



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
November 22, 2011 7:00 PM

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

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

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

ROLL CALL:

Present: Aldermen Delaney, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd
Absent: Aldermen Poolas & Picciallo

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

PROCLAMATION: NATIONAL AMERICAN INDIAN HERITAGE MONTH

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Township of Randolph, Amending sections of the Land Development ordinance
2. Ordinance from the Township of Rockaway, Supplementing Chapter LIV, Land Use and Development
3. Resolution from the Board of Chosen Freeholders re: National Pearl Harbor Remembrance Day
4. Fax from the NJ State League of Municipalities re: League Professional Development Seminar – Best Practices in Electronic Records Management on December 9, 2011
5. Fax from the NJ State League of Municipalities re: 20th Annual Mayor’s Legislative Day – February 8, 2012
6. Notice of Public Hearing – Application to the Rockaway Township Planning Board for a minor subdivision and bulk variances to permit the division of 107 Garrison Avenue
7. Letter from NJ Department of Environmental Protection re: Richboynton Rd/Bowlby St
8. Letter from NJ Department of Environmental Protection re: E. Blackwell St/Carrel St
9. October’s Tax Collector’s Report
10. Letter from Cablevision re: Channel Launches effective October 25, 2011
11. Letter Scott Dickerson, D.M.D re: The Closing of the Morris County Office of Temporary Assistance

CONSENT AGENDA

1. Resolution Approving Limos – Schedule A
2. Resolution Approving Raffle License – Schedule A
3. Resolution Amending an agreement providing for curbside collection of Recyclable Materials
4. Resolution Approving the Settlement of a Tax Court Appeal –Block 303, Lot 14

ORDINANCE FOR FIRST READING

1. Ordinance #21-2011 – Amending Chapter 57 of the Code of the Town of Dover, entitled “Police Department”

Mayor Dodd provided an explanation on the above ordinance.

ORDINANCE FOR SECOND READING

1. Ordinance #20-2011 – Authorizing a Special Emergency Appropriations – Hurricane Irene

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Transfer Resolution
3. Resolution Approving Salary Resolution – Non-Union
4. Resolution Approving Removal of Jennifer Cole from the Dover Volunteer Fire Dept.
5. Resolution Approving Liquor License Renewal – MCRS Tenant, LLC t/a Hilton Homewood Suites
6. Resolution Approving Liquor License Transfer from Silvana’s Inc t/a Mero’s Lounge to Dover Entertainment, LLC
7. Resolution Authorizing an Emergency Appropriation for Current Fund
8. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – October 25, 2011

9. Resolution Authorizing the Award of a Non-Fair & Open Contract for Special Municipal Counsel

10. Resolution Establishing a Policy Governing the Use of Municipal Vehicles by Employees

Mayor Dodd provided an explanation on resolution #3. He noted that the salary resolution will bring her up to an appropriate salary.

Administrator Close provided some background information on the position.

Mayor Dodd provided an explanation on resolution #10. He noted that the Best Practice Survey asked the town to look into improvements. He noted that the resolution will take place effective January 1, 2012. A committee will be established to look over the policy. Discussions continue on resolution #10. Alderman Timpani wanted to know if, in the past, there was a policy on the "Use of Municipal Vehicles by Employees." Clerk Verga explained that the policy was very limited.

**REGULAR MEETING MINUTES
November 22, 2011**

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

The meeting was called to order by Mayor Dodd at 7:21 pm

ROLL CALL

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

Absent: Aldermen Poolas & Picciallo

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

Mayor Dodd opened the meeting to public.

Daniel Martinez – 57 Spring St. – Mr. Martinez wanted to know if the board would govern who is considered an on-call employee which Mayor Dodd responded “yes.” Mr. Martinez noted that there are certain employees (police & fire dept.) that are considered on-call (24 hours 7 days a week) and wanted to know if the ordinance would apply to these employees. Mayor Dodd noted that “on-call” means that the governing body can issue them a vehicle; this board will have that prerogative. Administrator Close noted the three ways of reimbursement for employees’ to use their own vehicles. Mr. Martinez expressed his concern with response times. Mayor Dodd noted that Dover has paid departments, where people will response directly from town hall and he noted that there’s mutual aid, if needed, from surrounding municipalities. Discussions continued on the use of municipal vehicles by employees.

MAYOR’S REPORT: Mayor Dodd will postpone his report until the next meeting.

ATTORNEY’S REPORT: Attorney Pennella noted that he will be delivering a check for the Briad case.

CONSENT AGENDA

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

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

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

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

Schedule A

ELITE LIMO & TAXI SERVICE, LLC

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
2003 Lincoln Towncar	1LNHM84W13Y690816	OL9833G
2002 Chevrolet Wagon	1GNDV03E52D165703	OL8369G

FIRST CLASS OF DOVER, INC

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
2002 Dodge Caravan	1B4GP34302B560315	OL3046H

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER APPROVING OF RAFFLE LICENSES**

WHEREAS, the below listed organizations have applied for a Raffle/Bingo License; and

WHEREAS, such licenses have been reviewed by the appropriate departments and found to meet with all of the requirements and conditions of the municipality;

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

The below listed raffles for the date set forth following their names are hereby approved:

Schedule A

MILLPOND TOWERS RESIDENTS ASSOC.

To be held on Friday, December 16, 2011 from 10:00am to 2:00pm
(50/50)

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AMENDING AN AGREEMENT PROVIDING FOR
CURBSIDE COLLECTION OF RECYCLABLE MATERIALS**

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) entered into an agreement providing for curbside collection of recyclable materials with the Town of Dover, hereinafter "Dover," dated May 18, 2011 which agreement expires on April 20, 2012; and

WHEREAS, said agreement was entered into pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et. seq. and the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1; and,

WHEREAS, MCMUA and Dover desire to amend and supplement their agreement, to modify operations from every other Monday, Tuesday and Wednesday to every other Friday with the entire town being collected in one day; and

WHEREAS, there are modifications to service due to holiday or inclement weather or other catastrophe; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover believe it in the best interests of the Dover community to amend and supplement the recycling agreement with the MCMUA;

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:

Dover hereby agrees to amend the agreement providing for curbside collection of recyclable materials as follows:

1. Collection shall be modified from every other Monday, Tuesday and Wednesday done in sections to the entire town being serviced every other Friday and providing for a make-up collection day the next day (Saturday) for collections missed due to inclement weather or equipment breakdown or other catastrophe.
2. The Mayor and Municipal Clerk are hereby authorized to execute such amendment.

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING THE SETTLEMENT OF A TAX COURT APPEAL
RAIMONDS IVANOV'S, BLOCK 303, LOT 14
2009 AND 2010 AGREEMENT

WHEREAS, Raimonds Ivanovs is the owner of 387 W. Blackwell St., Dover New Jersey, also known as Block 303, Lot 14; and

WHEREAS, Raimonds Ivanovs filed appeals with the Tax Court of New Jersey for the years 2009 and 2010 bearing Docket # 17383-2009 and 13650-2010; and

WHEREAS, the Tax Assessor has reviewed Answers to Interrogatories and consulted with the expert appraiser for the Town, Robert J. Edgar of Certified Valuations, who has thoroughly reviewed the appeal; and,

WHEREAS, a settlement value of \$552,600.00 total assessment for year 2009, \$510,000.00 total assessment for year 2010 was recommended by the expert appraiser for the Town; and

WHEREAS, the taxpayer has accepted the market value offer of judgment; and

WHEREAS, the original assessments and requested tax court judgment are as follows:

<u>2009</u>	<u>Original</u> <u>Assessment</u>	<u>County Board</u> <u>Judgment</u>	<u>Tax Court</u> <u>Judgment</u>
Land:	\$ 300,000	\$300,000	\$ 300,000
Improvements:	<u>\$ 252,600</u>	<u>\$252,600</u>	<u>\$ 252,600</u>
Total:	\$ 552,600	\$552,600	\$ 552,600
<u>2010</u>	<u>Original</u> <u>Assessment</u>	<u>County Board</u> <u>Judgment</u>	<u>Tax Court</u> <u>Judgment</u>
Land:	\$ 300,000	\$300,000	\$ 300,000
Improvements:	<u>\$ 252,600</u>	<u>\$252,600</u>	<u>\$ 210,000</u>
Total:	\$ 552,600	\$552,600	\$ 510,000

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 tax court appeals bearing the above referenced docket numbers are hereby authorized to be settled for the fair market value amounts for years 2009 and 2010.
2. The settlement shall be paid by tax credit to future tax bills and not by refund.
3. The taxpayer must waive interest on the overpaid amounts.
4. The Municipal Attorney is hereby authorized to execute a Stipulation of Settlement upon the terms set forth above.

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

ORDINANCE FOR FIRST READING

ORDINANCE NO. 21-2011
AN ORDINANCE AMENDING CHAPTER 57 OF THE CODE OF THE TOWN OF DOVER,
ENTITLED "POLICE DEPARTMENT"

WHEREAS, the Town Code of the Town of Dover (the "Town") currently contains Chapter 57, entitled "Police Department," which authorizes the outside employment of Town police officers while off duty; and

WHEREAS, the Town desires to amend Chapter 57 (Police Department) of the Code to limit outside employment while off-duty to all officers below the rank of Chief of Police; and

WHEREAS, the goal of said ordinance is to allow the Police Department to operate in a more efficient and cost-effective manner and to better serve the residents and guests of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey, that Chapter 57 of the Town Code entitled, "Police Department" is hereby amended as follows (additions underscored):

1. Chapter 57, Section 16 (Purpose) shall be amended as follows:

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Dover Police Department and to authorize the outside employment of Town police while off duty, the Town hereby establishes a policy regarding the use of said officers:

A.

All members of the Police Department, below the rank of Chief of Police, shall be permitted to accept police-related employment for private employers or school district only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Town.

B.

Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted if, in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

2. Chapter 57, Section 18 (Rates of compensation; administrative fee; payment) shall be amended as follows:

A.

Rates of compensation for contracting the services of off-duty law enforcement officers shall be based on the regular rates of the officer working the detail.

B.

An additional 20% per hour for any person or entity and 10% per hour for non-profit organizations is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the Town of Dover. The Town of Dover Board of Education is exempt from the administrative fee.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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

Ayes: Aldermen Visioli, Romaine, Blackman, Downs and Mayor Dodd

Nays: Aldermen Timpani

Absent: Aldermen Poolas & Picciallo

Abstained: Aldermen Delaney

ORDINANCE FOR SECOND READING

ORDINANCE NO. 20-2011

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-55.1 FOR THE EXPENSES RELATED TO HURRICANE IRENE

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

1. Pursuant to N.J.S.A. 40A:4-55.1 the sum of \$250,000 is hereby appropriated for the Expenses Related to Hurricane Irene.
2. The authorization to finance the appropriation shall be provided for in the succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to the act.

3. The ordinance shall take effect after passage and final publication as required by law.

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

Mayor Dodd opened the meeting to the public.

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

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

RESOLUTIONS

BILLS LIST

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover have examined all bills presented for payment; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds in the account(s) to which respective bills have been charges.

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:	\$2,020,823.92
CAPITAL ACCT claims in the amount of:	\$257,486.71
WATER UTILITY ACCT claims in the amount of:	\$60,975.96
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	\$2,718.88
PARKING UTILITY ACCT claims in the amount of:	\$2,333.58
PARKING UTILITY RESERVE ACCT claims in the amount of:	
PARKING CAPITAL ACCT claims in the amount of:	\$340,098.90
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$15.00
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:	\$1,635.69
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$647.30
TRUST/OTHER ACCT claims in the amount of:	\$6,050.65
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$2,692,786.59

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:	\$645,997.58
WATER UTILITY ACCT claims in the amount of:	\$40,125.45
PARKING UTILITY ACCT claims in the amount of:	\$5,724.88
PAYROLL AGENCY ACCT claims in the amount of:	\$258,135.95
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$33.69
TOTAL CLAIMS PAID	\$950,017.55

TOTAL BILL LIST RESOLUTION **\$3,642,804.14**

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

Ayes: Aldermen Delaney, Visioli, Timpani, Romaine and Blackman
Nays: None Absent: Aldermen Poolas & Picciallo 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: 2011

Municipal Alliance – Local

Police S & W

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: 2011

Finance

Group Insurance OE

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	
Group Insurance OE	\$ 64,600		Police S & W	\$ 64,600
Finance OE	625		Municipal Alliance-Local	625
Total	\$ 65,225		Total	\$ 65,225

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

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

SALARY RESOLUTION

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

1. That the annual, hourly salaries and wages as set forth hereunder be and hereby are established for the officials and listed employees of the Town of Dover at the respective sums shown following their names and or position designation following their name listed below.
2. This resolution directs the Treasurer of the Town of Dover to withhold such monies from individual salaries and wages so there is no advance payment of salaries and wages and annual sums may be adjusted through December 31, 2011.

Non Union

Andrea Coroneos, Tax Collector \$ 56,000 01/01/11

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
REMOVING JENNIFER COLE FROM THE DOVER VOLUNTEER FIRE DEPARTMENT

WHEREAS, Section 20-4 D (2), provides that any member of the Dover Volunteer Fire Department who joins another

volunteer fire department or rescue squad shall resign from the Dover Volunteer Fire Department or Rescue Squad; and

WHEREAS, Jennifer Cole has become a member of the Newton New Jersey Fire Department in February 2011 and failed to resign; 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. Jennifer Cole is hereby removed from the rolls of the Dover Volunteer Fire Department.

Alderman Blackman 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, Timpani, Romaine, Blackman, Downs and Mayor Dodd

Nays: None Absent: Aldermen Poolas & Picciallo Abstained: None

RESOLUTION

WHEREAS, MCRS Tenant, LLC t/a Hilton Homewood Suites has submitted an application for 2011-2012 year for License No. 1409-36-0042-002; and

WHEREAS, it was necessary to file a verified petition in accordance with N.J.S.A. 33:1-12.18 requesting the issuance of a new license after the licensee failed to timely file a renewal application for the 2011-2012 license term; and

WHEREAS, a Special Ruling No. 12009317 was received authorizing the issuance of a new license for the 2011-2012 term; and

WHEREAS, proper advertisement has been made and no objections have been filed with the Municipal Clerk; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved by the Police Department, Board of Health and the Bureau of Fire Prevention.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover that said application be approved and that the respective license be granted; and

BE IT FURTHER RESOLVED that the Town Clerk or Director in the case of a conflict license be and hereby is authorized to issue license certificates accordingly as listed below.

1409-36-042-002

MCRS DOVER TENANT, LLC
2 Commerce Center Drive
Dover, NJ 07801

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, Timpani, Romaine, Blackman, Downs and Mayor Dodd

Nays: None Absent: Aldermen Poolas & Picciallo Abstained: None

RESOLUTION

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1409-33-002-007, heretofore issued to Sivanna's Inc. t/a Mero's Lounge for premises located at 337 E. Blackwell Street, Dover, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, as well as pertinent local ordinances and conditions consistent with Title 33; and; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of

the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, proper advertisement has been made and no objections have been filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, does hereby approve, effective November 23, 2011, the transfer of the aforesaid Plenary Retail Consumption License to Dover Entertainment, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Dover Entertainment, LLC, effective November 23, 2011.

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

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

EMERGENCY RESOLUTION

WHEREAS, an emergency has arisen with respect to the Pre Halloween Nor'easter (overtime, tree trimming/removal costs, chain saws/blades, fuel for vehicles) and no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is \$45,000.00 and three (3) percent of the total operating appropriations in the budget for the year 2011 is \$505,572.84.

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey that in accordance with the N.J.S.A. 40A:4-48 that:

1. An emergency appropriation is hereby made for the Pre Halloween Nor'Easter in the amount of \$45,000.00.
2. That said emergency appropriation shall be provided in full in the 2012 budget, and is requested to be excluded from CAPS, pursuant to N.j.S.A. 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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

October 25, 2011 – Caucus & Regular Executive Session

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL MUNICIPAL COUNSEL

WHEREAS, the Town of Dover, hereinafter “Dover,” has need to acquire special legal services as a Non-Fair and Open Contract; and

WHEREAS, this award is an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 which may be awarded without bid as a “professional service”; and

WHEREAS, Dover has previously retained Matthew J. Giacobbe, Esq., a specialist in the area of police personnel matters, to conduct contract negotiations and provide services relating to the Police Department’s organizational structure;

WHEREAS, Dover wishes to expand the scope of services to include all personnel matters dealing solely with the Dover Police Department; and

WHEREAS, municipal council hereby consents to this deviation from his contract; and

WHEREAS, special counsel is to receive the same hourly rate as the Town attorney, which is \$165.00 per hour; and

WHEREAS, the CFO has certified that funds are available for this award; and

WHEREAS, Matthew J. Giacobbe, Esq. has submitted a Business Disclosure Entity Certification;

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. Matthew J. Giacobbe, Esq. is hereby appointed as special counsel for the limited purposes of providing legal services regarding personnel matters as to the Police Department only as well as contract negotiations for the PBA or SOA contract and matters relating to organizational structure of the Police Department;

2. The special counsel shall enter into a written contract incorporating the within terms and the Mayor and Clerk are hereby authorized to execute such contract.

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

Ayes: Aldermen Visioli, Romaine, Blackman, Downs and Mayor Dodd
Nays: Alderman Timpani Absent: Aldermen Poolas & Picciallo Abstained: Aldermen Delaney

RESOLUTION ESTABLISHING A POLICY GOVERNING THE USE OF
MUNICIPAL VEHICLES BY EMPLOYEES

WHEREAS, in 2011, Governor Chris Christie introduced a Best Practices initiative which recommended, among other things, that municipalities implement policies governing the use of municipal vehicles by their employees as a measure to help limit property tax increases and to operate within the 2.0% property tax cap law; and

WHEREAS, it is within the general powers of the Town of Dover to make and enforce ordinances, rules and regulations in accordance with federal and/or state law as it deems necessary to protect the welfare and safety of its residents; and

WHEREAS, the Mayor and the Board of Aldermen of the Town of Dover support and encourage conservative and efficient fiscal policies within the Town of Dover and, as such, have determined it to be in the best interest of its citizens to establish a policy governing the use of municipal vehicles by employees; and

WHEREAS, Chapter 2, § 2-3(B) of the Town Ordinances provides that personnel policies and practices are to be adopted by the Board of Aldermen (“Board”) in the form of a resolution.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter 2, § 2-3(B) of the Dover Town Ordinances, the Mayor and the Board of Aldermen hereby adopt the following policies with regard to the use of municipal vehicles by employees:

1) Commuting and Personal Use

It is the policy of the Town of Dover that, with limited exception, personal use of any municipal vehicle is hereby prohibited. Such prohibition includes, but is not limited to, the use of such vehicles for travel between an employee's residence and place of work, as well as the use of any vehicle on a "take-home" basis.

2) Exceptions

- a. Any and all requests for the use of a vehicle on a "take-home" basis and/or for commuting purposes shall be made in advance and in writing to the Business Administrator, who will then present such requests to the governing body for consideration.
- b. When reviewing such requests, the governing body will consider, among other things, an employee's job responsibilities, whether the employee has been designated as "on-call," the likelihood that the employee will be required to respond to an emergency, and whether the employee will require immediate access to emergency and/or other related equipment in a particular vehicle.
- c. The Mayor and the Board of Alderman retain sole discretion to approve or disapprove such requests and may place any such other restrictions on the use of municipal vehicles as deemed necessary.

3) This resolution shall take effect January 1, 2012.

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

Ayes: Aldermen Visioli, Romaine, Blackman, Downs and Mayor Dodd

Nays: Alderman Timpani

Absent: Aldermen Poolas & Picciallo

Abstained: Alderman Delaney

PUBLIC COMMENTS

Daniel Martinez – 57 Spring St. – Mr. Martinez wanted to know how the ordinance would help the town to operate in "a more efficient and cost-effective manner."

Mayor Dodd noted that it would be more efficient to put a police officer on outside service because the pay is based on their salary. Mayor Dodd provided a scenario using the Board of Education since they are required to pay for police outside services. He explained that the administrative fee for the Board of Education has been waived but they are still required to pay for the officer(s). Mayor Dodd noted that the rate also applies to town projects that need police services. Mayor Dodd noted they have started this procedure with the Chief of Police (non-union) and during negotiations they will ask the Superior Officers (union) to do the same.

Mayor Dodd reminded the public about the Turkestian Dinner (11/23/11) and encouraged everyone to attend. He also noted the "Toys for Tots" drive on December 11th.

**Motion to adjourn made by Alderwoman Romaine at 7:47 p.m.,
and duly seconded by Alderman Visioli passed by the following voice vote.**

Ayes: Aldermen Delaney, Visioli, Timpani, Romaine, Blackman, Downs and Mayor Dodd

Nays: None

Absent: Aldermen Poolas & Picciallo

Abstained: None

Respectfully submitted,

Margaret J. Verga, Municipal Clerk