



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
January 8, 2013 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 7:08 pm

All joined in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui & Mayor Dodd

Also present were Attorney Downs, Administrator Close and Municipal Clerk Verga

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

PROCLAMATION: MIRA GROUP & DOVER BUSINESSES

Mayor Dodd presented the MIRA Group with a proclamation for their assistance at the warming center during Hurricane Sandy. He thanked all the volunteers from the MIRA Group. He also thanked the local businesses that donated food to the warming center. Mayor Dodd presented that proclamation to Danielle Guzman of the MIRA Group. Mrs. Guzman thanked the volunteers and business owners for their time.

Alderwoman Yzarnotegui read the names of the local businesses that donated food to the warming center, as well as the volunteers who provided their time.

Mayor Dodd & Alderwoman Yzarnotegui met with Dr. Carlos Caprioli to discuss some exciting programs that he would like to bring to Dover. The Mayor mentioned one of the programs being “The Empower Dover Community Coalition” and the first initiative is an effort to reduce underage drinking and to get the local liquor establishments to cooperative with the initiative.

Mayor Dodd asked Mr. Rich Rosell, Public Safety Director to attend the meeting to provide the board and the public with an update on his progress.

Mr. Rosell noted that he pulled several goals from the Mayor’s 2013 State of the Town Address that were relevant to public safety. His intent is to create and apply current initiatives that support those goals. The three goals that he mentioned were to increase staffing in the police and fire departments, improvements to the Office of Emergency Management (OEM) and quality of life issues. He has spoken to Mr. Close who has tentatively approved the hiring of possibly three more police officers and at least four special officers. He noted that the judges and court administrator have requested for another special officer to assist on court days. Mr. Rosell is in the process of making a recommendation to the board on the vacancy for the fire department. He noted that the Office of Emergency Management is fine however some items need to be tightened up. Mr. Rosell reviewed the active shooter plan for the police department and he is pleased with it, however he and the chief believe that the department could use additional training. A plan has been drafted to make certain that bar owners in the town comply with existing ordinances and laws while at the same time maintaining a vibrant economy. This plan is expected to be in place in the first week of February. Mr. Rosell noted that the hiring of special law enforcement officers would be used at the discretion of the chief of police but they will be dedicated to a specific type of enforcement (graffiti, taxi & limousine enforcement) and any other quality of life issues.

Dr. Carlos Caprioli – 8 Elena Place – He thanked the board for participating with the Family Success Center which opened last year. He introduced Danielle the representative of the Morris County Prevention is Key which is located in Rockaway. She provided a background on their agency noting that they are working under

the mission to prevent and reduce youth substance abuse. Mayor Dodd noted that it's important to recognize this program as a preventative measure and he looks forward to working with the agencies. Barbara Kaffman from the Morris County Prevention is Key noted that they are sponsoring the sticker shock program and expressed that she has the resources to get the information out to the community. Alderman Visioli noted that prescription drugs abuse could be another avenue to look into.

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Borough of Rockaway re: Amending Chapter 169, Land Use Administration and Procedures
2. Letter from the Township of Marlboro re: JCP&L Company petition to the State of NJ Board of Public Utilities for review and approval of increases in and other adjustments to its rates and charges
3. Letter from McNees Wallace & Nurick LLC Re: JCP&L Company petition to the State of NJ Board of Public Utilities for review and approval of increases in and other adjustments to its rates and charges
4. Letter from NJLM re: Save the Date – 21st Annual Mayor's Legislative Day – February 6, 2013
5. Letter from NJDEP re: No Further Action letter - 58 W. Chrystal Street
6. Letter from Division of Food & Nutrition Services re: NJ Department of Agriculture seeks sponsors for summer food service program
7. Letter from the New Jersey Crime Victims' Law Center re: the NJ Human Rights Coalition
8. Letter from the Law Offices of Courter, Kobert & Cohen re: The Joint Municipal Court
9. Letter from NJ Natural Gas Re: Public Hearing on petition to establish rates to recover capital investments coast associated with accelerated infrastructure investment program

NJDEP = NJ Department of Environmental Protection NJLM = New Jersey State League of Municipalities
R.V.R.S.A. = Rockaway Valley Regional Sewerage Authority

CONSENT AGENDA

1. Resolution Approving Municipal Licenses for Social & Athletic Clubs – Schedule A
2. Resolution Approving an Auction License for Berman's Auction

ORDINANCE FOR FIRST READING

1. Ordinance #01-2013 – Providing for a Handicapped Parking Space at 6 Jordan Ter.
2. Ordinance #02-2013 – Salary Ordinance

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Transfer
3. Resolution Removing Diane Gonzalez from the Dover Volunteer Fire Department
4. Resolution Opposing the Approval Process for Non-SHBP Health Insurance Plans as Proposed by N.J.A.C. 5:30-18.1 through 18.4 and N.J.A.C 6A:23A
5. Resolution Supporting the Community Coalition for a Safe and Healthy Morris in its Efforts to Reduce Underage Drinking
6. Resolution Authorizing the Mayor & Board of Aldermen to Enter into Executive Session

Alderwoman Noriega abstained from item #12-02756 on the bills list.

REGULAR MEETING MINUTES

January 8, 2013

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 7:51 pm

ROLL CALL

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui & Mayor Dodd

Also present were Attorney Downs, 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 this portion to the public.

MAYOR'S REPORT – A report will be provided at the next meeting

ATTORNEY'S REPORT – Mr. Downs asked for a resolution to enter into executive session for litigation matters.

CONSENT AGENDA

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER FOR THE RENEWAL OF SOCIAL AND ATHLETIC CLUB LICENSES

WHEREAS, any person or group of persons, association or corporation, which meets for the purpose of promoting athletic sports, contests, exhibitions, classes or gymnasium; and

WHEREAS, any person or group of persons, association or corporation which owns, leases, operates or controls premises for the purpose of social intercourse and entertainment; excluding organizations of state or national scope and religious organizations; and

WHEREAS, the appropriate fees have been received with the renewal applications;

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 Social and Athletic licenses are hereby approved:

SCHEDULE A

Casa Puerto Rico
50 W. Blackwell Street

Dover Hilltop Athletic Club
17 Grant Street

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING AN AUCTION LICENSE FOR BERMAN'S AUCTION

WHEREAS, Section 118-2 of the Code of the Town of Dover requires any person who operates a auction apply to the Clerk of the Town of Dover for a license to operate; and

WHEREAS, Donna Kurtz, t/a Berman's Auction, located at 33 West Blackwell Street, Dover, New Jersey, has applied for renewal of an Auction license ; and,

WHEREAS, the applicant has submitted the appropriate fees and completed the application as needed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the application of Donna Kurtz, t/a Berman's Auction for a license to operate an auction house at 33 West Blackwell Street, Dover, New Jersey is hereby approved.

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None

ORDINANCE FOR FIRST READING

ORDINANCE NO. 01-2013
AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF DOVER PROVIDING FOR HANDICAPPED PARKING SPACE AT
6 JORDAN TERRACE

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

SECTION 1. Description for handicap parking space to be located at 6 Jordan Terrace

Said handicap parking space shall be located along the easterly curb line of Jordan Terrace beginning at a point 35 feet north of the northeasterly curb line intersection of Penn Avenue and Jordan Terrace, thence continuing in a northerly direction for a distance of 22 feet.

SECTION 2. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 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.

SECTION 4. The Ordinance shall take effect in accordance with law.

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None

ORDINANCE NO. 02-2013
AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,
COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 72, SALARIES AND COMPENSATION

BE IT ORDAINED by the Mayor and Board of Aldermen, Town of Dover, County of Morris, NJ as follows:

A. CHAPTER C. "Salaries and Compensation for Certain Employees" is hereby amended and supplemented by the following:

CHAPTER C.
SALARIES & COMPENSATION FOR CERTAIN EMPLOYEES

1. Effective January 1, 2013 as indicated below, salaries, compensation or fees are hereby established for the following named officers, employees or positions in the Town of Dover at the rate of or within the salary ranges listed.

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

C. This ordinance shall take effect immediately upon final passage and publication.

Job Title White Collar Union

Principal Cashier/Typing	\$ 53,000	\$ 60,000
Registrar of Vital Stat.	\$ 49,000	\$ 58,000
Deputy Court Administrator	\$ 49,000	\$ 55,000
Deputy Court Administrator BL	\$ 51,000	\$ 56,000
Account Clerk	\$ 50,000	\$ 55,000
Sr. Account Clerk	\$ 50,000	\$ 55,000
Sr. Assessing Clerk/Typing	\$ 44,000	\$ 48,000
Principal Account Clerk	\$ 50,000	\$ 55,000
Asst. Municipal Treasurer	\$ 44,000	\$ 48,000
Sr. Clerk Typist	\$ 44,000	\$ 48,000
Sr. Clerk Transcriber	\$ 44,000	\$ 48,000
Sr. Police Record Clk/Typ	\$ 44,000	\$ 48,000
Tax Clerk Typing	\$ 43,172	\$ 45,814
Technical Assistant	\$ 44,000	\$ 48,000
Telephone Operator/Typ.	\$ 40,000	\$ 45,000
Cashier Typing	\$ 40,000	\$ 45,000
Cashier Typing	\$ 40,000	\$ 45,000
Clerk Typist	\$ 40,000	\$ 45,000
Violations Clerk	\$ 40,000	\$ 45,000
Sec.Plan Bd/Bd of Adj.	\$ 11,000	\$ 13,000
Sr. Account Clk Typ/PT	\$ 17.00	\$ 20.00
Library Asst/ Part time	\$ 16.00	\$ 19.00
Library Asst/Sr. Acct. Clerk Part Time	\$ 16.00	\$ 19.00
Clk Typist - Part time	\$ 16.00	\$ 19.00

Job Title Non Union

Police Chief	\$ 120,000	\$ 140,000
Town Clerk	\$ 75,000	\$ 96,000
Administrator	\$ 125,000	\$ 155,000
Fire Captain	\$ 88,000	\$ 92,630
Street Superintendent	\$ 85,905	\$ 94,000
Supervisor Street	\$ 58,000	\$ 65,000
Supervisor Water	\$ 58,000	\$ 65,000
Municipal Engineer	\$ 120,000	\$ 135,000
Recy Coor/Eng. Aide/Chief Code Enf. Off.	\$ 95,000	\$ 105,000
Code Enforcement Officer	\$ 42,642	\$ 44,809
Chief Financial Officer/Treasurer	\$ 78,000	\$ 90,000
Library Director	\$ 65,000	\$ 80,000
Municipal Court Admin.	\$ 75,000	\$ 85,000
Tax Collector	\$ 50,000	\$ 64,000
Tax Assessor	\$ 25,000	\$ 44,000
Librarian	\$ 47,000	\$ 54,000
Supv. Library Asst.	\$ 35,000	\$ 45,000
Sanitation Inspector	\$ 20.00/hr	\$ 35.00/hr
Confidential Aide	\$ 20.00/hr	\$ 35.00/hr
Deputy Clerk	\$ 50,000	\$ 60,000
Clerk Typist	\$ 38,002	\$ 39,933
Senior Clerk Typist	\$ 47,000	\$ 55,000
Director Emergency Mgmt.	\$ 5,175	\$ 5,438
Deputy Emergency Mgmt. Coordinator	\$ 1,000	\$ 1,500
Construction Official/ Code Enf. Officer	\$ 55,000	\$ 65,000
Police Matron	\$ 16.00/hr	\$ 28.00/hr
School Crossing Guard PT	\$ 16.00	\$ 21.00
Special Police Officers PT	\$ 14.00	\$ 26.00
Housing Inspector PT	\$ 13.42	\$ 13.42
Electric Sub-code Official PT	\$ 28.00	\$ 40.00
Fire Sub-code Official	\$ 30.00	\$ 45.00
Building Sub-code Official	\$ 30.00	\$ 45.00
Mayor	\$ 7,300	\$ 8,000
Aldermen	\$ 5,000	\$ 6,000

Job Title Public Works Union

Senior Mechanic	\$ 54,000	\$ 60,000
Senior Public Works Rep	\$ 54,000	\$ 60,000
Senior Water Rep	\$ 54,000	\$ 60,000

Mechanic	\$ 51,000	\$ 57,000
Equipment Operator	\$ 51,000	\$ 57,000
Truck Driver	\$ 47,000	\$ 51,000
Laborer	\$ 39,000	\$ 44,000
Bldg Maintenance Worker	\$ 39,000	\$ 44,000
Water Meter Reader/Rep	\$ 51,000	\$ 59,000
Public Works Repairer	\$ 44,000	\$ 50,000
Water Repairer	\$ 51,000	\$ 59,000
Sr. Pkg. Enforcement Officer FT	\$ 43,000	\$ 48,000
Pkg. Enforcement Officer FT	\$ 39,933	\$ 42,378
Bldg. Maint. Worker PT	\$ 18.00	\$ 21.00
Motor Vehicle Operator	\$ 18.00	\$ 21.00
Pkg Enforcement Officer PT	\$ 17.00	\$ 20.00
Job Title FMBA Union		
Fire Fighter	\$ 35,000	\$ 93,000
Job Title PBA Union		
Police Officer	\$ 48,000	\$ 112,000
Job Title SOA Union		
Police Sergeant	\$ 116,000	\$ 128,000
Police Lieutenant	\$ 120,000	\$ 135,000
Police Captain	\$ 123,000	\$ 138,000

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

RESOLUTIONS

BILL LIST RESOLUTION

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:	\$39,776.39
CURRENT ACCT claims in the amount of:	\$432,924.35
GENERAL CAPITAL ACCT claims in the amount of:	\$17,645.13
WATER UTILITY ACCT claims in the amount of:	\$101,967.52
WATER UTILITY RESERVE ACCT claims in the amount of:	\$8,772.82
WATER CAPITAL ACCT claims in the amount of:	\$0.00

PARKING UTILITY ACCT claims in the amount of:	\$3,931.00
PARKING UTILITY RESERVE ACCT claims in the amount of:	\$969.00
PARKING CAPITAL ACCT claims in the amount of:	\$0.00
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$0.00
EVIDENCE TRUST ACCT claims in the amount of:	\$0.00
RECYCLING TRUST ACCT claims in the amount of:	\$0.00
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	\$0.00
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$0.00
TRUST/OTHER ACCT claims in the amount of:	\$9,075.00
COAH TRUST Acct claims in the amount of:	\$0.00
TOTAL CLAIMS TO BE PAID	\$615,061.21

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

CURRENT ACCT claims in the amount of:	\$322,570.39
WATER UTILITY ACCT claims in the amount of:	\$20,875.66
PARKING UTILITY ACCT claims in the amount of:	\$2,543.17
PAYROLL AGENCY ACCT claims in the amount of:	\$105,584.33
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$20.73
TOTAL CLAIMS PAID	\$451,594.28

TOTAL BILL LIST RESOLUTION **\$1,066,655.49**

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega and Yzarnotegui
Nays: None Absent: None Abstained: Alderman Downs & Mayor Dodd

TRANSFER RESOLUTION

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the Appropriation of Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the year, viz: 2012

Legal Fees OE

WHEREAS, there appears to be a surplus in the following accounts (excepting the Appropriation for Contingent Expenses, Down Payments and Capital Improvement Fund) over and above the demand necessary for the balance of the year, viz: 2012

Solid Waste & Recycling OE

Code Enforcement S & W

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same are hereby transferred to the account (excepting the Appropriation for Contingent Expenses or Deferred Charges) mentioned as being sufficient to meet the current demands; and

BE IT FURTHER RESOLVED that the Treasurer be and she is hereby authorized to make the following transfers:

FROM		TO	
Solid Waste & Recycling	10,000.00	Legal Fees OE	20,000.00
Code Enforcement S & W	10,000.00		
Total	20,000.00	Total	20,000.00

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 Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
REMOVING DIANE GONZALEZ FROM THE DOVER VOLUNTEER FIRE DEPARTMENT**

WHEREAS, Section 20-5 provides that any member of the Dover Volunteer Fire Department with less than 10 consecutive years of active service who is not in good standing for two consecutive years shall be recommended to be removed by the Board of Engineers from the rolls of the Dover Volunteer Fire Department or Rescue Squad; and

WHEREAS, Diane Gonzalez is not in good standing; and

WHEREAS, the Dover Volunteer Fire Department recommends her removal from the rolls of the Dover Volunteer Fire Department.

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. Diane Gonzalez is hereby removed from the rolls of the Dover Volunteer Fire Department.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

**OPPOSITION TO THE APPROVAL PROCESS FOR NON-SHBP HEALTH INSURANCE PLANS
AS PROPOSED BY N.J.A.C. 5:30-18.1 THROUGH 18.4 AND N.J.A.C. 6A:23A**

WHEREAS, the New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

WHEREAS, these rules are in conflict with Section 42.c of Chapter 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

WHEREAS, the regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

WHEREAS, this interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added):

The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate; and

WHEREAS, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing obtain health benefits outside the SHBP or SEHBP; and

WHEREAS, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

WHEREAS, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

WHEREAS, if the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

WHEREAS, this will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

WHEREAS, the regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

WHEREAS, most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

WHEREAS, the regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

WHEREAS, the regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

WHEREAS, in situations where a local health plan has negotiated benefits that are richer than, or even different

than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

WHEREAS, the comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

WHEREAS, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

WHEREAS, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

WHEREAS, the regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest “shared services” effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a “big government” mentality and are hostile to both “shared services” and “home rule” concepts.
- If the regulation seeks to encourage “due diligence”, then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

NOW, THEREFORE, BE IT RESOLVED, that, for the foregoing reasons, we respectfully beseech that the Departments modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF;
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Christie, the NJ Local Finance Board, the NJ Department of Education, and to local legislative representatives.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

**SUPPORTING THE COMMUNITY COALITION FOR A SAFE AND HEALTHY MORRIS
IN ITS EFFORTS TO REDUCE UNDERAGE DRINKING**

WHEREAS, the Community Coalition for a Safe and Healthy Morris in collaboration Municipal Alliance Committees throughout Morris County have worked to increase the awareness of the legal implications to those who might purchase and provide alcohol to underage persons by implementing a Sticker Shock Program; and

WHEREAS, the program will place stickers in the participating businesses that display a warning message about the penalties for providing alcohol to anyone under the age of 21 on beer cases, wine coolers and other alcohol products that might appeal to young drinkers; and

WHEREAS, the businesses that participate will be showcased as a participating partner in the Sticker Shock Program.

NOW THEREFORE BE IT RESOLVED the Mayor and Board of Aldermen support the initiative of the Community for a Safe and Healthy Morris in its efforts to reduce underage drinking as nothing is more important than the youth of our community.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

PUBLIC COMMENTS

Mayor Dodd opened the meeting to public prior to entering into executive session.

MICHELLE VEGA – E. Dickerson Street – Ms. Vega noted that E. Dickerson Street has residential parking but the signs are no longer visible. Mayor Dodd noted that new signs will be installed.

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

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

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

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

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

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

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

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

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

RETURN FROM EXECUTIVE SESSION

Alderman Rutan has moved to return from executive session and duly seconded by Alderman Picciallo and passed by the following roll call vote.

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

**Motion to adjourn made by Mayor Dodd at 8:20 pm,
and duly seconded by Alderman Rutan passed by the following voice vote.**

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Downs, Rutan, Noriega, Yzarnotegui and Mayor Dodd
Nays: None Absent: None Abstained: None**

Respectfully submitted,

Margaret J. Verga, Municipal Clerk