



# **TOWN OF DOVER MAYOR & BOARD OF ALDERMEN**

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## **EMERGENCY MEETING AGENDA ELECTRONIC MEETING SEPTEMBER 10, 2020**

Prior to the start of the meeting, Acting Municipal Clerk Schmidt made an announcement that the meeting was being recorded on Zoom and asked members of the public to please mute themselves. If individuals wish to make comments, they may do so during the public comment portion of the meeting.

Mayor Blackman thanked the Municipal Clerk and thanked everyone for their patience due to some internet/phone/power issues on Route 10 which impacted Town Hall earlier. She also asked the public to bear with her because she was losing her voice and called the meeting to order at 7:08p.m.

Mayor Blackman then read the Sunshine Statement that the meeting was being held in accordance with the Open Public Meetings Act, also known as the Sunshine Law, N.J.S.A. 10:4-6 et. seq. N.J.S.A. 10:4-9 allows the Mayor and Board of Aldermen to hold a meeting upon the affirmative vote of three quarters of the members present when such a meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest. Currently the Town of Dover is without an Interim Administrator (this position also serves as purchasing agent for the Town of Dover) and an Interim Chief Financial Officer which are required for the Town of Dover to operate and perform basic operations. A delay in holding this meeting to appoint Interim officials will prevent the Town of Dover from being able to provide necessary services, process forms, make payments and procurement of needed items could not occur which would harm the public interest if the meeting was delayed. At the Regular Meeting of September 8, 2020 a number of items listed on the agenda were unanimously carried for an Emergency Meeting to be held on September 10, 2020 at 7:00p.m. On September 9, 2020 the Acting Municipal Clerk reviewed the items with Town professionals as to which remaining matters urgently needed to be discussed and acted upon. The meeting is limited to the following items of urgency and importance to enable the Town to be able to operate: Appointment of Interim Town Administrator and Interim CFO/Treasurer and associated responsibilities. Res. 209-2020 / Appointment of Interim Town Administrator; Res. 219-2020 – Resolution Appointing Public Agency Compliance Officer; Res. 222-2020 – Resolution Increasing the BID Threshold and Appointing a Qualified Purchasing Agent; Res. 223-2020 / Appointment of an Interim CFO/Treasurer; Res. 224-2020 – Resolution Authorizing Individuals to Sign Documents Relating to 457 Savings Plans; Res. 225-2020 - Resolution Appointing Tax Searcher. The need for this meeting could not reasonably have been foreseen at a time when adequate notice could have been provided as the tabling of Res. 209-2020 regarding the appointment of an Interim Administrator on September 8, 2020 impacted the above urgent items and was not foreseen. Following the review by the Acting Municipal Clerk with professionals, notice was posted on the bulletin Board in Town Hall and provided as soon as possible in accordance with the OPMA to the Star Ledger and Daily Record in the early morning hours of September 10, 2020.

The Mayor then led those in attendance in the salute to the flag.

Acting Municipal Clerk Schmidt then conducted the roll which resulted in the following:

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

Nine members of the governing body were present and there was a quorum. Also in attendance was Acting Municipal Clerk John P. Schmidt, Municipal Attorney Timothy P. Downs, Deputy Municipal Clerk Rey Julve and Bill Isselin, Chief Code Enforcement Officer & Assistant Engineer.

Acting Municipal Clerk Schmidt then stated that the Open Public Meetings Act under N.J.S.A. 10:4-9 requires that a 3/4 vote of the Governing Body approve an Emergency Meeting. For the reasons stated in the Sunshine Statement a motion to hold an Emergency Meeting was made by Aldermember Correa, second by Aldermember Rugg.

#### **Vote to Hold Emergency Meeting**

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

Acting Municipal Clerk Schmidt announced that 3/4 of the members having voted in the affirmative, the Mayor and Board could proceed with the meeting. The vote to hold the meeting was 9-0.

#### **DISCUSSION & APPOINTMENT OF INTERIM TOWN (MUNICIPAL) & INTIERM CHIEF FINANCIAL OFFICER**

Before opening the topic for discussion, Mayor Blackman stated that the Personnel and Finance Committees are recommending that this Board hire Senator John Bennett to serve as the Town's Interim Administrator. While Senator Bennett is filling this role, the Town will begin the process for finding a permanent individual for that position.



Mayor Blackman stated that it was initially arranged for Mr. Bill Isselin of our Engineering and Construction Departments, to serve as the Interim Administrator. However, Mr. Isselin decided that due to the amount of construction and re-development in our Town at this time, that it was in the best interests of the Town for him to remain in his current roles. The Mayor stated that while she was disappointed to hear that news, she appreciates him for thinking of the Town instead of himself.

When Mr. Isselin's decision was made, the Town had very little time to find someone to be our Interim Administrator. Despite the short timeframe, the Personnel Committee mobilized quickly and conducted a formal interview of Senator Bennett, which was followed up with long conversations. The Mayor stated that each Aldermember was provided with Mr. Bennett's resume and had ample time to ask questions or make comments prior to Tuesday's meeting and again, prior to today's meeting. Each Aldermember was also encouraged to call Senator Bennett to have a conversation with him and ask whatever questions they wanted.

The Mayor also stated that since Tuesday, the Town received two resumes from individuals interested in the Town Administrator position; however, neither applicant had any prior experience as a Town Administrator, which was one of the criteria in the job posting. The Personnel and Finance Committees believe that we need someone with experience to fill the role of Administrator; therefore, Senator Bennett is the most qualified person for the job.

The Personnel and Finance Committees had the opportunity to consult with Mr. Ken DeRoberts of the Government Strategy Group. Mr. DeRoberts was referred to us by Parsippany Mayor Michael Soriano's administration. Mr. DeRoberts could not be here for the meeting due to a scheduling conflict; however, he recommended to the Committees that we appoint Senator Bennett in the interim due in part to his extensive experience and the amount of time required to conduct a proper search for a permanent administrator. Mayor Blackman stated that she also consulted with the Town's Risk Manager who advised her that Senator Bennett would be an asset to the Town of Dover.

Mayor Blackman commented that the Town is very lucky to have found Senator Bennett and thanked him for taking on this role in such a short timeframe. She commented that he was very recently a finalist for the position of administrator of Parsippany and is not a stranger to Morris County. He comes to us with a lifetime of experience in public life. Mayor Blackman said that he has many qualifications, including serving as the administrator in other municipalities both larger and smaller than Dover such as Woodbridge, which is also a Democratic Town. The Mayor said that one of the most important qualities that came out in her several conversations with him, is that he is a team player with a good heart who knows more about our Town than I would have imagined.

Mayor Blackman asked everyone welcome him with open arms and provide him with the support he will need.

She also stated that there is a resolution appointing Mr. John Gross as Interim CFO on a part-time basis, to keep things moving forward until the Town can find a permanent replacement for that

position. Mr. Gross was referred to the Town by our Risk Manager. It was noted that the Town's budget consultants, O'Conner-Davies, did not have anyone available to fill that role. However, our budget consultant and Senator Bennett will work together with the Interim CFO to ensure the Town's financial obligations continue to be met until a permanent replacement can be hired. The floor was then opened for comment by the Board.

Aldermember Wittner asked if the job posting for Administrator was posted on the Town's website and on the New Jersey League of Municipalities website, which it was. She also asked who was on the Personnel and Finance Committees. Acting Municipal Clerk said that the Personnel Committee was comprised of Mayor Blackman, Chairman, Aldermember Correa and Aldermember Valencia and the Finance Committee was comprised of Aldermember Correa, Chairman, Mayor Blackman and Aldermember Rugg.

Aldermember Ballesteros asked about the term of the Interim Town Administrator. Mayor Blackman explained that the interim role would be nine months and the salary would be pro-rated. The Mayor stated that if we could fill the role sooner than nine months it would allow for a transition.

Aldermember Wittner asked if a candidate was found next week, would that mean Mr. Bennett could not stay the full months. Mayor Blackman stated that is correct.

Aldermember Correa commented that he found it very troubling that in the Town of Dover, which is an equal opportunity employment that some people have an issue with the appointment because some individual have an issue that the nominee is an old white male Republican. He stated that this Board is a Democrat board and is very progressive based on the actions of the board, however when the board was elected the Board of Aldermen is here to serve everyone not just Democratic voters. He stated that he recognizes the Town needs to take emergency action because of the resignation of former Deputy Administrator Sanchez but he believes that top officials. He also stated that he is proud to be a Democrat, the Democratic Municipal Chairman and a delegate for Bernie Sanders.

Mayor Blackman stated that we should look at people and not just party. She explained she looks at people and what is best for the Town.

The Mayor then asked for a motion and second. A motion was made by Alderman Correa to adopt Res. 209-2020, second by Aldermember Rugg.

**Res. 209-2020 Appointing Interim Town (Municipal) Administrator (John O. Bennett III)**

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



Acting Municipal Clerk stated that Res. 209-2020 passed by a vote of 7-2.

Mayor Blackman stated the next item on the agenda was the appointment of an Interim Chief Financial Officer, John O. Gross who has over 20 years experience as a CFO and provided his background. The Mayor then opened the floor to members of the Board.

Aldermember Ballesteros asked that the resolution be read for the record. Acting Municipal Clerk Schmidt read the resolution in full. Aldermember Ballesteros asked about the amount of the resolution. The resolution on September 8<sup>th</sup> had a total amount unlike this resolution. Acting Municipal Clerk Schmidt stated that the prior resolution was contracting with a company and Mr. Gross will be an hourly part time employee. There was some additional discussion between Aldermember Ballesteros and Mayor Blackman comparing the resolutions.

With no other comments or discussions, a motion was made by Aldermember Rugg, second by Aldermember Wittner.

**Res. 223-2020 Interim Chief Financial Officer**

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

Res. 223-2020 was approved by a vote of 6-2.

Aldermember Ballesteros asked if Aldermember Cruz was on the call. Aldermember Cruz was not on the call. Aldermember Wittner stated that she might have lost connection.

**APPROVAL OF RESOLUTIONS**

The Board then considered the following resolutions which were explained by Acting Municipal Clerk Schmidt.

- 1) Res. 219-2020 - Resolution Appointing Public Agency Compliance Officer
- 2) Res. 222-2020 – Resolution Increasing the BID Threshold and Appointing a Qualified Purchasing Agent
- 3) Res. 224-2020 – Resolution Authorizing Individuals to Sign Documents Relating to 457 Savings Plans
- 4) Res. 225-2020 - Resolution Appointing Tax Searcher

A motion was made by Aldermember Correa to adopt Resolutions 219, 222, 224 and 225, second by Aldermember Rugg.

**Resolutions 219, 222, 224 & 225 2020**

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

The Resolutions were approved by a vote of 8-1.

**PUBLIC COMMENT**

Acting Municipal Clerk Schmidt stated if members of the public wanted to speak to please use the Zoom feature to raise their hands.

Mayor Blackman then announced the procedures for public comment.

**Speaker:** Karol Ruiz

**Address:** 86 S. Morris St., Dover NJ

**Municipality/County:** Dover / Morris County

Ms. Ruiz said she is not speaking in her official capacity. She stated that she did oppose the appointment of Mr. Bennett. She spoke about the meeting tonight and said it needs to be better and the interruptions need to stop. She also expressed concerns and asked questions about the appointment of Mr. Bennett.

**Speaker:** Sergio Rodriguez

**Address:** 37 Pine Street, Dover NJ

**Municipality/County:** Dover / Morris County

Mr. Rodriguez did not like the way residents were muted at the meeting. He also asked who made the recommendation. He asked why the agenda could not be moved again and complained about the meeting.

**Speaker:** Kason Little

**Address:** 225 S. Seventh St., Elizabeth NJ

**Municipality/County:** Elizabeth / Union County

Mr. Little stated that he does not live in Dover but is on the meeting to stand in solidarity with people in Dover. He also expressed concerns about the appointment of Mr. Bennett and the fact the public was not part of the decision-making process. Mr. Little said he was disappointed by the decision made tonight.

**Speaker:** Jessenia Flores

**Address:** 19 Julia Terrace., Dover, NJ

**Municipality/County:** Dover / Morris County

Ms. Flores stated that this was an undemocratic process. She asked why the recommendation of Parsippany was accepted and expressed concerns about the appointment process. She thanked everyone for showing up to the meeting.



**Speaker:** TC McCourt

**Address:** 32 Davis Ave., Dover NJ

**Municipality/County:** Dover / Morris County

Mr. McCourt said that he was disappointed, upset and frustrated. Mr. McCourt said that although the public could speak they were not listed to. He also asked who recommended Mr. Bennett. Mr. McCourt also wanted to address the comments of Aldermember Correa. Mr. McCourt stated that it was not just about political party. Mr. McCourt stated Mr. Bennett was not good enough for Dover. He also stated Dover deserves better.

**Speaker:** Cynthia Rodriguez

**Address:** W. Munson Ave., Dover NJ

**Municipality/County:** Dover / Morris County

Ms. Rodriguez stated she was extremely disappointed. She stated that Dover deserves better and not someone who is arrogant. She also said that the Mayor needs to make her own decisions.

**Speaker:** Austin Nieves

**Address:** Richard Ave., Dover NJ

**Municipality/County:** Dover / Morris County

Mr. Nieves commented that he hopes and prays Mr. Bennett will serve Dover well despite people not wanting him. As stated by some of his cohorts, he thinks the public should have been listened to.

**Speaker:** Ashley Posse

**Address:** 11 Pine St., Dover NJ

**Municipality/County:** Dover / Morris County

Ms. Posse said that she was disappointed and expressed concerns about the appointment process Mr. Bennett. Ms. Posse also said there was times when people asked nicely to speak and they should have been given the opportunity. She also asked why the job was not posted as soon as Mr. Sanchez gave his notice.

**Speaker:** Noreen Staples

**Address:** Brookside, NJ

**Municipality/County:** Mendham Township / Morris County

Ms. Staples asked if the person was prechosen by the Finance and Personnel Committees. She stated she is saddened by what occurred. Ms. Staples also stated she is waiting for answers to questions from an OPRA request. She also wanted to know if the meeting was going to be uploaded. Acting Municipal Clerk stated they hope to, but they were unable to stream the meeting on YouTube for this meeting. It was mentioned that the Town tried multiple times but it would not stream.

**Speaker:** Jessica O'Brien

**Address:** Reservoir Ave., Dover NJ

**Municipality/County:** Town of Dover / Morris County

Ms. O'Brien stated the appointment of Mr. Bennett has gained traction online. She stated that the future of the Town are millennials. She expressed that the opinions of those who comment are not heard and commended those who commented.

**Speaker:** Felipe Davila

**Address:** 309 Washington Ave., Dover NJ

**Municipality/County:** Victory Gardens / Morris County

Mr. Davila expressed his discontent with the failed Republican for Town Administrator and urged the Mayor and Board to look at other candidates. He also asked about who recommended Mr. Bennett and why other candidates were not qualified. He also stated he has no political ambitions or ties to anyone on the Board. Mr. Davila also asked how the meeting complied with the 48 hours notice as required by OPMA.

**Speaker:** De'Vante Montgomery

**Address:** 19 Hillside Ave., Dover NJ

**Municipality/County:** Dover / Morris County

Mr. Montgomery commented that he spoke at the meeting Tuesday and spoke about the appointment process of Mr. Bennett.

**Speaker:** Tina O'Connor

**Address:** 108 Tyler Ridge, Atlanta GA

**Municipality/County:**

Ms. O'Connor stated she lives in Georgia but has houses and a mother in Dover. She expressed concerns about not seeing board members. She asked how you know if people were voted when they cannot be seen. She asked what the votes were. Acting Municipal Clerk Schmidt provided the votes. Ms. O'Connor wanted an opinion from the Attorney.

**Speaker:** Huby Fedna

**Address:** 11D Hart St., Dover, NJ

**Municipality/County:** Morristown / Morris County

Mr. Fedna wanted to ask the Mayor and Board how they feel comfortable in appointing Mr. Bennett and what qualified him to have the job. Acting Municipal Clerk Schmidt summarized the Mayor's comments from earlier that when Mr. Sanchez announced his resignation a department head was going to be Interim Administrator, however because of work issues that individual decided not to take it. That decision left a very short window to find someone to come in on an Interim basis. Mr. Bennett was found qualified based on his experience and certifications. Mr. Schmidt also stated that no other candidates had at least five years' experience. Additionally, a search company which specializes in Municipal Administrator searches across the state, which was recommended by Parsippany met with both the Finance and Personnel Committees and explained a search process and the time it takes. Mr. Fedna asked how the governing body members feel about the appointment.

Aldermember Wittner asked if the Board could take a five-minute recess. Aldermember Wittner made a motion, second by Aldermember Ballesteros at 9:20p.m.



### Motion to Recess

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

Acting Municipal Clerk then took roll call at 9:28p.m., which resulted in the following members being present:

Aldermembers Correa, Ballesteros, Valencia, Wittner & Mayor Blackman.

Acting Municipal Clerk Schmidt stated five members were present and there was a quorum.

Alderwoman Rugg rejoined the meeting at 9:29p.m.

**Speaker:** Leidy Londano

**Address:** 4 Winthrop Place., Dover NJ

**Municipality/County:** Dover / Morris County

Ms. Londano stated that she expressed her disappointment about the transparency and appointment of Mr. Bennett on Tuesday, but tonight is disappointed in the leadership of the Mayor. She stated that the fact that not all Aldermembers can be seen. She also wanted to know how the Mayor will define success as to Mr. Bennett.

**Speaker:** Stacey Gregg

**Address:** 40 Sunrise Road, Rockaway Township

**Municipality/County:** Rockaway Township / Morris County

Ms. Gregg stated her interest with Dover, which started with the actions of former Mayor Dodd. She commented about the appointments of members of the GOP. She also spoke about the OPMA and said the Mayor was getting bad advice. Ms. Gregg said that vote of Mr. Bennett should be recalled and that the Mayor and Board should be ashamed with the exception of Aldermembers Ballesteros and Wittner. Ms. Gregg said that this meeting was illegal. She also asked the Mayor if she was leaving office.

Mayor Blackman stated that she does not usually answer rumors, but the Mayor commented that she wanted to go back to her statement from January. The Mayor said she was elected to a four-year term to serve the residents of Dover. Mayor Blackman also stated she is unsure of what rumors are out here, but as long as she is healthy, she will be serving the residents of Dover to the best of her ability.

Hearing no other voices, Mayor Blackman closed the public portion.

Aldermember Ballesteros stated he believes everyone approaches everything with the best intentions. While he did not agree with the vote, he believes the entire Board will work together. Aldermember Ballesteros believes it is important for the public to speak but believes with the public comment portion they can speak.

Aldermember Wittner wanted to echo the comments of Aldermember Ballesteros and stated that she will work Mr. Bennett.

Mayor Blackman stated she has heard comments and Mr. Bennett will be held accountable but that he should be given a chance, and that all of us should work together for the betterment of the community.

Mayor Blackman then recognized Acting Municipal Clerk Schmidt. Acting Municipal Clerk addressed questions concerning the OPMA and more specifically the 48 hours' notice requirement. He stated that normally most meeting require 48 hours notice, but explained that the OPMA, under N.J.S.A. 10:4-9, which is on the first page allows public bodies to hold a meeting without giving 48 hours notice. He stated that the statute requires certain procedures to be followed, which were done.

Attorney Tim Downs wanted to clarify that neither the Mayor of Parsippany or his administration recommended Mr. Bennett, but the search firm recommended by the Mayor of Parsippany / his administration had recommended to the Personnel and Finance Committee to appoint Mr. Bennett.

Acting Municipal Clerk Schmidt then provided some additional clarification as to the reason for the meeting. He said that as of yesterday, the Town did not have an Administrator, Deputy Administrator, CFO or Asst. CFO. Typically, the Administrator approves expenses, and the CFO must sign off on all expenses. Acting Municipal Clerk Schmidt stated that within the coming days the Town of Dover would be in a situation where the Town could not process payroll, pay for garbage collection, EMS and basic services. Acting Municipal Clerk Schmidt said he hopes that explanation might help as to why the meeting was held.

Bill Isselin asked Mayor Blackman if he could comment. Mr. Isselin, as a Department Head, wanted to comment that he looks forward to working with Mr. Bennett and hopes he succeeds.

Mayor Blackman thanked Mr. Schmidt for his prior comments and spoke about checks and balances between the Administrator and CFO regarding expenses.

Mayor Blackman then asked for a motion to adjourn. A motion was made by Aldermember Correa, second by Aldermember Ballesteros.

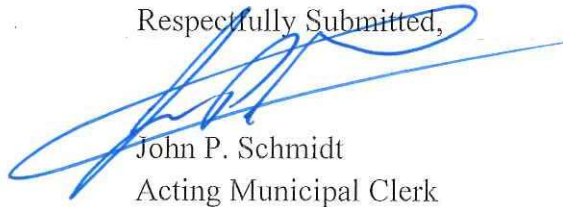
#### Motion to Adjourn

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



The meeting was adjourned at 9:51p.m. by a vote of 7-0.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'John P. Schmidt', is written over the printed name and title.

John P. Schmidt

Acting Municipal Clerk