

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

The semi-monthly regular meeting was held in council chambers, 37 N. Sussex Street, Dover, N.J.

PRESENT: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

ABSENT: Alderman Romaine  
ALSO PRESENT: Attorney Huston

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 people. Alderman Newman asked for a moment of silence Chester Olenyk who served the town of Dover for many years on the Planning Board who passed away yesterday. Adm. McDougall stated this meeting is in compliance with the Open Public Meetings Act.

**APPROVAL OF MINUTES:** Approval of Reorganization Meeting held on 1/25/05.

Alderman Miller has moved the foregoing motion be adopted and duly seconded by Alderman Burbridge was passed by the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: None.

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**PUBLIC PORTION – NON-AGENDA ITEMS ONLY:** (3 minutes)

Mayor Marin opened this portion of the meeting to the public. Robin Kline, 49 Jackson Avenue, suggested on taking a more proactive approach in amending and adopting Ordinances to save on legal expenses and advertising fees. Mrs. Kline provided the example of the handicap space on Bassett Highway and looking at the entire Downtown area to see where it is acceptable to add handicap parking and doing it in one drafting of an ordinance, to discuss it before it is adopted.

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**ADMINISTRATOR'S REPORT:**

Adm. McDougall stated that senior housing applicants who are 62 or older, or who are disabled or handicapped are able to reside at Mill Pond Towers.

Adm. McDougall attended the meeting at Senator Bucco's office on the Stacking and Overcrowding Bill that the Senator was sponsoring at our request.

***MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005***

Adm. McDougall met with Wiley Engineering and Mr. Hantson to discuss possible short-term parking Downtown to accommodate some of the businesses. He will have a report in the next month.

Adm. McDougall met with Attorney Huston to discuss the outstanding litigation and personnel matters. An Executive Session will take place after the Regular meeting to get Attorney Huston up-to-date on matters.

Adm. McDougall met with Mr. Iwicki to discuss Recreation issues.

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**MAYOR'S REPORT:**

Mayor Marin's attended a Mayor's Forum in Spanish at Casa Puerto Rico on January 31<sup>st</sup>. Issues addressed were mass transportation, and our ability to discuss local bus service with Lakeland Bus. Also discussed was the ability to access information through a resource center.

Mayor Marin met with a new Spanish newspaper. Their grand opening is Friday, February 11<sup>th</sup> at 4:00 p.m.

Mayor Marin met with a non-profit who is interested in having Dover as a part of route for a bikeathon for a fundraiser.

Mayor Marin met with the Missionaries of God, who have become a 501-C-3 qualified, and their intention is to create an outreach center. Their proposal is a day center from 9:00 a.m. to 5:00 p.m. The Mayor stated that he is supportive to this cause; however, he raised issues with the services and the funding. Ald. Miller inquired about the Missionaries of God refusing to meet with the Dover Clergy. He also stated that there is mission work being done in town that they can be working with. The Mayor encouraged them to speak with the Dover clergy, to Homeless Solutions, and the Food Pantry, the Hospital.

Mayor Marin stated that the Dover Handbooks has been translated, and the cost will be looked at for producing 5,000 copies in English and Spanish.

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***MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005***

**ALDERMEN'S/COMMITTEE REPORTS:**

Ald. Miller attended the Chamber of Commerce Executive Board meeting.

Ald. Miller also spoke with the Chamber of Commerce regarding new residents and business-owners not being aware that their sidewalks and cars need to be shoveled out within 48 hours. There was discussion of a pamphlet listing the local ordinances, and the Chamber would put together a business directory and map, and get local businesses to advertise and would send it to new residents based on property transfers. There was also discussion of the Chamber partnering with Dover Renaissance to do the mailing.

Ald. Miller also discussed with the Chamber of Commerce about cleaning up the business sidewalks.

Ald. Miller suggested that the Code Enforcement Department can go through the town and look at the signage.

Ald. Miller attended the Key Communicator's meeting to discuss bids that were awarded for the school expansion project. Because of the ground breaking happening this month, the Summer Recreation Program at East Dover may not take place this year. Ald. McDougall stated that he received the permit from the school saying it is okay to use the school as a voting pole. Ald. Miller stated that due to the construction, people may be hindered to vote. Ald. Dodd stated that we should make it clear to the Board of Education that East Dover will need to make accommodations to continue to use that school for a voting pole. Ald. Fahy stated that we will also have to come up with a contingency plan for the fireworks, because we will not be able to use the back parking lot at lot; Perry Street and McFarland were discussed.

Ald. Miller stated that the School Board will be meeting in the near future to discuss the Budget process. A number of school districts want to rescind the state law S-1701, which places a budget cap and many other things which could affect our children if certain conditions arise. Ald. Miller stated that he will hand out the information to the Board.

Ald. Miller attended the Housing Partnership for Morris County Program for Municipal Officials on COAH.

Ald. Miller attended the Dover Recreation Meeting.

Ald. Miller inquired about the stripping tower that is being held up. Adm. McDougall stated that work should begin in April, and would not interfere with any plans for the fields.

Ald. Burbridge attended the Housing Partnership Program. Adm. McDougall stated that there will be more information forthcoming at the next Regular meeting.

Ald. Burbridge attended the first dance at Dover Elementary School.

***MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005***

Ald. Burbridge attended the Recreation Commission Meeting. The Commission had decided that the two traveling soccer teams should merge in the fall.

Ald. Burbridge stated that she would be willing to sit on a committee to revise the Dover Code.

Ald. Horan discussed the issue of garbage in the commercial and residential areas of Dover. He proposed issuing industrial garbage cans to our residents with an ordinance that requires the people in Dover to snap the lid. A fine would be issued should the lid not be snapped. He stated that there may be less garbage tonnage, and we could possibly get a discount through our contract with Blue Diamond which would help pay for that initial cost of the garbage cans. He also suggested that if Blue Diamond is not willing to offer a discount, we could work out a one-day-old pick-up. Mayor Marin stated that we should look at any option we may have; however, the cost of the garbage can may run-up to be \$100,000.

Ald. Shuler attended the Master Plan Subcommittee. The next meeting is February 15<sup>th</sup>. A timeline will be implemented.

Ald. Shuler stated that he has been gathering evaluation information and summaries for the Finance Committee. The next meeting will be February 9, 2005, and public input is welcome. Ald. Shuler voiced his concerns of not having an aggressive grant writer working for the town.

Ald. Shuler, Ald. Fahy, and Mr. Isselin of Code Enforcement looked at the new construction in the 3<sup>rd</sup> Ward.

Ald. Fahy met with Adm. McDougall to discuss ongoing negotiations with the Open Space on Boonton Avenue.

Ald. Fahy attended the Kickoff Meeting for the Master Plan Review, and reiterated that they are looking for public input.

Ald. Fahy attended the Recreation Commission. The Easter Egg Hunt is scheduled for Saturday, March 19<sup>th</sup>. Attorney Huston provided helpful recommendations to the Board on the Code of Conduct, which is under review.

Ald. Fahy stated that in the spring, there will be a dedication ceremony to thank Howmet for their donation to the Overlook Park.

Ald. Fahy stated that all the problems on the streets were noted in the tour of the 3<sup>rd</sup> Ward, and will be addressed.

Ald. Fahy is obtaining key locations where public trash receptacles can be placed on the S. Morris Street where people have thrown garbage and debris on residential properties.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

Ald. Fahy has also worked with Don Costanzo regarding recycling complaints.

Ald. Fahy attended the Town Meeting at Casa Puerto Rico.

Ald. Dodd attended Senator Bucco's meeting on the Stacking and Overcrowding Bill. He commended the Senator's firm stance on moving this Bill forward.

Ald. Dodd received complaints from the 4<sup>th</sup> Ward residents on the snow removal.

Ald. Dodd thanked Al Ritter and the Dover Water Department for their help in handling a water main break in a resident's basement.

Ald. Dodd suggested to having a sign in JFK Park to support our troops overseas.

Ald. Dodd provided a report on the Housing Department; 4,520 total inspections in 2004.

Ald. Newman met with Public Works on local problems.

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**DEPARTMENT HEAD REPORTS:** (Health, Engineering, and Fire)

Don Costanzo of the Health Department provided an update on the programs held in January; three Tobacco Prevention Programs in the Dover elementary schools; a stress-related program for senior girls.

Mr. Costanzo attended the 2<sup>nd</sup> Annual Food Tasting Benefit to raise money for Safety Town. Tonight is a Male Cancer Screening Program at the Community Health Center in Dover; the next Screening is April 26<sup>th</sup>. A Female Cancer Screening Program is March 22<sup>nd</sup> for Dover residents 18 years and older.

Mr. Costanzo discussed bioterrorism and emergency preparedness. A very large scale of live simulated biological terroristic event is being planned to fine-tune our emergency preparedness skills, which is being overseen by the Morris County Office of Emergency Management held at Roxbury Township on April 7<sup>th</sup>.

Mr. Costanzo stated that the Board of Health is asking the Board to amend the Animal Control Ordinance, limiting the number of dogs per household to three. Mr. Costanzo stated that there are only less than 10 households currently that have licenses out of 799 licenses obtained in 2004 that have more than three dogs. Mr. Costanzo stated that if a household has more than three dogs, it would be grandfathered in; however, if someone wanted to bring in more dogs, there become nuisance issues involved.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

Mr. Hantson attended Senator Bucco's meeting on the Stacking and Overcrowding Bill. Mr. Hantson and Mr. Isselin also attended the Senate Community and Urban Affairs Committee when they voted on the bill. The Committee unanimously supported the Bill.

Mr. Hantson provided a report on the increasing enforcement of the Uniform Construction Code within Construction Department. Mr. Hantson stated that the 31% increase has to do with enforcement of people who were doing work in the past and were not getting their permits. The Uniform Construction Code Department operating on a budget of \$117,365 in 2004 collected fees in the amount of \$151,928. Mr. Hantson stated that the state law says that it is an equitable department and the budget has to be appropriate for the amount of fees that are collected, and he will be speaking with the Finance Committee regarding that matter.

Mr. Hantson stated that the Engineering Department is finalizing the design plans for Penn Avenue, Phase II. The next project is the design plans for the Capital Program and the Myrtle Avenue grant. The Engineering Department will be meeting with the Shade Tree Commission to discuss appropriate roadways to place shade trees and funding. Ald. Miller inquired if he is considering finishing Blackwell Street for tree plantings. Mr. Hantson stated that we currently do not have any projects on Blackwell Street. Also, Blackwell Street is managed by the Morris County Shade Tree Commission. Adm. McDougall stated that Mr. Dujak did contact the County, stating that they would be willing to supply trees if we do the work.

Mr. Hantson has been working with the New Jersey Stormwater Program and a Stormwater Management Plan, and the consultant should have the report complete by April. The Engineering Department is also doing the Requisite Field Survey work that needs to be done in locating our drainage system.

Mr. Hantson is working with the Master Plan Committee and the Planning Board. There is a one-year timeframe. The next meeting is February 15<sup>th</sup> to work out a timetable and set up the public input meetings.

Mr. Hantson stated that they are still waiting on DEP approval on the landfill closure plan. He stated that the contractually required closing is in April. The redeveloper will be meeting with the Economic Development Committee to discuss prospective major large-scale user for that site.

Ald. Fahy inquired if the Water Department can do an inspection to ensure that the water valves are in satisfactory working order, prior to the Road Department paving the street. Mr. Hantson stated that the Water Department is made aware of every project that Engineering Department does. He also stated that when we pave and mill, there is a lot of shaking of the ground, problems start surfacing after the resurfacing of the road. The only way to solve this issue is through a large-scale Capital Improvement Project to replace some of the infrastructure.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

Ald. Dodd stated that most of the surface valves coming off the mains are galvanizing, and the joints break from the vibration, and the Water Department does not have the funds to replace every surface valve. Mr. Hanston stated that grants will not pay for waterline replacement for the sake of replacing it. Mayor Marin inquired if the Waterline Study has been completed. Adm. McDougall stated that it is still in the process. The Mayor stated that it is an important first step because a few years ago, the state of New Jersey had a program for a zero and low interest loans for replacing waterlines, and if it ever becomes available again, we should be prepared to take the opportunity.

1<sup>st</sup> Assistant Chief Gilbert provided a January report; 197 total calls; 151 EMS calls; 46 fire calls. The Chief described a work-at-house fire that occurred in the midday; Rockaway Borough and Randolph Township were commended for their help. Under Fire Prevention Bureau, Fire Official Reynolds performed 117 inspections for the month.

The Fire Department completed training for Weapons and Mass Destruction Awareness.

The Chiefs have also attended a monthly briefing at the Morris County Firefighter Academy.

1<sup>st</sup> Assistant Chief Gilbert welcomed home John Ruiz who returned from serving one year on Iraq.

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**ATTORNEY REPORT:**

Attorney Huston has made a new assessment on personnel and litigation issues that he would like to present in Closed Session.

Attorney Huston also requested that the Board withhold action on Consent Agenda item #52, pending the result of that session.

Attorney Huston described upcoming appeals in Morristown on repeat Ordinance violators, who were sleeping in parks and drinking alcohol in the open. He supports upholding jail time associated with repeat offenders who refuse to abide by conditions of the sentence which would have allowed them to escape jail time. Attorney Huston made it clear to the Mayor and Board that it was his intention to go to Morristown to support the judge's determination. The Board supported Attorney Huston's request.

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**INVITATION FOR DISCUSSION BY THE PUBLIC CONCERNING ITEMS OF  
PUBLIC AGENDA ONLY:**

Mayor Marin opened this portion of the meeting to the public.

See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

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**CONSENT AGENDA:**

***Voucher Resolution***

***Resolution re: Authorizing Mayor and Clerk to sign Small Cities Grant Agreement for Myrtle Avenue***

***Resolution re: Authorizing CFO/Treasurer to sign documents***

***Motion to approve a curb opening for additional driveway located at 11 Green Tree Lane***

***Motion to approve two (2) Raffle Licenses for Academy Street School PTA to be held at 14 Academy Street on 2/25/05 from 6:00 p.m. to 9:00 p.m.***

It was recommended by Attorney Huston that the Board table Item #52, Resolution re: Authorizing Professional Services Agreement to Courter, Kubert & Cohen until after the board has discussed the resolution in closed session at the end of the public meeting, action should be taken tonight following the closed session.

Alderman Burbridge has moved the foregoing consent agenda be adopted and duly seconded by Alderman Miller was passed by the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: None.

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**GENERAL BUSINESS:**

***Motion to deny Taxi Cab Drivers Licenses for Joseph Bonnel and Isabelino Machado***

***Motion to approve Tax Cab Driver Licenses for Ernesto Buitrago and Carlos Azcarate***

***Motion to approve two (20) One-Day ABC Licenses for Fiesta de Reyes (#1, #2) to be held at Casa Puerto Rico (#4, #5) 50 W. Blackwell Street on 3/12/05 and 3/26/05 from 7:00 p.m. to 2:00 a.m.***

Alderman Miller has moved the foregoing motion be adopted and duly seconded by Alderman Burbridge was passed by the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, and Newman

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: Mayor Marin –  
One-Day ABC

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**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

***Ordinance #2-2005/2<sup>nd</sup> reading and public hearing/Ald. Romaine***

**“AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 236, LAND USE AND DEVELOPMENT, ARTICLE IV, ZONING, BY AMENDING CHAPTER 236-ARTICLE IV ENTITLED “ZONING”.”**

Mayor Marin moved to table Ordinance #2-2005 upon further review and consideration of issues that were addressed, duly seconded by Ald. Schuler.

AYES: Aldermen Shuler and Mayor Marin

NOES: Alderman Dodd, ABSENT: Alderman Romaine ABSTAIN: None.  
Miller, Fahy, Horan, Burbridge,  
Newman

Ald. Dodd voiced his opinion on moving Ordinance #2-2005 forward to get it recognized, and he would be supportive in revising the Ordinance; however, he does not believe that it creates an additional expense because it is the Town Attorney's position to prepare Ordinances for the town. Mayor Marin stated that it is his belief that ordinances that are incomplete or have not been seriously considered, should not be approved until a final revision is done and that it is not a quality ordinance and it may be a disservice to the town in the short term. The Mayor stated that we have a responsibility to provide quality service, and that Attorney Huston recommended that one of the options was to table it. Ald. Shuler voiced his position on tabling Ordinance #2-2005, stating that some of the Land Use issues have a long history on them that to wait another two weeks would not hinder that process greatly. Alderman Shuler stated that he thought to send it back to the Planning Board and we could have it back before us for consideration by April. Ald. Shuler stated we shouldn't be amending ordinances if it leaves a muddy trail. We should present ordinances that are tight and look good to the attorney and he would support that. Ald. Shuler stated that when Mr. Hantson mentioned the Certificate of Occupancy, it was Ald. Shuler's belief in the meeting that the Certificate of Occupancy would stay with the property owner at that point in time, and then when the house sold, the CO was dissolved, and not a perpetual situation. Ald. Miller voiced his view that we have already spent the money to get this far, and the present law allows up to two people. Ald. Miller also stated that in the short-term to try to table this Ordinance now and then make the amendments that the same amount of money would be spent. Mayor Marin reiterated his point of view to the Board. Ald. Shuler stated that Ordinance #2-2005 in its final form will really assist the Code Enforcement Department.

Mayor Marin opened this portion of the meeting to the public.

See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

Ald. Shuler stated that the way we have ratcheted up the code enforcement it wouldn't hurt to wait another month and a half to have a complete ordinance and give the employees the necessary tools they need.

Alderman Dodd has moved the foregoing motion be adopted and duly seconded by Alderman Miller. Ordinance #2-2005 has passed with the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, and Burbridge

NOES: Aldermen Schuler, ABSENT: Alderman Romaine ABSTAIN: None.  
Newman and Mayor Marin

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***Ordinance #3-2005/2<sup>nd</sup> reading and public hearing/Ald. Romaine***  
**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW  
JERSEY REPLACING CHAPTER 236, ARTICLE VII – “SOIL REMOVAL”, OF  
THE LAND USE CODE OF THE TOWN OF DOVER WITH A NEW ARTICLE  
VII ENTITLED “SOIL DISTURBANCE”.**

Alderman Miller has moved the foregoing motion be adopted and duly seconded by Alderman Burbridge.

Mayor Marin opened this portion of the meeting to the public.  
See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public.

Ordinance #3-2005 has passed with the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None. ABSENT: Alderman Romaine ABSTAIN: None.

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***Ordinance #4-2005/2<sup>nd</sup> Reading and public hearing/Ald. Romaine***  
**“AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW  
JERSEY AMENDING CHAPTER 236, LAND USE AND DEVELOPMENT,  
ARTICLE IV, ZONING, BY AMENDING CHAPTER 236-ARTICLE IV  
ENTITLED “ZONING”.”**

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

Alderman Dodd has moved the foregoing motion be adopted and duly seconded by Alderman Burbridge.

Mayor Marin opened this portion of the meeting to the public.  
See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public.

Ordinance #4-2005 has passed with the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: None.

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***Ordinance #6-2005 re: Handicap parking spaces located on N. Warren Street and Legion Place /2<sup>nd</sup> reading and public hearing/Ald. Burbridge***  
**“AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR HANDICAPPED PARKING SPACE AT 2 LEGION PLACE AND N. WARREN STREET.”**

Mayor Marin opened this portion of the meeting to the public.  
See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public. Mayor Marin stated that perhaps this Board should consider passing an ordinance for this type of an approval to be an administrative duty as opposed to having to do an ordinance for every item. Adm. McDougall stated that we had sent out letters to all of the people on record throughout the town to identify whether their handicap parking spaces were still needed. He stated that they gathered the information after two mailings, so that in the future we can possibly do it through administration. Adm. McDougall made it clear to the Board that any handicap parking space, whether it be in the Downtown or residential area is for anyone who has a handicap parking sticker.

Alderman Burbridge has moved the foregoing motion be adopted and duly seconded by Alderman Miller.

Ordinance #6-2005 has passed with the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: None.

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**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

***Approval of the Instant Raffle License for the American Legion for one year from 11:00 a.m. to 2:00 a.m. daily to be held at 2 Legion Place, and waive the \$500 fee for the town.***

Mayor Marin has moved the foregoing motion be adopted and duly seconded by Alderman Miller was passed by the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge, Newman  
and Mayor Marin

NOES: None.            ABSENT: Alderman Romaine            ABSTAIN: None.

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**UNFINISHED OR NEW BUSINESS:**

Mayor Marin proposed establishing a Committee with the purpose of reviewing the Administrative Code of the town of Dover. The Mayor appointed Ald. Burbridge as the Chairperson. Ald. Fahy and Dodd asked to also serve on the Committee. Mayor Marin will serve as the fourth member.

Alderman Dodd also stated that this Board needs to reduce the number of committee members from four Aldermen to three to accommodate the Mayor being apart of the Economic Development Committee unless there is a serious consideration on having a public meeting at every meeting. Ald. Fahy stated that he would stepdown from the Committee. Attorney Huston stated that we need a resolution to establish the four-member Committee. Mayor Marin stated that we will do that at the next meeting.

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**PUBLIC PORTION:**

Mayor Marin opened this portion of the meeting to the public. See no hands, nor hear no voices, Mayor Marin closed this portion of the meeting to the public.

**EXECUTIVE SESSION**

Attorney Huston stated that he would like the Resolution to Review the Town Code to include the statement that the Board may reopen and take official action.

Ald. Miller made a motion to go into closed Executive Session to discuss Personnel, Litigation, and matters involving attorney/client privilege issues duly seconded by Alderman Burbridge and by group consensus the Board went into Executive Session.

**MAYOR AND BOARD OF ALDERMEN, TOWN OF DOVER, NJ  
MINUTES OF THE REGULAR MEETING, FEBRUARY 8, 2005**

***Resolution re: Authorizing Professional Services Agreement to Courter, Kubert & Cohen***

Ald. Miller has moved the foregoing motion be adopted and duly seconded by Alderman Shuler was passed by the following roll call vote:

AYES: Aldermen Dodd, Miller, Fahy, Horan, Shuler, Burbridge,  
and Mayor Marin

NOES: None.            ABSENT: Aldermen Romaine            ABSTAIN: None.  
and Newman

Ald. Miller made a motion to close the Executive Session duly seconded by Ald. Burbridge and by group consensus the Board closed the Executive Session.