house on N. Sussex St.

Matthew Barrick – 107 Bassett Highway. Concerned that no one has gone to the owners of properties regarding the Bassett Highway project.

Bill Cook – Princeton Ave. How much time will tenants are given to vacate their businesses regarding the Bassett Highway project.

Mike Cicchetti – 130 S. Salem St. Questioned how defined the law would be in regards to people walking thru parks with regards to Ordinance 14-2006.

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Seeing no hands and hearing no voices, this portion of the meeting was closed to the public by Mayor Dodd.

Resolution by Town Attorney to go into Executive Session to discuss litigation issues.

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

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

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

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

1. Any pending or anticipated litigation in which the public body is, or may become a party. Any matter falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

Alderman Romaine has moved the foregoing Resolution be adopted and duly seconded by Alderman Visioli and were passed by the following vote.

Ayes: Alderman Romaine, Fahy, Poolas, Newman, Delaney, Ryan, Visioli and Mayor Dodd.

Noes: none

Abstain: none

Absent: Alderman Burbridge

Motion was made by Alderman Visioli to return from executive session at 9:41. Seconded Alderwoman Romaine

Ayes: Alderman Romaine, Fahy, Poolas, Newman, Delaney, Ryan, Visioli and Mayor Dodd.

Noes: none

Abstain: none

Absent: Alderman Burbridge

Meeting was adjourned by Mayor Dodd at 9:42 PM and passed by a voice vote – all ayes