



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

Caucus Meeting Minutes of January 23, 2007

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 Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Absent: None

Also present were Attorney Pennella and Clerk Verga

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

PROCLAMATION

WHEREAS, the citizens of the Town of Dover stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Town of Dover has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, **NEA's Read Across America**, a national celebration of reading on March 2, 2007, which would have been the 103rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, Staples, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen, calls on citizens of the Town of Dover to assure that every child is in a safe place reading together with a caring adult on March 2, 2007;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses **NEA's Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

Proclaimed this 23rd day of January 2007

MUNICIPAL CORRESPONDENCE:

- Resolution from Township of Hanover re: Elimination of Regional Contribution Agreements
- Ordinance from Township of Randolph re: Amending Land Development Ordinance to modify the PO/R District
- Ordinance from Township of Randolph re: Amending Land Development Ordinance to regulate wireless telecommunication facilities and installations in the township
- Ordinance from Borough of Rockaway re: Amending Chapter 17 Off-Street Parking, Traffic Aisles and Driveways

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- Ordinance from Borough of Rockaway re: Amending Chapter 169 Fees and Escrow Deposits adding Maintenance of Detention/Retention Basins
- Notice from Randolph Board of Adjustment re: Existing residential structure is a legally existing two-family house
- Dover Municipal Court Financial Report for December

AGENDA ITEMS:

ORDINANCE(S) FOR INTRODUCTION

- Ordinance #03-2007 re: Amending Town of Dover Code Chapter 285, Property Maintenance

Alderman Ryan asked how many times the committee met before before amending the ordinance.

Alderman Visioli answered three times with the last time being October.

Attorney Pennella went over changes to the ordinance including the following:

- Code Enforcement Officers may immediately issue a summons for dangerous conditions such as no carbon monoxide or smoke alarms, fire extinguishers to name a few.
- Weeds was changed to uncultivated

ORDINANCE(S) FOR SECOND READING

- Ordinance #01-2007 re: Installation of awning located at King St. and E. McFarlan St.
- Ordinance #02-2007 re: Amending and supplementing Section 2-8 of the Code of the Town of Dover

Mayor Dodd stated the reason for amending and supplementing Section 2-8 is for this board to be more proactive in the process, it creates checks and balances. This board represents the 18,000 people who voted on in.

Alderman Ryan does not see the necessity to change. Alderman Visioli agrees this board should have oversight.

Alderman Fahy inquired about Section D – purchase of goods. It was explained that the Administrator has approval to spend up to \$29,000; the finance committee would like to be more proactive with the expenditures of this town.

RESOLUTIONS

- Approving Bills List
- Approving Raffle Licenses for Catholic Social Services of Morris d/b/a/ Hope House to be held on 5/14/07 and two (2) Raffle Licenses for Academy Street School PTA to be held on 3/16/07
- Approving Taxi Cab Drivers License for Manuel A. Vasconcellos (07 Taxi-Limo)
- Approving new taxi company – Adam Limousine Service to operate taxis
- Approving Azua Limousine Service from Mine Hill to operate taxis in Dover
- Approving One-Day ABC License for Wm. Hedges Baker American Legion Post #27 event to be held on 2/18/07



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Regular Meeting Minutes of January 23, 2007

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

The meeting was called to order by Mayor. Dodd at 7:36 pm

ROLL CALL

Present Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo, Timpani and Mayor Dodd

Absent: None

Also present were Attorney Pennella and Clerk Verga

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

Mayor Dodd opened this portion of the meeting to the public for agenda items only. Seeing no hands or hearing no voices this portion of the meeting was closed.

Mayor Dodd's Report –

- Code Enforcement meeting to work on specs for solid waste and recycling pickup
- Economic Committee meeting to review the one proposal received for Bassett Highway Redevelopment Area
- Attended various events

ALDERMEN/COMMITTEE REPORTS –

Alderman Donofrio –

- Attended the solid waste committee meeting, Alderman Visioli will give report on same.

Alderman Ryan –

- Police Committee Meeting was canceled but did talk to Chief Valentine about staffing issues. Gave year end report for 2006. Negotiations have started with PBA.

Alderman Poolas –

- Met with Superintendent Acevedo, discussed chain of command and various titles of employees. Also the plan for the salting of roads.
- Senior Citizen meeting at Moose Lodge discussed the vial of life program
- Economic Development and solid waste and recycling meetings
- Would like to have recycling containers
- Was very displeased with the Town Planner. There was allot of incorrect information on same, would like a letter sent to company

Mayor Dodd received a complaint about recycling brochure and would like all Mase Ave residents notified by mail as to when their recycling dates are, they were left off schedule. Mayor Dodd asked Attorney Pennella if we have legal recourse to stop the company from publishing the town planner. Attorney Pennella responded if they didn't state they are representing the town when soliciting donations there was little that could be done. Alderman Fahy stated the calendar itself is good, maybe a meeting should be set up to discuss the mistakes. Mayor Dodd stated that was a good idea.

Alderman Visioli –

- Committee is still researching proposed bid specs for solid waste collection and curbside recycling pickup.
- Reported on the DeFeo Report concerning the study on the DPW and Water Department merger.

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Mayor Dodd stated in 2006 this board made a commitment to save taxpayers money. There is still a lot of work to be done. The article in the Daily Record had a lot of errors concerning the merger; I just wish the town had been able to comment.

Alderman Donofrio asked if there was a town pickup included in the specs for solid waste. Alderman Visioli stated a separate pickup is not in the spec but a quote if they pick up for tonnage could include that. Mayor Dodd stated users should pay why a senior citizen should have to pay for someone else's service. The company does offer the hopper service for \$40.00. Alderman Poolas said if the hauler gives us a good lump some pickup that would include everything except white goods and tires.

Alderman Fahy –

- Attended various meetings and reported on same.

Alderman Delaney –

- Attended Finance Committee meeting
- Started negotiation for FMBA contract.
- Board of Education meeting and reported on same

Alderman Timpani –

- PBA negotiations
- Several resident complaints
- Attended Recreation Meeting and Crescent Field is complete, temporary fencing is up.

Alderman Picciallo –

- Attended various events and handled resident complaints
- Library Board had their re-organization meeting and reported on maintenance issues
- Attended Personnel Committee, Finance and Dover Seniors Meeting

Mayor Dodd commented on Walk able Communities Workshop which concentrated on Blackwell Street, West of S.Bergen, there were 16 participants.

Special attention was paid to the ease of street crossing, quality of walking experience, driver behavior and pedestrian safety.

The five priorities were:

Bike lanes on Blackwell Street (10' lane)

Countdown signal at crosswalks

Curb extensions (bump outs)

Pedestrian crossing at N. Warren Street in front of town hall

Complete sidewalk network in front of firehouse on N. Warren Street

In October Dover was featured again in Emerging Trends in Real-estate 2007 by Urban Land Institute and Price Waterhouse Cooper stated mixed use projects as a favorite type of development. Transit friendly development news letter Dover is back on the map. Transit oriented development practically can't miss.

Attorney Pennella's Report –

- Hearing this Thursday and Friday concerning personnel matter

ORDINANCE(S) FOR INTRODUCTION

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ORDINANCE 03-2007

*OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AMENDING AND SUPPLEMENTING THE PROPERTY MAINTENANCE
CODE OF THE TOWN OF DOVER*

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover as follows:

1. The Property Maintenance Code of the Town of Dover, adopted under Chapter 285 of the Code of Dover, is amended and supplemented as follows:

Section 100.2 - Scope

This code is to protect the public health, ensure adequate property maintenance, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

Section 106.2 - No Notice required:

Notwithstanding Section 106.1, the Code Official, on discovery of a violation of Sections 105.5, 108, 301.4, 301.4.1, 403, 504.3, 601.1, 602.1, 704.5, and 705.1 may immediately issue a summons answerable in municipal court, to any person, firm or corporation who shall violate any of the above named sections. For each and every violation of the above named sections a separate summons may be issued. In addition, for each and every day that the violation continues, a separate summons may be issued.

Section 301.4 – Weeds and Excessive Plant Growth:

All premises and exterior properties shall be maintained free from weeds or excessive plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation however, this term shall not include cultivated flowers and gardens. Cultivated is defined as “to loosen or dig (soil) around growing plants.” Uncultivated gardens shall be treated the same as weeds and excessive plant growth. Plant Growth shall include but not be limited to bushes, shrubs, fruit bearing plants or any other vegetative plant growth excluding trees. Upon failure of the owner or agent having charge of a property to cut and destroy weeds or excessive plant growth after service of a notice of violation, they shall be subject to prosecution in accordance with the requirements of this code. Upon failure to comply with the notice of violation, any duly authorized employee of the Town of Dover or contractor hired by the Town of Dover shall be authorized to enter the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

Section 301.10 - Outdoor Furniture:

The placement of indoor furniture outdoors on open uncovered or covered porches or decks or within any yard area shall be prohibited. Indoor furniture shall be defined as “furniture that is intended to be used inside, which shall include but not be limited too; upholstered couches or chairs, leather couches or chairs, bedding or any other furniture that is made of materials that is not intended for outdoor use.” Open porches or decks shall not include porches or decks that are enclosed on all 4 sides by either insect screens, storm windows, or a combination of walls and windows to create a permanent separation to the outside.

Section 301.11 - Household Appliances:

The placement of Household or Commercial Appliances outdoors on open uncovered or covered porches or decks or within any yard area shall be prohibited. “Household Appliances” shall include but not be limited too; Refrigerators, Freezers, Stoves, Dishwashers, Washing Machines, Hot Water Heaters, Portable Air Conditioners and Clothes Dryers. Open porches or decks shall not include porches or decks that are enclosed on all 4 sides by either insect screens, storm windows, or a combination of walls and windows to create a permanent separation to the outside.

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Section 302.1.1 - Exterior Walls and Surfaces and Protective Treatment

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All maintenance free type materials such as but not limited to, brick or aluminum which have been previously painted or protected with a weather resistant material must be maintained in good condition. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 302.5 entitled “**Exterior Walls**” has been merged into **Section 302.1.1** and this section shall be left intentionally blank.

Section 302.16 - Window Air-Conditioners:

All window air-conditioners shall be installed in a safe and secure manner in accordance with the manufacturer’s recommendations. Window air-conditioners shall not be installed in a required means of egress.

Section 403.11 – Efficiency Units

Apartment dwelling units consisting of a bath, one large room without permanent separations to be used for living, dining and bedroom facilities and with cooking facilities separated from the main room by a permanent wall or a sliding or some other temporary partitions.

Section 403.7 - Prohibited Use:

Kitchens, Living Rooms, Dining Rooms, nonhabitable spaces and interior public areas shall not be used for sleeping purposes.

Section 601.1- Residential Buildings:

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. (20 degrees C.) at a level of 3 feet above the floor and a distance of 3 feet from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from Oct. 1 to May 1 to maintain a room temperature of not less than 68 degrees F. (20 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65 degrees F. (18 degrees C.) during other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable space heaters shall not be used as the sole source of heat, however they may be used as supplemental heat or for heat during emergency situations where the main heating supply system is being repaired. The code official reserves the right to issue and immediate summons if the building owner has been neglectful and unresponsive in resolving the situation.

Section 704.4 - Fire Extinguishers:

All portable fire extinguishers shall be visible, accessible, and shall be maintained in an efficient and safe operating condition. All One and Two Family Dwelling Units at a change of occupancy shall be provided with a portable fire extinguisher in accordance with N.J.S.A 52:27D-198.1.

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Section 704.5 - Smoke Detectors:

A structure used or intended for use for residential purposes shall have a smoke sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedroom and located on or near the ceiling in accordance with the National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke-sensitive alarm devices shall be accepted as meeting the requirement of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the New Jersey Bureau of Fire safety.

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.

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

Ayes: Aldermen Fahy, Delaney, Poolas, Visioli, Picciallo, Timpani and Mayor Dodd

Nays: Alderman Donofrio and Ryan

Absent: None

Abstained: None

ORDINANCE(S) FOR SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 01-2007 **OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER** **AUTHORIZING AWNING ENCROACHMENT FOR BLOCK 2017, LOT 16**

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. There is hereby approved, pursuant to N.J.S.A. 40:67-1, the installation of an awning being 22 feet in length, 42 inches high and 24 inches in depth, which awning encroaches into the public right of way along King Street for property known as Block 2017, Lot 16 as shown on the tax maps of the Town of Dover and also known as 145 King Street, Dover, New Jersey.

2. The awning must be of canvas or cloth material and may not be plastic.

3. An application must be made to the Uniform Construction Code Official for a Building Permit and the Zoning Officer for a Zoning Permit, and is subject to conforming with the Uniform Construction Code and Zoning Ordinance.

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

5. 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.

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(d) Supervise purchasing and see that goods and services are properly purchased for the departments, boards and agencies of the Town. The Administrator shall also

establish and enforce rules and regulations governing the requisition and purchase of all municipal supplies, equipment and services. The Administrator shall, before making any purchase of goods or services over One Thousand Dollars (\$1,000.00), obtain the approval of the Finance Committee of the Mayor and Board of Aldermen. Such approval may be obtained electronically or by a meeting of the committee. Following the purchase of any goods or services under an emergency purchase, the Administrator must notify the Finance Committee within 24 hours of the nature and amount of such purchase.

(e) Hold such other municipal offices or head one or more of the municipal departments as the Mayor and Board of Aldermen may from time to time direct.

(f) Attend all meetings of the Mayor and Board of Aldermen and its committees with the right to take part in the discussion.

(g) Keep the Mayor and Board of Aldermen informed as to the conduct of Town affairs and the condition of Town finances and such other reports as the Mayor and Board of Aldermen may request. The Administrator shall make recommendations to the governing body as the Administrator deems necessary or as requested by the Mayor and Board of Aldermen.

(h) Be responsible for continually improving communications among all Town employees, departments, agencies, boards, the Mayor and Board of Aldermen and the community as a whole (i.e. Chamber of Commerce and other service groups). The Administrator will constantly try to upgrade the image of the Town of Dover.

(i) See that terms and conditions imposed in favor of the Town or its inhabitants in any statute or contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Mayor and Board of Aldermen.

(j) Continually review and supervise the Town's insurance program and work with the person or people designated by the Mayor and Board of Aldermen as the representative for Dover to the Joint Insurance Fund, the health insurance fund and the municipal excess fund, so as to obtain the lowest possible rates and adequate coverage.

(k) Be responsible for the overall supervision and maintenance of real property owned by the Town of Dover.

(l) Act as liaison between the Town of Dover and the various county, state and federal agencies, with respect to all applications for funds and/or services needed or required by the Town of Dover.

(m) Review daily any complaints concerning the functions and obligations of the Town of Dover made by any of its residents or the Mayor or Board of Aldermen and have a permanent record of complaints and the disposition made.

(n) Negotiate all collective bargaining agreements for the Town of Dover

(o) . At a minimum on an annual basis, review, organize and updated as needed all ordinances, policies and procedures. All changes to policy and procedures shall be subject to the approval of the Mayor and Board of Aldermen.

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(p) Perform such other duties as may be assigned from time to time by the Mayor and Board of Aldermen

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.

Alderman Fahy has moved the foregoing ordinance be adopted and duly seconded by Alderman Timpani and passed for second reading by the following roll call vote.

Ayes: Aldermen Delaney, Poolas, Visioli, Picciallo, Timpani and Mayor Dodd

Nays: Aldermen Fahy, Ryan and Donofrio

Abstained: None

Absent: 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:	\$133,660.80
CURRENT ACCT claims in the amount of:	\$1,037,770.70
CAPITAL ACCT claims in the amount of:	\$2,014.00
WATER UTILITY ACCT claims in the amount of:	\$51,921.46
WATER UTILITY RESERVE ACCT claims in the amount of:	\$96,994.79
WATER CAPITAL ACCT claims in the amount of:	\$232.15
PARKING UTILITY ACCT claims in the amount of:	\$7,361.27
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:	\$3,370.20
EVIDENCE TRUST ACCT claims in the amount of:	\$60.00
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:	\$6,651.76
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	\$3,297.02
TOTAL CLAIMS TO BE PAID	\$1,343,334.15

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PUBLIC COMMENTS

Antonio Acosta – 130 Madison Street – Commented Crescent Field looks great but, he's concerned it may be over utilized. Inquired if there was a time limit as to when you had to bring your garbage cans back in. He is very surprised that three members of this board voted no on the property maintenance ordinance, people should be held accountable for not maintaining their properties. He hopes when the board looks at the Bassett Highway project that they all vote yes for it.

Joan Bocchino – 49 Princeton Ave. – Vice chair for recreation the commission talked about artificial turf for Crescent Field. Commend Alderman Poolas for uniform recycling containers but do they have to be in orange. Mc Carp Morris County Adaptive Recreation Program funding, is that still in the budget? Her son Andrew does have a disability and has been a participant in the program. The cost is \$2,300 per year and Dover has 27 participants.

Mayor Dodd explained the budget process and told her he would research it.

Maria Tambini – 10 E. Blackwell Street – asked if the recycling container lids could be attached to the can. It was answered the cans will not have lids. Also inquired how often the street sweeper went out, now I'm sweeping the streets. Mayor Dodd responded not often because it needs water to operate.

Mayor Dodd asked if anyone one else had comments, seeing no hands and hearing no voices, Mayor Dodd closed this portion of the meeting.

A motion was made by Alderman Visioli to adjourn at 9:21 pm and duly seconded by Alderman Delaney and passed by the following voice vote. All ayes.

Respectfully submitted,

Margaret J. Verga, Clerk