



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
May 24, 2011 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, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd

Absent: Aldermen Poolas & Picciallo

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Township of Randolph: To increase certain application and review fees and to decrease the fees for a temporary sign/banner permit
2. Ordinance from the Township of Randolph: Amending Section 15-91.1, Residential Development Fees for Low & Moderate Income Housing
3. Resolution from Lincoln Park Re: Establishing Regulations Designed to Promote Public Health, Safety, and General Welfare of its Citizenry
4. Remedial Investigation Work Plan Approval for 2 S. Salem St. (NJ Department of Environmental Protection)
5. Membership Advisory: NJ League of Municipalities' Professional Development Program-"Governing for Less Yet Doing More: Options & Strategies in County & Municipal Government for 2011"
6. Morris County League of Municipalities' invitation to the "Planetarium Show" and "McUrgent, Morris County's Shared Emergency Information Network" on June 1, 2011
7. NJ State League of Municipalities' Legislative Bulletin – May 2011, No. 3
8. Letter from Dept. of Community Affairs Re: Calendar Year 2011 Budget
9. Letter from the Frank Poolas, Dover Memorial Association President Re: Cancellation of the Memorial Day Parade
10. No Further Action Letter from the Dept. of Environmental Protection Re: 73 Maple Ave.
11. Suspected Hazardous Substance Discharge Notification from Dept. of Environmental Protection Re: 7 4th St.
12. Notice of Hearing – Application for Development – Twp. of Randolph Re: Block 188, Lot 3 & 5 Harrison St & Reed St.

Alderwoman Romaine wanted to know the reason for the cancellation of the Memorial Day Parade. Alderman Delaney commented that the cancellation was due to a multitude of things, specifically, the traffic concerns and a decrease in fund raising. Alderman Delaney announced that a memorial service will still take place at Hurd Park.

Mayor Dodd noted that it's important for the public to recognize that the Memorial Day Parade was not cancelled by the Town of Dover and that the entire event is through the Memorial Association. Mayor Dodd encouraged all the organizations, who would like to host an event in the Town of Dover, to go through the proper procedures, typically through the Administrator who then goes to the Chief of Police.

CONSENT AGENDA

1. Resolution Approving Limousines & Taxis – Schedule A
2. Resolution Approving a Junk Dealer License for C&M Metals Recycling, LLC
3. Resolution Approving Mobile Retail Food Establishment(s) – Big D’s Hot Dogs, Julio’s Ice Cream, Ricki’s Ice Cream
4. Resolution Approving Raffle License – Schedule A
5. Resolution Approving a Billiard Hall License – Just A Bar Corp.
6. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – 4/12/11 & 4/26/11
7. Resolution Awarding contract for Administration of Small Cities Housing Rehabilitation Grant Application
8. Resolution to Enter into Executive Session for litigation, personnel issues and contract negotiation

AGENDA ITEMS:

ORDINANCES FOR FIRST READING

1. Ordinance No. 07-2011 Amending and supplementing Town of Dover Code Section 113-36
2. Ordinance No. 08-2011 Amending and supplementing Town of Dover Code Section 162-37

Alderwoman Romaine expressed that ordinances no. 07-2011 & 08-2011 are to amend existing ordinances regarding dogs on leashes and at public events. She provided an explanation on each ordinance and noted that it was suggested to extend the enforcement authority.

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Amusement Device License(s) – Schedule A
3. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – 5/10/11
4. Resolution Approving Tax Redemption for Block 609, Lot 5 – 58 Central Ave., ABC
5. Resolution Approving an Extension of Time on Developers’ Agreement with Chaplin Homes, Inc.
6. Resolution Authorizing execution of Developer’s Agreement with Highlands Real Estate Investment Group L.L.C. t/a Granny Brook Apartments

Attorney Pennella provided an explanation on the extension of time on Developers’ Agreement Chaplin Homes, Inc. including the reasons for the extension.

Mayor Dodd made changes to the agenda to accommodate the public by opening the meeting up for any public comments on any subject, because the board will go into executive session.

PUBLIC COMMENTS – Three Minutes per Person

MARIE TAMBINI – 6-16 E. Blackwell St – Ms. Tambini thanked the board for the two ordinances that were introduced at tonight’s meeting pertaining to dogs. She inquired about people standing on the street corner asking for money. Attorney Pennella noted that a solicitor’s permit is required from the Police Department.

**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 or contract negotiation 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.

2. Personnel Issues such as: any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public office officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

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.

Mayor Dodd has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.

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

Mayor Dodd noted that formal action may be taken.

RETURN FROM EXECUTIVE SESSION (8:50PM)

Alderwoman Romaine has moved to return from executive session and duly seconded by Alderman Visioli and passed by the following roll call vote.

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

REGULAR MEETING MINUTES
May 24, 2011

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 8:51 pm

ROLL CALL

Present: Aldermen Delaney, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd
Absent: Alderman Poolas & Alderman Picciallo

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

MAYOR'S REPORT – Mayor Dodd made the following comments:

- Town officials continue to meet with NJ Department of Transportation's (NJDOT) project managers and coordinators of the Route 46 project. Mayor Dodd noted the progress that NJDOT has made.
- Mayor Dodd's Annual Fishing Derby was held on May 15th. He thanked the sponsors and noted that an award ceremony will take place at a future date.
- A message board has been purchased, with a state grant, which will be installed in the lobby at town hall to keep the public informed about community events.
- The spring newsletter is in the final stages with interesting articles mostly focused on shared services in the town of Dover. Mayor Dodd noted that negotiations are in the process to bring Victory Gardens into the court system.
- Mayor's Labor Assistance Program has been very active, currently the fire hydrants in the downtown area are being painted and sign posts will be painted in the future.

ATTORNEY'S REPORT – Attorney Pennella explained that the County Board of Taxation' tax appeals were conducted with Dover having seventy (70) cases listed; fifty (50) cases have been resolved and twenty (20) hearings have been submitted to the commission.

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

First Class of Dover, Inc.

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
'02 Dodge GRA (TAXI #3)	1B4GP 44332 B7150 39	OXZ8634
'04 Ford CVC (TAXI #9)	2FAFP 71W24 X1272 03	OXY8400
'04 Ford CVC (TAXI #8)	2FAFP 71W24 X1434 20	OXY8394

'07 Chrysler (TAXI #12)	1A4GJ 45R97 B1682 37	OXZ5077
'02 Dodge (LIMO)	1B4GP24372B691641	OL6118H

City Limo & Taxi, Inc.

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
'04 Lincoln (LIMO)	1LNHM 81W54 Y6473 58	OL6104H
'03 Lincoln (LIMO)	1LNHM 82W63 Y6261 89	OL6116H
'03 Lincoln (LIMO)	1LNHM 84W13 Y6279 60	OL7867G
'03 Lincoln (LIMO)	1LNHM 82W83 Y684420	OL7860G

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING A JUNK DEALER LICENSE FOR C&M METALS RECYCLING, LLC

WHEREAS, Section 229-2 of the Code of the Town of Dover requires any person or corporation who keeps or operates a Junk Dealership to apply to the Clerk of the Town of Dover for a license to operate; and

WHEREAS, James Witte t/a C & M Metals Recycling, LLC located at 160 Richards Ave., Dover, New Jersey has applied for renewal of a Junk Dealers License; and

WHEREAS, the applicant has submitted the appropriate fees and completed the application as 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 application of James Witte t/a C & M Metals Recycling, LLC is hereby approved for a license to operate as a Junk Dealer at 160 Richards Ave., Dover, New Jersey.

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING A MOBILE RETAIL FOOD ESTABLISHMENT(S)

WHEREAS, a Class 2 license allows the licensee to set up on the paved portions of the following public parks and or playgrounds of the town: Crescent Field, Second Street Playground, Hooey Park, King Field, Hurd Park, Steffany Park at Waterworks and Overlook Park.

WHEREAS, the vendors have provided proof of insurance, sales tax certificate, physician certificate(s), photograph(s) of employees, proof of citizenship and proof of payment of sales tax; and

WHEREAS, the appropriate fees have been paid.

WHEREAS, this approval is conditioned upon approval of the Health Officer's satisfactory inspection of the vehicle for said license.

WHEREAS, the Police Department has approved the location of the vendors.

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 Dominick Angelone of Big D's Hot Dogs for a Mobile Retail Food Establishment, Class 2 License be approved.
2. That the application of Julio Paguay of Julio's Ice Cream for a Mobile Retail Food Establishment, Class 2 License be approved.
3. That the application of Zoyla Paguay of Ricki's Ice Cream for a Mobile Retail Food Establishment, Class 2 License be approved.

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

**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 a Raffle/Bingo License; 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:

The below listed raffles for the date set forth following their names are hereby approved:

Schedule A

LOOM#541 Rockaway/Dover Lodge
to be held on Tuesdays thru Sundays starting July 18, 2011 to July 17, 2012
from 12:00 pm to 2:00 am
(pull-tabs)

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

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

WHEREAS, an application for a Billiard Hall license has been made by Just A Bar Corp. t/a Los Arrieros Bar located at 9 W. Clinton St; and

WHEREAS, the applicant is requesting a license for one (1) pool table; and

WHEREAS, the appropriate fees have been paid and the license shall be prominently displayed; 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 Billiard Hall License for one (1) pool table 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 Delaney, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas & Picciallo 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 12, 2011 – Caucus & Regular

April 26, 2011 – Caucus & Regular

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

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR ADMINISTRATION OF SMALL CITIES
HOUSING REHABILITATION GRANT APPLICATION**

WHEREAS, the Town of Dover has a need to acquire services to prepare and process the Small Cities Housing Rehabilitation Grant for 2011 and administration of the same as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5

WHEREAS, the services required are specialized and require special expertise in the Federal Government Housing Rehabilitation program, extensive training in grant administration and compliance and require a proven reputation in such field rendering this as an extraordinary unspecifiable service; and

WHEREAS, the Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Housing & Community Development Services, Inc. has submitted a proposal dated April 28, 2011 indicating they will provide the services for an amount not to exceed the following:

1. Three Thousand Five-Hundred Dollars (\$3,500.00) upon completion and submission of each

Grant Application and Four Thousand Dollars (\$4,000.00) upon approval of Grant Application as set forth in its proposal; and

2. The consultant agrees to render pre-contractual services needed in connection with the Small Cities Housing Rehabilitation Grant for 2011. The Town will pay the consultant the maximum of nine-thousand nine-hundred dollars (\$9,900.00) for each grant. All monies payable to the consultant are subject to receipt of an itemized requisition for payment from the consultant specifying that he has performed the work

WHEREAS, Housing & Community Development Services, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Housing & Community Development Services, Inc. has not made any reportable contributions to a political or candidate committee in the Town of Dover in the previous one year, and that the contract will prohibit the Housing & Community Development Services, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds to make this award;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover authorizes the Mayor and Municipal Clerk to enter into a contract with Housing & Community Development Services, Inc. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Ayes: Aldermen Delaney, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd

Nays: None Absent: Aldermen Poolas & Picciallo Abstained: None

AGENDA ITEMS:

ORDINANCES FOR FIRST READING

ORDINANCE NO. 07-2011
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
TOWN OF DOVER CODE SECTION 113-36

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:

1. Article IV, entitled "Dogs Running at Large," Section 113-36, entitled "Enforcement," is hereby amended and supplemented to provide that Section 113-1 *et. seq.* of the Code of the Town of Dover is enforceable by the Dover Police Department, the Health Officer and Health Inspectors of the Town of Dover, Animal Control Officers, Code Enforcement Officers and any other official assigned or designated by the Town of Dover; 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.

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

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

ORDINANCE NO. 08-2011
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
TOWN OF DOVER CODE SECTION 162-37

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:

1. Section 162-37 of the Code of Dover is amended and supplemented to add a new Section F as follows: Section 162-37 is enforceable by the Dover Police Department, the Health Officer and Health Inspectors of the Town of Dover, Animal Control Officers, Code Enforcement Officers and any other officers assigned by the Town of Dover.

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.

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

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

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:	\$33,521.00
CURRENT ACCT claims in the amount of:	\$1,259,220.23
CAPITAL ACCT claims in the amount of:	\$3,282.74
WATER UTILITY ACCT claims in the amount of:	\$131,623.64
WATER UTILITY RESERVE ACCT claims in the amount of:	\$31.80
WATER CAPITAL ACCT claims in the amount of:	\$2,159.00

PARKING UTILITY ACCT claims in the amount of:	\$1,749.45
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:	
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	
TRUST/OTHER ACCT claims in the amount of:	\$24,979.74
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$1,456,567.60

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:	\$324,587.39
WATER UTILITY ACCT claims in the amount of:	\$20,586.59
PARKING UTILITY ACCT claims in the amount of:	\$2,499.98
PAYROLL AGENCY ACCT claims in the amount of:	\$101,582.34
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$137.80
TOTAL CLAIMS PAID	\$449,394.10

TOTAL BILL LIST RESOLUTION **\$1,905,961.70**

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, Timpani, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas & Picciallo Abstained: None**

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER APPROVING AMUSEMENT DEVICE LICENSE(S)

WHEREAS, applications for amusement device licenses have been made by the people listed on Schedule A attached hereto and made a part hereof; and

WHEREAS, the appropriate fees have been paid and the license shall be prominently displayed by attaching the same on each device, and

WHEREAS, the placement of each and every amusement game within an establishment must have the approval of the chief of police of the Town of Dover.

WHEREAS, no amusement device shall be installed within two (200) hundred feet of any school or church.

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 coin operated amusement device licenses for those people listed on Schedule A attached hereto and made a part hereof are hereby approved.

SCHEDULE A

1. Murray's – 11 E. Blackwell St (2)
2. At The Hop – 14 N. Morris St (1)
3. Celebrity Bar & Liquor – 7 Perry St/Rt. 46 (1)
4. Unique Bar – 97 E. Blackwell St (1)

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

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

**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:

May 10, 2011 – Caucus & Regular

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

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

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on December 1, 2009, a lien was sold on Block 609 Lot 5 also known as 58 Central Avenue ABC, Dover, New Jersey for delinquent 2008 water fees; and,

WHEREAS, this lien, known as Tax Sale Certificate 08-00024 was sold to Phoenix Funding, Inc; and,

WHEREAS, redemption fees for Certificate No.08-00024 were received in full.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, Town of Dover, County of Morris, State of New Jersey that the Treasurer be authorized to issue a check in the amount of \$3,491.83 for redemption payment, payable to US Bank CUST for Phoenix, 2 Liberty Place, - TLSG, 50 South 16th Street, Suite 1950, Philadelphia, PA. 19102.

BE IT FURTHER RESOLVED that two certified copies of this resolution be returned to the Tax Collector.

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, Timpani, Romaine, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Poolas & Picciallo Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
EXTENDING TIME ON DEVELOPERS' AGREEMENT WITH CHAPLIN HOMES, INC.**

WHEREAS, Chaplin Homes, Inc., hereinafter "Developer," entered into a Developer's Agreement with the Town of Dover dated April 24, 2006; and

WHEREAS, the Developer's Agreement called for all improvements to be completed in a 12-month period; and

WHEREAS, the Town of Dover has already granted an extension to August 24, 2010; and

WHEREAS, due to economic conditions the Developer has not been able to move this project forward;

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 time period within which the Developer is to install all improvements pursuant to the Developer's Agreement between Developer and Town of Dover dated August 24, 2006 is hereby extended until August 24, 2012; and
2. The Municipal Attorney is authorized to draft a Second Amendment to Developer's Agreement and the Mayor and Clerk hereby authorized to execute same.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT WITH HIGHLANDS REAL
ESTATE INVESTMENT GROUP, L.L.C. t/a GRANNY BROOK APARTMENTS**

WHEREAS, Highlands Real Estate Investment Group, L.L.C., hereinafter referred to as "Developer," filed for a subdivision before the Planning Board of the Town of Dover; and

WHEREAS, a Use Variance and Preliminary and Final Site Plan approval was obtained by the Dover Board of Adjustment; and,

WHEREAS, the Town and the Developer have agreed that the developer shall deed restrict for a period of thirty (30) years, five (5) of the proposed twenty-seven (27) units to be utilized for moderate income rental housing as defined under New Jersey Council on Affordable Housing ("COAH") regulations in consideration for which the Town of Dover Board of Adjustment has a granted a Use Variance"); and

WHEREAS, as a condition of the approval Developer was to enter into and execute a Developer's Agreement with the Town of Dover; and

WHEREAS, the municipal attorney has prepared such agreement; and

WHEREAS, the municipal engineer has reviewed and approved such Developer's Agreement; and

WHEREAS, a copy has been provided to the clerk 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 Developer's Agreement covering Block 202, Lot 6, located at 91 Park Heights Avenue in the Town of Dover, County of Morris and State of New Jersey, is hereby approved; and
2. The Mayor and Clerk are hereby authorized to execute same.

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

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

Mayor Dodd provided an explanation for the resolution “to authorize the award of a non-fair and open contract for Special Municipal Counsel – Matthew J. Giacobbe, Esq.” He noted that board decided to hire Mr. Giacobbe, Esq., as special labor counsel to the Town of Dover, to assist with various labor matters and issues regarding the Police Department. Mayor Dodd provided a brief description on Mr. Giacobbe’s job description and his previous work experience.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN
OF DOVER AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL MUNICIPAL COUNSEL**

WHEREAS, the Town has need to acquire special legal services as a Non-Fair and Open Contract; and

WHEREAS, this award is an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 which may be awarded without bid as a “professional service”; and

WHEREAS, the purpose of the special legal counsel is to provide legal services specifically dealing with the Town of Dover Police Department’s organizational structure and any actions related thereto; and

WHEREAS, Matthew J. Giacobbe, Esq. is a specialist in this area of law; and

WHEREAS, special counsel is to receive the same hourly rate as the Town attorney, which is \$165.00 per hour; and

WHEREAS, the CFO has certified that funds are available for this award; and

WHEREAS, Matthew J. Giacobbe, Esq. has submitted a Business Disclosure Entity Certification;

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. Matthew J. Giacobbe, Esq. is hereby appointed as special counsel for the purpose of providing legal services regarding the organizational structure of the Police Department of the Town of Dover and tale all actions relating thereto;

2. The special counsel shall enter into a written contract incorporating the within terms and the Mayor and Clerk are hereby authorized to execute such contract.

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 Visioli, Romaine, Blackman, Downs and Mayor Dodd
Nays: Alderman Timpani Absent: Aldermen Poolas & Picciallo Abstained: Alderman Delaney**

Mayor Dodd expressed that Fire Captain Scott Warner, one of the most experienced and best in his field, has decided to retire as of June 1st.

Clerk Verga read the following resolution:

RESOLUTION APPROVING TERMINAL LEAVE FOR FIRE CAPTAIN

WHEREAS, the Fire Captain has notified the Mayor and Board of Aldermen of his intention to retire as of June 1, 2011; and

WHEREAS, established town policy is that 75% of accumulated sick time be granted as time off with pay plus 100% accumulated vacation time; and

WHEREAS, under current policy the Town will be required to pay the accumulated sick time and vacation time; and

WHEREAS, in order to lessen the financial impact of the Fire Captain's retirement, he has offered to accept compensation for the accumulated sick time and vacation time over a period of years after he is off the payroll rather than requiring that the Town pay this amount out over a period of approximately 12 months, as per the current town policy, which would thus cause a significant financial hardship to the Town in dealing with its budget in 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Dover as follows:

1. The accumulated time for sick days and vacation days for Scott Warner has been calculated as of the proposed retirement date identified above and has been valued at his present salary level for a total payment due of \$102,308.00.
2. The value of the accumulated time shall be paid in five annual lump sum installments of \$20,461.60 beginning on July 1, 2011, and continuing to be paid each July 1st thereafter until all monies due are paid ending on July 1, 2015.
3. Should Scott Warner's death occur before the balance due is paid, any balance due will be paid to his estate in accordance with the established payment schedule.

Mayor Dodd has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.

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

Attorney Pennella read the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING FILING OF A REQUEST FOR *DE NOVO* HEARING**

WHEREAS, the Town of Dover filed suit against Briad Lodging Group Dover, L.L.C. for breach of the "First Source Employment" provision of the Redevelopment Agreement; and

WHEREAS, non-binding arbitration was conducted on May 12, 2011 resulting in a report and award for Defendant Briad; and,

WHEREAS, the Town of Dover has the right to reject the report and award of arbitrator by filing a notice with the Superior Court; and

WHEREAS, the Town of Dover believes its position to be correct.

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 attorney is instructed to file a rejection of the report and award and request a hearing *de novo* in this matter.

Mayor Dodd has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.

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

PUBLIC COMMENTS – Three Minutes per Person

ANTONIO ACOSTA – 130 Madison Street – Mr. Acosta expressed that the planning board has, again, cancelled its meeting and has only heard one (1) application since January. He feels that the town is unable to attract any viable businesses to come to town and make an investment. He, also, noted that the town is unsuccessful in having homeowners make alterations to their home. Mayor Dodd commented that with the current economy, nobody is building; Dover is not alone in the aspect that planning boards haven't had cases presented to them. He noted that developers are not building; developers are not making investments in real estate and redevelopment during this economic climate. Mayor Dodd noted that the Planning Board is not sitting idle; they are looking at innovative ways to bring developers and attract new business to the town. Mayor Dodd noted the accomplishments with the Form-Based Code for which the town has been recognized. Mr. Acosta respectfully disagrees with Mayor Dodd's comments.

**Motion to adjourn made by Mayor Dodd at 9:13 p.m.,
and duly seconded by Alderwoman Romaine passed by the following voice vote.**

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

Respectfully submitted,

Margaret J. Verga, Municipal Clerk