



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
October 13, 2009 7:00 PM

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

Mayor Dodd called the meeting to order at 7:00 pm

All joined in the Pledge of Allegiance to the Flag and prayer was given asking for guidance and strength to do what is right for our town and our citizens.

ROLL CALL:

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

Also present were Administrator Close, Attorney Pennella, and Clerk Verga

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

MUNICIPAL CORRESPONDENCE:

1. Resolution from the Township of Hanover re: Health Care Reform
2. Resolution from Town of Boonton re: Health Care Reform
3. Ordinance from the Borough of Wharton re: Adding to Chapter 165 of the revised general ordinances
4. Ordinance from the Township of Randolph re: Amending the Land Development Ordinance
5. Letter from the Township of East Hanover re: East Hanover's 5th Annual Morris County Columbus Day Parade on Sunday, October 11th
6. Letter from the Borough of Morris Plains re: COAH Regional Briefing
7. Letter from Cablevision re: Launch of *GlobalMIND* and *MHZ* World View
8. Letter from EarthRes Group re: Public notification for 46 Richboynton Road
9. Invitation from the Morris County Municipal Utilities Authority for their 22nd Annual Morris County Recycling Awards Dinner
10. Letter from Morris Habitat for Humanity re: Recognition of World Habitat Day on October 5, 2009
11. Newsletter "Environmental Happenings at Picatinny Arsenal"
12. October-November 2009 Calendar of Event from Dept. Human Services
13. 2009 NJ Clean Energy Conference & Leadership Awards presented by NJ State League of Municipalities
14. Notice of Proposed Membership Dues from NJ State League of Municipalities
15. September's Water & Sewer Report
16. September's Tax Collector's Report
17. September's Fire Department Run Reports
18. Notice of Proposed Hearing for the proposed FFY2010 Priority System from NJ Department of Environmental Protection
19. Morris County League of Municipalities' invitation to a program with Honorable Robert A. Bianchi, Esq., Prosecutor of the County of Morris
20. Letter from American Nonsmokers' Right Foundation on Tobacco Control Laws

CONSENT AGENDA

1. Resolution Approving Bills List
2. Resolution Approving Mayor & Board Meeting Minutes – September 22, 2009

Mayor Dodd commended the staff of the administration department for keeping the meeting minutes up-to-date.

AGENDA ITEMS:

RESOLUTIONS

1. Approving Volunteer Fire Dept. Member – B. Engelhardt
2. Approving Removal of Fire Dept. Member – C. Botti
3. Approving Taxis/Limo-Schedule A
4. Approving Tax Redemption Certificate 06-00020 – 44 Belmont Avenue
5. Approving the Mayor & Board of Aldermen to enter into Executive Session (Contract Negotiations)

REGULAR MEETING MINUTES
October 13, 2009

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 7:07 pm

ROLL CALL

Present: Aldermen Delaney, Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Absent: Aldermen Poolas

Also present were Administrator Close, 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, he closed the meeting to the public.

MAYOR DODD – Mayor Dodd commented that the town has been working on preparations for the King Field Improvement Project for the rehabilitation of the baseball fields. Mayor Dodd, Mr. Close and representatives of Home Depot have met to discuss the rehabilitation of the concession stand. He noted that Home Depot will be sponsoring the renovations to the concession stand. Mayor Dodd is waiting on the details on what Home Depot is willing to provide to the town, with, labor assistance and/or materials assistance.

He noted that the Municipal Alliance would like to sponsor “Operation Medicine Cabinet” and arrangements have been made with the police department to assist with the implementation of the program. Mayor Dodd asked the public to support “IHOP Family Day & Night” fundraiser on October 13th & October 15th which will benefit the Dover Area Historical Society.

Mayor Dodd announced that the “Halloween Costume Contest” will be hosted on October 29th at JFK Commons Park. He also announced that the “31st Annual Halloween Fun Run” will be hosted on October 27th at Dover High School parking lot.

Mayor Dodd noted the Library Board had a dedication for restoration of a painting done by Dover resident Kate Sutton and thanked Cindy Forrest of the Neighbor News for making the dedication a front page article. He commended the Library Board and Director Robert Tambini on the wonderful ceremony. The restored painting was done by Dover resident Kate Sutton titled “Peaceful Charm of Woods and Water” reflects the history of Dover and was painted about 75 years ago.

Mayor Dodd noted that the health department gave flu vaccinations to about 200 Dover residents. He noted that the swine flu vaccinations will be available in the weeks ahead which will be coordinated by the state and county health departments.

He announced that Sack’s Paint & Wallpaper and the Town of Dover will be participating this year in Toy for Tots campaign sponsored by the United States Marines Corps. Reserve. He noted that toy donations (new & unwrapped) for ages infant to 16 years old can be dropped off at Sack’s Paint & Wallpaper store and town hall from November 27th to December 21st. He noted that a special train will stop on North Sussex Street on December 12th from 1:30pm-2:30pm to pick up toy donations and for the opportunity to greet Santa and his elves. Mayor Dodd will be participating in this event and encourages the board to get involved.

Mayor Dodd noted that the fire department had their inspection dinner. He commended Chief Paul McDougall and Captain Scott Warner and complimented them for a fine department. Mayor Dodd apologized for not being able to attend the dinner.

Mayor Dodd commended Connie Sibona-Foster, Board of Education President Sue Shauer, Alderwomen Romaine and Blackman and everyone involved with putting up the corn stalks throughout the downtown area.

ALDERMAN TIMPANI – Alderman Timpani understands there will be a plaque for Arthur Ohlsen (a police officer who died in the line of duty) placed on the new Salem Street Bridge. He would like the board to consider putting in a sitting area.

Mayor Dodd said the town requested the plaque from the county and state and there will be a dedication ceremony in the near future. He is not sure if the property Alderman Timpani is talking about is town property. Administrator Close reiterated that there will be a dedication ceremony.

ADMINISTRATOR CLOSE – Many meetings have been held for contract negotiations. Also, work is being done on the fall newsletter. He wanted to commend Don Costanzo for the great job with the flu clinic and wanted the board to know Dover with Don’s lead, is ahead of the curve preparing for the H1N1 (Swine Flu) vaccination program. He also wanted to commend the Fire

Department under the command of Chief McDougall and Captain Warner for the fine job with the inspection.

ATTORNEY PENNELLA – The brief for the taxi litigation has been submitted for the payment of their fees, the hearing should be in early November.

ALDERWOMAN BLACKMAN – Alderwoman Blackman and Mayor Dodd attended the Hope House Walk, Community Fair held at the Head Start School and the Regency Grande Nursing & Rehabilitation Center’s Annual Labor of Love Day & Gourmet BBQ. Alderwoman Blackman commented that the events were successful and well attended.

CONSENT AGENDA

Bill 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:	
CURRENT ACCT claims in the amount of:	\$1,525,451.03
CAPITAL ACCT claims in the amount of:	
WATER UTILITY ACCT claims in the amount of:	\$81,672.41
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	\$625.00
PARKING UTILITY ACCT claims in the amount of:	\$338.12
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:	\$28.20
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:	\$4,293.87
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$1,612,408.63

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:	\$303,803.27
WATER UTILITY ACCT claims in the amount of:	\$21,610.60
PARKING UTILITY ACCT claims in the amount of:	\$3,854.42
PAYROLL AGENCY ACCT claims in the amount of:	\$145,231.92
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$49.10
TOTAL CLAIMS PAID	\$474,549.31

TOTAL BILL LIST RESOLUTION **\$2,086,957.94**

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 Delaney, Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Nays: None

Absent: Alderman Poolas

Abstained: None

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES**

WHEREAS, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

September 22, 2009 – Caucus and Regular

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

RESOLUTION APPROVING VOLUNTEER FIRE DEPARTMENT MEMBER

WHEREAS, the Town of Dover Fire Department has received an application for membership in the Fire Department from Bryant Engelhardt; and

WHEREAS, he has met all the requirements as stated in Chapter 20-4, Volunteer Fire Department; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover approve the membership of Bryant Engelhardt to the Volunteer Fire Department.

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

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
REMOVING CHRIS BOTTI FROM THE DOVER VOLUNTEER FIRE DEPARTMENT**

WHEREAS, § 20-4. Section A-2, If any Volunteer Fire Department member who has at least one full year of membership in the Town of Dover Fire Department moves his or her domicile and stays within a two-mile radius, measured as the crow flies, of the Town boundaries, upon his or her request, and upon his or her company's recommendation, such member may retain membership in the Volunteer Fire Department upon approval of the Mayor and Board of Aldermen.

WHEREAS, Chris Botti does not meet the requirements of § 20-4: A-2 residency requirement for membership in the Fire Department; and

WHEREAS, the Dover Volunteer Fire Department recommends Chris Botti be removed 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. Chris Botti is hereby removed from the rolls of the Dover Volunteer Fire Department.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING TAXIS/LIMOS TO BE LICENSED IN THE TOWN OF DOVER

WHEREAS, the following companies, have applied for a license to operate the vehicle(s) listed below on Schedule A hereto and made a part hereof as taxicab(s)/limo(s) in the Town of Dover; and

WHEREAS, the appropriate municipal departments have reviewed the application(s) as required and have no objections to same being licensed as taxicabs/limos;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the taxicab(s)/limo(s) listed below are hereby approved for taxi/limo license(s) in the Town of Dover.

Schedule A

FIRST CLASS OF DOVER, INC.

- | | | | | |
|--------------------------------|---------------|---------------|-----------|----------------|
| 1. 2001 Dodge Chrysler (TAXI) | Passengers: 6 | Color: Silver | VIN 76102 | Plate# OXY5289 |
| 2. 2003 Lincoln Towncar (LIMO) | Passengers: 5 | Color: Tan | VIN 10376 | Plate# OL8356G |

AXEL'S EXPRESS LIMO & TAXI, INC.

- | | | | | |
|--------------------------------|---------------|--------------|-----------|----------------|
| 1. 2000 Dodge Caravan (TAXI) | Passengers: 6 | Color: Black | VIN 53782 | Plate# OXY4603 |
| 2. 2001 Dodge Caravan (TAXI) | Passengers: 6 | Color: Black | VIN 74308 | Plate# OXY5297 |
| 3. 2003 Chrysler Wagon (TAXI) | Passengers: 6 | Color: Black | VIN 29294 | Plate# OXY5298 |
| 4. 2000 Lincoln Towncar (TAXI) | Passengers: 5 | Color: Black | VIN 97020 | Plate# OXY4602 |
| 5. 2001 Dodge Wagon (TAXI) | Passengers: 6 | Color: Black | VIN 18269 | Plate# OXZ4920 |
| 6. 2000 Lincoln Towncar (TAXI) | Passengers: 6 | Color: Black | VIN 42591 | Plate# OXY5299 |
| 7. 2001 Chrysler Wagon (TAXI) | Passengers: 6 | Color: Black | VIN 84073 | Plate# OXY5296 |
| 8. 2000 Lincoln Towncar (TAXI) | Passengers: 5 | Color: Black | VIN 21519 | Plate# OXZ2574 |

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

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

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on December 19, 2007, a lien was sold on Block 2029 Lot 9, also known as 44 Belmont Avenue, Dover, New Jersey for delinquent 2006 taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 06-00020 was sold to Sayre Investment Group, LLC for \$1309.15 and,

WHEREAS, redemption fees for Certificate No.06-00020 were received in the amount of \$9,044.52.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen, Town of Dover, County of Morris, State of New Jersey that the Treasurer be authorized to issue a check in the amount of \$9,044.52 payable to Sayre Investment Group, LLC, 2 Kiel Avenue, Suite 165, Kinnelon, New Jersey 07405.

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

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

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

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

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

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

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

1. Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matter falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
2. **PERSONNEL ISSUES** such as: any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public office officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

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

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

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

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

PUBLIC COMMENTS – Three Minutes per Person

MARIE TAMBINI - 6-16 E. Blackwell Street – Wanting to thank the administrative office and all for accommodating the people in her building with parking when they were having their lot repaved. She commented she is having a problem with Blue Diamond (garbage hauler) last week a piece of furniture with a sticker on it was not picked up, they did come back after being called. This week a TV was not picked up, again she had to call and they came back. She wanted to report the stop sign at Penn Ave. and Morris Street is faded, and also the manhole cover at Blackwell Street and Morris Street is loose and makes a lot of noise when someone drives over it.

AXEL ACEVEDO – 20 No. Bergen Street – His complaint is about out of town taxi/limo companies working in Dover. He feels this is unfair to himself and other companies in Dover who abide by the ordinance.

Mayor Dodd commented that this board understands and has changed our ordinance to help the Dover companies and has since entered into litigation. Dave Pennella our attorney has done a great job. He would like a meeting set up with the taxi company owners, Attorney Pennella, Administrator Close and Clerk Verga.

JORGE ZUZUNAGO - 1ST Class – 116 E. Blackwell St. – His complaint was the same as Axels about out of town companies.

KEVIN ? – Elite Limo – 116 E. Blackwell St. – He is in support of Axel and Jorge.

Robyn Valle, Esq. – She is the attorney representing Eagle Limo and they provide service to people in Dover, she would like to be included in the meeting.

Attorney Pennella stated the meeting is for Dover companies only and he believes Eagle Limo had an intra-municipal permit. Clerk Verga stated the board approved the permit but Eagle never provided the necessary documentation, therefore the permit was never issued. Eagle has new owners since then.

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

The meeting was closed to the public and the board entered in to executive session.

Motion to return from Executive Session made by Mayor Dodd and Seconded by Alderman Timpani and passed by the following votes

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER
AUTHORIZING SUIT AGAINST BRIAD LODGING GROUP, DOVER, LLC**

WHEREAS, the Town of Dover, hereinafter "Dover," and Briad Lodging Group Dover, LLC, hereinafter "Briad," entered into a Redeveloper's Agreement; and

WHEREAS, the Redeveloper's Agreement required that Briad utilize a minimum of 50% or more of local contractors as defined in the Redevelopment Agreement; and,

WHEREAS, Briad failed to meet the 50% minimum requirement of local subcontractors; and

WHEREAS, the Redevelopment Agreement provides for a \$250,000.00 liquidated damage payment to the Town by Briad if they fail to meet the minimum local contractor requirement; and

WHEREAS, Briad has refused to pay such liquidated damage amount;

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

1. The municipal attorney is hereby authorized to file suit against Briad for breach of the Redeveloper's Agreement to enforce the liquidated damage provision mentioned above.

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

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

**Motion to adjourn made by Alderwoman Romaine at 8:00 p.m.,
and passed by the following voice vote.**

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

Respectfully submitted,

Margaret J. Verga, Municipal Clerk