



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  
**CAUCUS MEETING MINUTES**  
**August 23, 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 Poolas, Picciallo, Romaine, Blackman, Downs and Mayor Dodd

Absent: Alderman Delaney, Visioli & Timpani

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

**KEY TO THE TOWN PRESENTATION: SGT. HERNY HERRERA**

Mayor Dodd introduced Sgt. Herrera and provided information on his background. Mayor Dodd thanked him for his service in the military.

**PRESENTATION: CERTIFICATES TO THE DOVER AREA LITTLE LEAGUE BASEBALL ALL STAR TEAM**

**DISCUSSION: BEST PRACTICE SURVEY**

Mayor Dodd commented that the survey is currently at an 88% and noted that there's always room for improvement. He thanked the staff for their hard work in maintaining an 88%. Mayor Dodd opened the topic up for discussion however there weren't any questions or comments from the board.

**MUNICIPAL CORRESPONDENCE:**

1. Resolution from the Township of Roxbury, Urging the NJ State Legislature to enact legislation in order to separate the Local Government Public Employees' Retirement System Pension and the Local Government Police Firemen's Retirement System Pension from the State Public Employee's Retirement System Pension and providing for a separate board of directors for the Local Government Public Employee's Retirement System Pension
2. Resolution from the Borough of Netcong, Supporting Senate Bill No. 2976-Amending the Open Public Records Act (OPRA) Law
3. Resolution from the Morris County Board of Chosen Freeholders, Supporting the State Senate Bill No. 2976-Amending the current Open Public Records Law
4. Ordinance from the Township of Randolph, Amending Sections 15-26.2B and 15-26.4 of the Land Development Ordinance
5. Randolph Zoning Board of Adjustments – Public Notice for a variance use application for 18 Arthur Lane
6. Jersey Central Power & Light (JCP&L) Public Hearing Notice for Basic Generation Service Charges procured by JCP&L on behalf of its Basic Generation Service Customers & Notice of Proposed through its Basic Service Charges of Costs Resulting from Statewide Auction for Basic Generation Service
7. Jersey Central Power & Light (JCP&L) Public Hearing Notice for Annual Universal Service Fund (USF) compliance filing to establish appropriate recovery level for the 2011/2012 USF Program year
8. Morris County League of Municipalities – Program to include DEP updates, Morris Habitat for Humanity-Home Repair Program, United Way of Northern NJ, March-A-Thon Fund Raiser for NJ National guard/Families on Sept. 21.
9. NJ State League of Municipalities Professional Development Program – “Ethics & Conflicts of Interest”
10. NJ State League of Municipalities Professional Development Program – “Governing with less yet doing more: Options and Strategies in County and Municipal Government for 2011”
11. NJ State League of Municipalities Profession Development Program – “Labor Negotiations Primer: Collective Negotiations & Interest Arbitration”
12. NJ State League of Municipalities – Annual Business Meeting on November 17, 2011
13. NJ State League of Municipalities Re: 2011 League Conference Resolutions
14. NJLM Education Foundation, Inc for Emergency Management: Utilities and Shore Communities

15. Municipal Clerk's Association of NJ, Inc. Re: Super Raffle
16. Rutgers Continuing Studies – 50<sup>th</sup> Annual Municipal Public Information Contest Call for entries
17. July 2011 – Health Department Monthly Report
18. Letter to Sunnyside Florist thanking them for their donation of carnations for the 9/11 anniversary ceremony

**CONSENT AGENDA**

1. Resolution Approving Limo(s) – Schedule A
2. Resolution Approving Chapter 159 – Recycling Tonnage Grant
3. Resolution Authorizing Extension of Grace Period for 3<sup>rd</sup> quarter 2011 Tax Payments
4. Resolution Approving Raffle License – College Club of Dover

**AGENDA ITEMS:**

**RESOLUTIONS**

1. Resolution Approving Bills List
2. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – 8/9/11
3. Resolution Approving Special One-Day Permit for Casa Puerto Rico, Inc. on 9/3 & 9/4
4. Resolution Approving Noise Permit for Axel Express Taxi & Limo – Barbecue & Car Wash Fundraising Event
5. Resolution Approving the Settlement of a Tax Court Appeal, Block 1214, Lots 9, 9B01, 9B02, 10
6. Resolution Approving Corrective Action Plan
7. Resolution Amending Capital Budget

**ORDINANCE(S) FOR INTRODUCTION**

1. Ordinance #16-2011 – Canceling Water Utility Bond Appropriations & Re-Appropriating monies
2. Ordinance #17-2011 – Contractor Pay-to-Play Reform Ordinance
3. Ordinance #18-2011 – Bond for General Improvements

**REGULAR MEETING MINUTES**  
**August 23, 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 8:15 pm

**ROLL CALL**

Present: Aldermen Poolas, Picciallo, Romaine, Blackman, Downs and Mayor Dodd

Absent: Alderman Delaney, Visioli and Timpani

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

Mayor Dodd opened the meeting to public.

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

**MAYOR'S REPORT:** The following announcements were made:

- The Route 46/Route 15 Bridge project is progressing, the next phase will, hopefully, start next week.
- The Senior Picnic is scheduled for September 8<sup>th</sup>.
- The September 11<sup>th</sup> Memorial Ceremony will be held on Sunday, September 11<sup>th</sup> at Prospect Street Park and noted that everyone is invited to attend.

**ATTORNEY'S REPORT:** Mr. Pennella provided an update on the Briad Case.

**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**

**AXELS EXPRESS TAXI & LIMO**

<b>YEAR/MAKE/MODEL</b>	<b>Vehicle Identification #</b>	<b>Plate #</b>
2004 Toyota Sienna (LIMO)	5TDZA 23C64 S0025 23	OL7213H

**City Limo & Taxi, Inc.**

<b>YEAR/MAKE/MODEL</b>	<b>Vehicle Identification #</b>	<b>Plate #</b>
2002 Dodge Caravan	1B4GP 44312 B715105	OL7215H

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

**CHAPTER 159 RESOLUTION**

**WHEREAS**, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Dover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$14,590.36; which item is now available as revenue from the State of NJ, Department of Treasury, Solid Waste Administration, pursuant to the provisions of statute, and

**BE IT FURTHER RESOLVED** that a like sum of \$14,590.36 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:  
Recycling Tonnage Grant

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER**  
**AUTHORIZING EXTENSION OF GRACE PERIOD FOR THIRD QUARTER 2011 TAX PAYMENTS**

**WHEREAS**, the budget of the Town of Dover could not be fixed due to delays in the State of New Jersey providing information and approving of same; and

**WHEREAS**, this has caused an issue with the cycle of tax bills as they could not be printed and distributed in a timely fashion; and,

**WHEREAS**, the tax bills for the second half of 2011 and the first half of 2012 will be delivered to the Town of Tuesday, August 16, 2011 and;

**WHEREAS**, additional grace time must be granted to taxpayers to pay their tax bills as taxes are due on the first day of August, 2011; and

**WHEREAS**, the new recommended grace period for third quarter taxes is September 12, 2011;

**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. There is hereby approved an extension of the grace period from August 10, 2011 to September 12, 2011, during which time period payments received will not be considered delinquent.

2. The tax collector is hereby authorized to receive tax payments through September 12, 2011 without the imposition of a penalty, but all payments received after September 12, 2011 will receive the penalty for interest charges from August 1, 2011 to the date of payment.

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

**College Club of Dover**

To be held on Tuesday, December 6, 2011 at 9:00pm  
(50/50)

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

**RESOLUTIONS**

**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:	\$18,920.00
CURRENT ACCT claims in the amount of:	\$1,895,575.55
CAPITAL ACCT claims in the amount of:	\$1,145.00
WATER UTILITY ACCT claims in the amount of:	\$352,167.73
WATER UTILITY RESERVE ACCT claims in the amount of:	\$5,950.00
WATER CAPITAL ACCT claims in the amount of:	\$1,120.00
PARKING UTILITY ACCT claims in the amount of:	\$2,443.38
PARKING UTILITY RESERVE ACCT claims in the amount of:	\$5,350.00
PARKING CAPITAL ACCT claims in the amount of:	
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$62.40
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:	\$16,610.34
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>\$2,299,344.40</b>

**BE IT FURTHER RESOLVED** that the following claims have been paid prior to the Bill List Resolution in the amounts:

CURRENT ACCT claims in the amount of:	\$342,231.00
WATER UTILITY ACCT claims in the amount of:	\$22,400.84
PARKING UTILITY ACCT claims in the amount of:	\$2,523.21
PAYROLL AGENCY ACCT claims in the amount of:	\$148,775.11
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$64.97
<b>TOTAL CLAIMS PAID</b>	<b>\$515,995.13</b>

**TOTAL BILL LIST RESOLUTION** **\$2,815,339.53**

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

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

**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:

**August 9, 2011 – Caucus & Regular**

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

**RESOLUTION**

**WHEREAS**, Casa Puerto Rico, Inc., filed an application for their **sixth & seventh** Special Permit for Social Affair to be held at the 50 W. Blackwell Street; and

**WHEREAS**, Casa Puerto Rico, Inc., a non-profit organization 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 fund raising event to be held on Saturday, September 3, 2011 (#6) & Sunday, September 4, 2011 (#7) from 12:00 pm through 8:00 am.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER  
APPROVING A PERMIT FOR USE OF LOUD SPEAKERS OR AMPLIFIERS**

**WHEREAS**, Axels Auto Taxi & Limo Express has requested a permit for the use of loud speakers or amplifiers at outdoor events located at 20 N. Bergen Street on Sunday, August 28<sup>th</sup> from 1:00 p.m. to 6:00 p.m.; and

**WHEREAS**, the purpose is to have a Barbecue & Car Wash Fundraiser event.

**NOW THEREFORE, it is hereby RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. There is hereby approved a permit for the use of loudspeakers or amplifiers by Axels Auto Taxi & Limo

Express Army located at 20 N. Bergen Street on Sunday August 28<sup>th</sup> from 1:00 p.m. to 6:00 p.m.; and

2. This authorization is conditioned upon the use of the loudspeakers or amplifiers being in conformance with all regulations of the Code of the Town of Dover.

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

**APPROVING THE SETTLEMENT OF A TAX COURT APPEAL, BLOCK 1214, LOTS 9, 9B01, 9B02, 10**

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

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

**CORRECTIVE ACTION PLAN**

**WHEREAS**, the 2010 Annual Audit of the Town of Dover, conducted by Nisivoccia LLP, contained certain recommendations requiring action; and

**WHEREAS**, these recommendations have been reviewed by the Town's Chief Financial Officer; and

**WHEREAS**, the Chief Financial Officer has prepared a Corrective Action Plan for the findings and conditions of the 2010 Audit;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover that the Correction Action Plan for the 2010 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

***MUNICIPAL COURT***

**Finding/Condition:**

There were tickets found while testing the municipal court which were assigned but have not been issued in over six months.

**Recommendation:**

It is recommended that all tickets assigned be recalled and reissued to officers if they have not been issued in a six month period.

**Explanation and Corrective Action:**

The Court has taken steps to correct the referenced situation, specifically by forwarding copies of the "Assigned but not issued" reports to each officer in question at the end of each month. Hopefully they will respond in a timely manner to allow the Court to correct this issue.

Implementation Date: 8/2011

***LIBRARY***

**Finding/Condition:**

Overall, there appears to be inadequate control over incoming receipts. Prenumbered receipts are only issued for collections over \$1.

The petty cash fund is not maintained at the authorized fund amount or closed out at year end.

A reconciliation of the bank account for the library was not performed on a monthly basis during the year.

**Recommendation:**

1. Pre-numbered receipts be issued for all collections; or a cash register be obtained and utilized for all receipts.
2. The excess in the petty cash fund be turned over to the fines and fees account. The petty cash fund be closed out at year end.
3. Bank reconciliations be performed on a monthly basis.

Explanation and Corrective Action:

1. A "cash register" spreadsheet has been implemented at the circulation desk for the purpose of recording all transactions in and out of the library's cash drawer. The drawer is funded at \$50.00 at the beginning of each work day. The drawer is reconciled at the end of the work day and all monies collected in excess of the drawer's \$50.00 fund are placed in the library's safe to await deposit. The drawer is also counted at the beginning of each work day, to ensure that a) the prior night's count was correct and b) the new day is beginning with the correct amount in the drawer.
2. The Petty Cash Account was closed out and reauthorized in late October 2010. As this was very close to the end of the year, the Library was in the process of changing banks at the time, and only three small transactions took place before the end of 2010, the account was balanced at the end of 2010 and this reauthorization was carried forward into 2011. This account will be closed out at the end of 2011 and reauthorized at the January 2012 meeting of the Library Board of Trustees.
3. Reconciliations now occur on a monthly basis. They are performed by the library's office manager, who reconciles all accounts in Microsoft Money, comparing library records with statements received from the bank. These reconciliations are subsequently reviewed by the Treasurer of the Library Board of Trustees, who is ultimately responsible for the accounts in question, to ensure accuracy.

Implementation Date: 8/2011

INTERNAL CONTROLS

During the course of our testing, we noted instances in the Fire Prevention office, the Town Library and Police Department where cash received was not deposited into the bank on a timely basis.

It is recommended that all funds be deposited within 48 hours of receipt.

Explanation and Corrective Action:

A new employee has been hired for the Fire Prevention office. Every effort will be made to ensure that all funds received are deposited in a timely manner.

Implementation Date: 1/2011

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

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

**RESOLUTION AMENDING CAPITAL BUDGET**  
**(SEE ATTACHED)**

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

**ORDINANCE(S) FOR INTRODUCTION**

**BOND ORDINANCE NO. 16-2011**  
**BOND ORDINANCE CANCELING APPROPRIATIONS IN THE AMOUNT OF \$35,024.22 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 WATER UTILITY CAPITAL SURPLUS FUND AND APPROPRIATING THE SUM OF \$35,024.22 TO FUND THE COST OF CERTAIN WATER IMPROVEMENTS 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. Pursuant to the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) and the Local Budget Law (N.J.S.A.



40A:4-1 et seq.) of the State of New Jersey, including N.J.S.A. 40A:2-39, the Town of Dover, County of Morris, State of New Jersey (hereinafter the "Town") hereby determines that \$35,024.22 of capital appropriations, including bond proceeds as hereinafter set forth, are not necessary for the purposes set forth in the Bond Ordinance authorizing said appropriations and that it is in the best interests of the Town to cancel said appropriations and to transfer said amount to the Water Utility Capital Surplus Fund of the Town, and to reappropriate said amount to other bondable projects of Town, as set forth herein. Further, the description and the authorization for the acquisition, construction and/or installation of the projects and improvements previously authorized are hereby amended as set forth hereinafter in Section 2 of this ordinance.

Section 2. The authorization and appropriation in the amount of \$35,024.22 including bond proceeds, is hereby canceled and the sum of \$35,024.22 is transferred to the Water Utility Capital Surplus Fund (provided said funds are used for another project or projects for which bonds may be issued, and as set forth in Section 3 hereof), and the authorizations and appropriations set forth in the Bond Ordinance authorizing same is hereby amended as follows:

<u>Description of Improvement</u>	<u>Bond Ordinance Number</u>	<u>Appropriation to Be Canceled</u>
Water Utility Improvements	No. 18-2003 adopted June 10, 2003	\$23,151.02
Water Utility Improvements	No. 29-2005 adopted October 25, 2005	\$11,873.20
<b><u>TOTAL</u></b>		<b><u>\$35,024.22</u></b>

Section 3. The amount of \$35,024.22 is hereby appropriated from the Capital Surplus Fund as an appropriation for the improvement hereby authorized as follows:

<u>Improvement/Acquisition</u>	<u>Water Utility Capital Surplus Fund</u>
Intermediate Service Main Repair	\$36,412.20

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this Bond Ordinance is not a current expense and is property or improvement which the Town may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness according to the reasonable life thereof computed from the date hereof is 40 years.
- (c) Amounts not exceeding \$0 in the aggregate for interest on obligations, costs of issuing obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of improvements and are included in the foregoing estimates thereof.

Section 5. 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 6. To the extent that any previous Bond Ordinance or resolution is inconsistent with or contradictory hereto, said Bond Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 7. The provisions of this Bond Ordinance are severable. To the extent any clause, phrase, 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 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

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

**ORDINANCE NO. 17-2011**

**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWN OF DOVER IN MORRIS COUNTY**

**(CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE)**

The Mayor and Board of Aldermen of the Town of Dover does hereby Ordain:

**WHEREAS**, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

**WHEREAS**, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

**WHEREAS**, in the interest of good government, the people and the government of the Town of Dover desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

**NOW, THEREFORE, BE IT RESOLVED**, it shall be the policy of the Town of Dover to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Town of Dover; and,

**BE IT ORDAINED** by the Town of Dover, in the County of Morris, and State of New Jersey, as follows:

**DEFINITIONS**

As used in this ordinance:

(a) "Campaign Committee" means (i) every candidate for the Town of Dover elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for the Town of Dover elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for the Town of Dover elective municipal office; (iv) every political party committee of the Town of Dover; (v) every political party committee of the Morris County; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Town of Dover municipal or Morris County elective offices or the Town of Dover municipal or Morris County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

(b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

(c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.

(d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any

twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

#### SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

(a) To the extent that it is not inconsistent with state or federal law, the Town of Dover and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Town of Dover or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Town of Dover or Morris County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of the Town of Dover municipal or Morris County elections and/or the Town of Dover municipal or Morris County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

(b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Town of Dover or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Town of Dover, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Town of Dover or Morris County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Town of Dover; (ii) \$500 maximum per calendar year to a Morris County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Town of Dover candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Town of Dover or Morris County political committees and political party committees as described herein combined, without violating subsection (a) of this section.

(d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Town of Dover Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Town of Dover, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

#### SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

#### SECTION 3 - CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

#### SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

(a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Town of Dover or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Town of Dover, its purchasing agents and departments shall be responsible for informing the Mayor and Board of Aldermen that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.

(b) A Business Entity shall have a continuing duty to report to the Town of Dover any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Town of Dover, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Mayor and Board of Aldermen meeting following receipt of said report from the Business Entity, or whichever comes first.

(c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Town of Dover, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

#### SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

#### SECTION 6 - EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

#### SECTION 7 - PENALTY

(a) It shall be a material breach of the terms of a Town of Dover agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Town of Dover, or a holder of public office having ultimate responsibility for the award of a contract, or any Town of Dover or Morris County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Town of Dover contracts for a period of four (4) calendar years from the date of the violation.

(c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Town of Dover.

#### SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Town of Dover has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

SECTION 9 – SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 10 – INDEXING

The monetary thresholds of “Definitions” Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the <New York-Northern New Jersey-Long Island or Philadelphia region, rounded to the nearest \$10.00. The Clerk of the Town of Dover shall, by no later than April 1st of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

SECTION 11 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Mayor and Board of Aldermen of the Town of Dover and shall be published as required by law.

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

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

**ORDINANCE NO. 18-2011**

**BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING THE SUM OF \$712,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$676,400 OF BONDS OR NOTES FOR THE PURPOSES SET FORTH HEREIN AUTHORIZED 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. The improvement and purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Town of Dover, County of Morris, New Jersey (hereinafter referred to as the “Town”). For said improvement or purpose stated in Section 3 of this bond ordinance, there is hereby appropriated \$712,000, said sum being inclusive of all appropriations heretofore made therefore including the sum of \$35,600 as the aggregate down payment from the Capital Improvement Fund or other funds of the Town which sum is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the Town and currently available for down payment or capital improvement purpose as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the “Local Bond Law”).

Section 2. For the financing of said improvement or purpose and to meet the part of said \$712,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Town are hereby authorized to be issued in a principal amount not to exceed \$676,400 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Town in a principal amount not exceeding \$676,400 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$676,400, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Town and attested as permitted by law. The appropriate Town officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said notes is hereby delegated to the Chief Financial Officer of the Town (the “Financial Officer”), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer’s signature upon the notes shall be conclusive evidence as to

all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

<b>Improvement/Acquisition</b>	<b>Maximum Estimated Cost</b>	<b>Down Payment (Capital Improvement Fund)</b>	<b>Bonds or Notes Authorized</b>	<b>Useful Life (years)</b>
1. Road Improvement Project-Variou Streets, including all costs, improvements and appurtenances related thereto or necessary therefore.	\$420,000	\$21,000	\$399,000	10
2. Road Improvement Project- Orchard Street including all costs, improvements and appurtenances related thereto or necessary therefore.	\$60,000	\$3,000	\$57,000	10
3. Acquisition of visual message board and security system, including all costs, improvements and appurtenances related thereto or necessary therefore.	\$30,000	\$1,500	\$28,500	7
4. Acquisition of equipment for the Department of Public Works, including but not limited to a sickle bar and two (2) mowers, including all costs, improvements and appurtenances related thereto or necessary therefore.	\$35,000	\$1,750	\$33,250	15
5. Building improvements, including but not limited to roof and fire department bay doors, including all costs, improvements and appurtenances related thereto or necessary therefore.	\$132,000	\$6,600	\$125,400	15
6. Acquisition of Police Communications equipment and improvements thereto, including all costs, improvements and appurtenances related thereto or necessary therefore.	\$35,000	\$1,750	\$33,250	7
<b>TOTALS:</b>	<b>\$712,000</b>	<b>\$35,600</b>	<b>\$676,400</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this Bond Ordinance is not a current expense and is property or an improvement which the Town may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of such purpose is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the period of usefulness is 10.85 years.

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Town determined as provided in the Law is increased by this bond ordinance by \$676,400 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$96,000 in the aggregate for interest on obligations, costs of issuing obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the

Local Bond Law may be included as part of the costs of improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received by the Town, in addition to the sums expressly appropriated in Section 3 hereof, for the purpose described in Section 3 hereof, including expected reimbursement from NJ Natural Gas in the amount of \$236,247 for the road improvement project set forth above, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced accordingly.

Section 6. 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 7. The Governing body of the Town hereby covenants on behalf of the Town, to the extent any debt obligations are issued as tax-exempt debt obligations, to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder and issued as tax-exempt obligations 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 the rebate of investment earnings as may be required thereunder.

Section 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Town, and unless paid from other revenues of the Town, the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 9. The Town reasonably expects to reimburse any expenditure towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Town, or any member of the same "control group" as the Town, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. 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 11. 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 12. 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 ordinance be adopted and duly seconded by Alderman Picciallo and passed for first reading by the following roll call vote.**

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

#### **PUBLIC COMMENTS**

CAROL YOSH – 32 Audrey Place – Ms. Yosh noted that there's a speeding problem on Audrey Place and requested that the issue be looked into. Mayor Dodd explained that speed bumps can not be placed on Audrey Place due to the steepness of the hill. Mayor Dodd noted the problem needs to be identified and then an action plan will have to be put in place.

DANIEL MARTINEZ – 57 Spring Street – Mr. Martinez has concerns with the condition of Water Works Park, which he rented. He noted that there was garbage on the ground, garbage cans were filled and the restrooms were in poor

condition. Mr. Martinez provided the board with pictures of the park in the condition he found it. Mayor Dodd expressed that he doesn't condone this type of appearance (poor conditions) in the community. He noted that the Department of Public Works has been working in Water Works Park, periodically, for the last couple of months, as well, as the Mayor's Assistance Program working every Saturday morning in the park. Alderwoman Blackman noted that the Mayor's Labor Assistance was present in the park on Saturday and so was she, prior to the event and expressed that the park was left in good condition. Alderman Poolas noted that the bathrooms have been in poor condition for quite some time. Mr. Close did not receive any complaints regarding the park prior to Mr. Martinez's complaint. Dialogue continued regarding the condition of the park. Mayor Dodd will have the matter looked into.

**Motion to adjourn made by Mayor Dodd at 7:55 p.m.,  
and duly seconded by Alderwoman Romaine passed by the following voice vote.**

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

**Respectfully submitted,**

**Margaret J. Verga, Municipal Clerk**