



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  
**CAUCUS MEETING MINUTES**  
**August 24, 2010 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, Poolas, Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Also present were Administrator Close, Attorney Pennella and Clerk Verga

Clerk Verga stated, in accordance with the provisions set forth in the Open Public Meeting Act, notification of this meeting has been sent to all officially designated Town newspapers and notice is posted in the Town Hall.

**PROCLAMATION: HONORING IGNACIO “NICK” CENICACELAYA**

Alderman Visioli read and presented a proclamation honoring Mr. Cenicacelaya.

Mayor Dodd thanked Mr. Cenicacelaya for his 30 years of community service in the Town of Dover.

**MUNICIPAL CORRESPONDENCE:**

1. Ordinance from Randolph Township Re: Land Development
2. June 2010 - Police Department Report
3. Notice from State of New Jersey Board of Public Utilities Re: Conversion to a system-wide franchise in five municipalities
4. Notice of Hearing on Planning Board Application for Dover Christian Center Inc.
5. Invitation from NJ State League of Municipalities Re: Annual Business Meeting
6. Invitation from NJ State League of Municipalities Re: “Taking the Mystery out of Applying for Grants”
7. Letter from NJ State League of Municipalities Re: 2010 League Conference Resolutions
8. Letter from NJ League of Municipalities, Education Foundation, Inc. Re: Moving up in a Downturn
9. Fax Communication from First Energy Re: Variances, Subdivision, Acquisition, Expansion of or the Development of Property
10. Letter from Jersey Central Power & Light Re: Annual Universal Service Fund Compliance Filing
11. Fax Communication from Verizon’s FiOS TV Service Re: Programming related changes
12. Invitation from Morris County League of Municipalities Re: Celebrating 30 years of working together, etc.
13. Invitation from NJ Council on Special Transportation re: 15<sup>th</sup> Annual Community Transportation & Paratransit Seminar & Vendor Expo
14. September 2010 Calendar of Events from the Division on Aging, Disabilities & Veterans
15. Thank you note from the Jenkins Family
16. Letter from Ted Del Guercio Re: Shade Tree Replacement, Special Request

**CONSENT AGENDA**

1. Resolution Approving Limos – Axel’s Express Limo & Taxi, Inc.
2. Resolution Approving Tax Redemption for 157-163 E. Blackwell Street - Certificate 07-00012
3. Resolution Approving Tax Redemption for 79 W. Blackwell Street - Certificate 08-00038
4. Resolution Approving Corrective Action Plan for 2009 Audit

**ORDINANCE(S) FOR INTRODUCTION**

1. Ordinance #16-2010 – Bond Ordinance for Various Improvements
2. Ordinance #17-2010 – Authorizing the Sale of Property to the State of New Jersey

Mayor Dodd addressed ordinance #16-2010; He explained that on tonight’s bond ordinance there was a section for additional funding for the King Field Improvement Project, in the event, the bid exceeded the money that was left over from last year’s bond. However, after several meetings there are still some unanswered questions on the portion for the King Field Improvement Project, so he asked the Clerk to remove the section from the 2010 Capital Improvement Projects. Mayor Dodd believes it’s fair to put the project out to bid and then present the numbers to the board for their support in completing the field project. He’s confident that the board will do the right thing to provide recreation for the

children and seniors and to provide a sense of pride in the Town of Dover. He also noted that the town has an obligation to provide for maintenance of it's' infrastructure, streets and roads. He noted that milling and paving projects will take place and expressed that the town has received grants from Small Cities and NJ Department of Transportation. He believes the bond ordinance is beneficial to the community.

## **AGENDA ITEMS:**

### **RESOLUTIONS**

1. Approving Bills List
2. Approving Mayor & Board of Aldermen Meeting Minutes for August 10, 2010
3. Approving Multi-Jurisdiction Hazard Mitigation Plan
4. Approving Special Permit for Social Event for Casa Puerto Rico to be held on September 4<sup>th</sup> & 5<sup>th</sup> 2010
5. Approving Personnel Action – Richard Cloughley
6. Authorizing a Postponement of Mortgage – Anibal Correa

Alderman Donofrio commented on the cost of the project for King Field Improvements, and had concerns with the state of the economy and that we shouldn't be spending our way out of it, and stated add-ons can be done in future years.

Mayor Dodd directed his comments to Alderman Donofrio by expressing that the spending has to be looked at very closely but doesn't feel the town is spending their way out of a bad economy but more as getting a better deal in a bad economy. He agrees to look at the price for the core project, but if the prices for the alternates come in low, we should also look at them.

Alderman Picciallo recognized Administrator Close, CFO Kelly Toohey and Asst. Eng. Bill Isselin for explaining the bond ordinance. He thanked the Mayor and Administrator for putting the core project out to bid with add-ons done separately and stated we must be vigilant with our finances.

Alderman Visioli noted town staff and the finance committees have been addressing the issues since the beginning of 2010. He expressed that it's our sworn obligation to present to the town's people of Dover decisions and solutions that are best for all. Alderman Visioli noted that he will support the bond ordinance as presented.

Mayor Dodd opened this portion of the meeting to the public on Ordinance 16-2010.

**Victor Rodriguez** – 39 Boonton Street – He thanked the Mayor & Board of Aldermen for the concession stand and noted that the second floor is very beneficial. He expressed his support towards Ordinance 16-2010 because the field is not up to little league standards. He would love to see the kids play on new fields so that they can have a sense of pride.

**Donald Fritch** – 2 North Elk Avenue – He strongly supports Ordinance 16-2010 and feels this is a chance, as a town and a board to show the residents, families and businesses that the town cares and is committed to improving the quality of life in the town of Dover. He feels that, as a town government, we should do what it takes to take care of the town's precious resources and that we are a small town with few fields that need to be maintained. He urges the Board to vote "yes" on the King Field Improvements.

**Edward Correa** – 88A E. Blackwell Street – Mr. Correa encouraged the board to look into a multi-use field to include a year round use and an opportunity for other sports. He's all about providing the children of Dover with good recreational spaces but feels the plan should be looked at openly so tax money is used wisely. Mr. Correa wanted a breakdown of the roadway improvement cost for each street listed in the bond ordinance.

Mayor Dodd responded that the breakdown can be provided by Engineering Department since the funding for the capital project is listed as a whole on the ordinance.

Mr. Correa wanted to know the decision process for what streets receive improvements. Mayor Dodd responded that the Engineering Department provides a list of the streets that are in the most need of improvements. Mayor Dodd commented that he made a commitment to the residents of the community that streets would no longer be piecemealed or patched and that projects would be done in their entirety. He noted that typically they try to balance the street improvements throughout the four wards. Mr. Correa wanted to know if residents have input in the roadway improvements. Mayor Dodd noted that, at any time, residents can provide input to the administrator and then it would be noted on a list by the Engineering Department. Mr. Correa asked if the list would be available to the public and Mayor Dodd noted that it could be requested from the Municipal Clerk.

Alderman Donofrio explained the grant criteria for drainage, curbs, milling and paving improvements on Chestnut Street with the DOT Grant.

**Edna Hayes** – 10 Mt. Hope Avenue – She expressed that Mt. Hope Avenue doesn't have curbing. Mayor Dodd noted that Mt. Hope Ave is a county road and he will have the Administrator put in a request to the county.

**Richard Young** – 109 North Sussex Street – Mr. Young publicly thanked Victor Rodriguez for an excellent little league season and noted that he is very appreciative. He congratulated the town for their youth programs and feels they are paramount to most that he has seen and visited throughout the United States. He expressed that the board should be very proud for what they do, and the decisions they have set forward.

**Henry Nieves** – 288 Richards Avenue - He's a coach and supports the upgrade of the fields. He feels that the conditions are so bad and that there should be no price on the safety of the children.

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

**REGULAR MEETING MINUTES**  
**August 24, 2010**

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

Also present were Administrator Close, Attorney Pennella and Clerk Verga

Clerk Verga stated, in accordance with the provisions set forth in the Open Public Meeting Act, notification of this meeting has been sent to all officially designated Town newspapers and notice is posted in the Town Hall.

Mayor Dodd opened this portion of the meeting to the public for agenda items only.

Mayor Dodd closed the meeting to the public.

**MAYOR'S REPORT** – Mayor Dodd met with the Administrator, the Engineering Department, Representatives from the Natural Gas Company and the contractors regarding several issues concerning the gas project. He expressed that the town will continue to communicate with the contract on any concerns that may arise. Mayor Dodd also met with NJ Department of Transportation (NJDOT) regarding the Rt. 46/Rt. 15 bridge project and expressed that the project is moving as scheduled. However, Mayor Dodd noted that there's still a concern as the town approaches the school season. Mayor Dodd noted that the Chestnut Street & 2010 Bond Project Roadway Improvements were put out to bid, in order, to complete them in the 2010 construction season.

**ADMINISTRATOR CLOSE** – Thanked the board regarding the bond ordinance. Informed the board - resolutions for renewal in the Morris County Joint Insurance Fund and North Jersey Municipal Employee Benefits Fund will be on the next agenda. A meeting was held with NJNG Company to address concerns.

**ATTORNEY'S REPORT** – Mr. Pennella explained that the focus has been focused on tax appeals, and at the request of the assessor, the cases have been reviewed, and not answered interrogatories. He explained that without answers to interrogatories a fair assessment cannot be completed. He explained he filed 14 motions without prejudice due to lack of answers.

Alderman Donofrio explained that the boiler at the library is in need of repair and asked for a review from the finance department. Mayor Dodd asked Alderman Donofrio to speak with the Administrator and a meeting will be arranged.

**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**

**AXEL'S EXPRESS LIMO & TAXI, LLC**

1. 1999 Plymouth Wagon (LIMO)	Passengers: 6	Color Black	VIN455800	Plate# OL8351G
2. 2001 Chrysler Wagon (LIMO)	Passengers: 6	Color: Black	VIN 279312	Plate# OL7593G
3. 2003 Chrysler Wagon (LIMO)	Passengers: 6	Color: Black	VIN 129410	Plate# OL7858G
4. 2005 Dodge Caravan (LIMO)	Passengers: 6	Color: Black	VIN 226736	Plate# OL5083G

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

**RESOLUTION**

**WHEREAS**, at the Municipal Tax Sale held on December 18, 2008, a lien was sold on Block 1904 Lot 25, also known as 157-163 E Blackwell Street, Dover, New Jersey for delinquent 2007 taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 07-00012 was sold to Plymouth Park Tax Services and,

**WHEREAS**, redemption fees for Certificate No.07-00012 have been received.

**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 \$35,694.70 for Redemption and Premium paid at sale, payable to Plymouth Park Tax Services LLC.

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

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

**RESOLUTION**

**WHEREAS**, at the Municipal Tax Sale held on December 1, 2009, a lien was sold on Block 1204 Lot 3 also known as 79 W Blackwell Street, Dover, New Jersey for delinquent 2008 taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 08-00038 was sold to US Bank Custodian for Phoenix and,

**WHEREAS**, redemption fees for Certificate No.08-00038 were received.

**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 \$6,026.21 for Redemption and Premium paid at sale, payable to US Bank CUST for Phoenix, 2 Liberty Place, - TLSG, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA. 19102.

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

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

**CORRECTIVE ACTION PLAN**

**WHEREAS**, the Chief Financial Officer has prepared a Corrective Action Plan for the findings and conditions of the 2009 Audit;

**NOW THEREFORE**, it is hereby **RESOLVED** by the Mayor and Board of Aldermen that the following Corrective Action Plan be adopted:

**MUNICIPAL COURT**

Finding/Condition:

There were tickets found while testing the municipal court which were assigned but have not been issued in over six months.

Recommendation:

It is recommended that all tickets assigned be recalled and reissued to officers if they have not been issued in a six month period.

Explanation and Corrective Action:

The Court has taken steps to correct the referenced situation, specifically by forwarding copies of the “Assigned but not issued” reports to each officer in question at the end of each month. Hopefully they will respond in a timely manner to allow the Court to correct this issue.

**LIBRARY**

Finding/Condition:

Overall, there appears to be inadequate control over incoming receipts. Prenumbered receipts are only issued for collections over \$1.

The petty cash fund is not maintained at the authorized fund amount or closed out at year end.

A reconciliation of the bank account for the library was not performed on a monthly basis during the year.

Recommendation:

1. Pre-numbered receipts be issued for all collections; or a cash register be obtained and utilized for all receipts.
2. The excess in the petty cash fund be turned over to the fines and fees account. The petty cash fund be closed out at year end.
3. Bank reconciliations be performed on a monthly basis.

Explanation and Corrective Action:

1. The library has concluded its investigation of software-based POS (point-of-sale) systems. Our search has determined that all applicable systems carry significant purchase/maintenance costs, which do not offer sufficient return on investment (ROI) to the library. The systems reviewed all cost as much as a full year's receipts (or more), based on library over-the-counter transactions. As the time lost to creating receipts for transactions under \$1.00 would create gross inefficiency at the library's public point of contact, we will create an in-house spreadsheet for the recording of smaller transactions. Receipts will not be delivered to patrons for transactions under \$1.00, but a physical record will be kept, which can be used to reconcile the cash drawer at the end of the day. The spreadsheet is currently under development. Following testing, we anticipate that it will be implemented before the end of 2010.

2. The failure to close out the petty cash account at the end of 2009 and reauthorize the account for 2010 was an oversight. Two possible solutions for this error exist: The fund can be carried forward as is for the remainder of 2010, excess funds deposited into the fines and fees account at the end of the year, and the fund reauthorized for 2011; or, it can be closed out now, excess funds deposited into the fines and fees account, and the fund reauthorized for the rest of 2010. The library seeks the auditors' advice regarding the best way to resolve this situation.

3. Reconciliation of the Library Board's checking account will be done on a monthly basis, prior to the monthly Board of Trustees meeting. Said reconciliation will be completed by the library's office manager and subsequently reviewed by the Treasurer of the Board of Trustees, who is ultimately responsible for the account in question.

Implementation Date: 7/2010

**INTERNAL CONTROLS**

During the course of our testing, we noted instances in the Fire Prevention office, the Town Library and Police Department where cash received was not deposited into the bank on a timely basis.

It is recommended that all funds be deposited within 48 hours of receipt.

Explanation and Corrective Action:

Every effort will be made to ensure that all funds received are deposited in a timely manner.

Implementation Date: 7/2010

During the year we noted an instance in which the utility collector could not send out bills to users because the Town did not have enough bills on hand to send to all residents.

It is recommended that the Town maintains the appropriate amount of blank bills in order to process for billing in a timely manner.

Explanation and Corrective Action:

The utility collector will have the appropriate blank bills on hand going forward in order to prevent a late billing situation.

Implementation Date: 7/2010

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

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

**ORDINANCES FOR INTRODUCTION**

**ORDINANCE NO. 16-2010**  
**BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS,**  
**APPROPRIATING THE SUM OF \$742,100 THEREFOR, AND AUTHORIZING THE ISSUANCE**  
**OF \$706,750 OF BONDS OR NOTES FOR THE PURPOSES SET FORTH HEREIN AUTHORIZED**  
**TO BE UNDERTAKEN IN AND BY THE TOWN OF DOVER, IN THE COUNTY OF MORRIS,**  
**STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DOVER, IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Town of Dover, County of Morris, New Jersey (hereinafter referred to as the "Town"). For said improvements or purposes stated in Section 3 of this bond ordinance, there is hereby appropriated \$742,100, said sum being inclusive of all appropriations heretofore made therefore including the sum of \$35,350 as the aggregate down payment from the Capital Improvement Fund or other funds of the Town which sum is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the Town and currently available for down payment or capital improvement purpose as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$742,100 appropriation not otherwise provided for hereunder, negotiable bonds of the Town are hereby authorized to be issued in a principal amount not to exceed \$706,750 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Town in a principal amount not exceeding \$706,750 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$706,750, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said Town and attested as permitted by law. The appropriate Town officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said notes is hereby delegated to the Chief Financial Officer of the Town (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law, and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing for which said obligations are to be issued are:

<b>Improvement/Acquisition</b>	<b>Maximum Estimated Cost</b>	<b>Down Payment (Capital Improvement Fund)</b>	<b>Bonds or Notes Authorized</b>	<b>Useful Life (years)</b>
1. Acquisition of Public Works Equipment, including but not limited to street sweeper and paint machine, to include all costs, improvements and appurtenances related thereto or necessary therefore.	\$200,000	\$9,525	\$190,475	15
2. Acquisition of Fire Department Equipment, including but not limited to pagers, hose and turn out gear, to include all costs, improvements and appurtenances related thereto or necessary therefore	\$40,000	\$1,910	\$38,090	5
3. Road Improvements to include, but not limited to, Segur Street, Stanford Street, Hinchman Avenue & Hoagland Avenue, Chestnut Street, Berry Street from Elm Street to Mt. Hope Avenue, Grant Street from Overlook Avenue to Penn Avenue, Highland Avenue/Lemar Street from Roswell Street to Baker Street, Garrison Avenue from Sickle Street to Turner Street, Lindwood Avenue from Reservoir Avenue to Glendale Avenue, roadway striping and markings at various locations, all said improvements to include all costs, improvements and appurtenances related thereto or necessary therefore	\$502,100	\$23,915	\$478,185	10
<b>TOTAL:</b>	<b>\$742,100</b>	<b>\$35,350</b>	<b>\$706,750</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this Bond Ordinance are not current expenses and are property or improvements which the Town may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of such purposes is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for such purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, as set forth in Section 3 hereof, the average period of usefulness is 11.05 years.

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Town determined as provided in the Law is increased by this bond ordinance by \$706,750 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$150,000 in the aggregate for interest on obligations, costs of issuing obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received by the Town, in addition to the sums expressly appropriated in Section 3 hereof, for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced accordingly.

Section 6. The Capital Budget of the Town is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Town Clerk and is available there for public inspection.



Section 7. The Governing body of the Town hereby covenants on behalf of the Town, to the extent any debt obligations are issued as tax-exempt debt obligations, to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder and issued as tax-exempt obligations as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Town, and unless paid from other revenues of the Town, the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 9. The Town reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Town, or any member of the same "control group" as the Town, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

Mayor Dodd thanked Mr. Close for all his efforts on the bond ordinance and thanked the Finance Committee. Alderman Romaine expressed the same sentiments.

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

**ORDINANCE NO. 17-2010**  
**OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS,**  
**STATE OF NEW JERSEY AUTHORIZING THE SALE OF PROPERTY TO THE STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40A:12-13 (b) (1) allows for a private sale of municipal property to the State of New Jersey; and

**WHEREAS**, the State of New Jersey by the Commissioner of Transportation desires to purchase municipal property known as Parcel UE 492 as shown on the New Jersey Department of Transportation Prospect Street (C.R. 513), Dover New Jersey Transit Morristown Line dated August 2009 including temporary construction and temporary site mitigation work areas; and

**WHEREAS**, a more accurate description is set forth on Schedule A attached hereto and made a part hereof; and

**WHEREAS**, the State of New Jersey and the Town have negotiated a sales price of \$31,500.00; and

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Dover have determined that the parcel to be sold is not needed for its own public use;

**NOW, THEREFORE, be it ORDAINED** by the Mayor and Board of Aldermen of the Town of Dover as follows:

1. The sale of the property described on the attached Schedule A to the State of New Jersey by the Commissioner of Transportation for the purpose of utilities is hereby approved; and
2. The sales price for such parcel is \$31,500.00; and
3. The Mayor and Clerk are authorized to execute such documents as are necessary to effectuate the agreement of sale and transfer of title from the Town to the State of New Jersey of the property described in Schedule A attached hereto.
4. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.
5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
6. The Ordinance shall take effect in accordance with law.

#### **Schedule A**

10/13/09 (JMR:jmf)

An Easement in certain land and premises, situate, lying and being in the Town of Dover, in the County of Morris and State of New Jersey and more particularly described as follows:

Parcel UE492, as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, PROSPECT STREET (C.R. 513) OVER NEW JERSEY TRANSIT MORRISTOWN LINE, Showing Existing Right Of Way And Parcels To Be Acquired In The Town of Dover, County of Morris, August 2009"; as shown more particularly on a map attached hereto and made a part hereof, marked "Exhibit "B", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, PROSPECT STREET (C.R. 513) OVER NEW JERSEY TRANSIT MORRISTOWN LINE, Parcel UE492, Town of Dover, County of Morris, August 2009"; and also being construction project Prospect Street (CR 513) over New Jersey Transit Morristown Line;

Parcel UE492, at about Station 52+40 (Proposed Prospect Street (C.R. 513) Baseline Stationing), consisting of the permanent right to construct, place and maintain and repair a sanitary sewer line and appurtenances below the surface, including the right to trim trees and remove vegetation as far as the line marked "Utility Easement Line" as shown on the aforesaid maps.

TOGETHER WITH, the temporary right to enter upon the remaining lands of the owner with personnel, material, and equipment for the purpose of relocating a drainage manhole, pipe and appurtenances, and also, the temporary right to enter upon the remaining lands of the owner or its assigns with personnel, equipment and materials for the purpose of demolishing and removing the existing structure upon Lot 2, Block 510 and constructing a bridge and appurtenances upon Lot 2, Block 510, as far as the line marked "Temporary Construction Easement Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's resident engineer, and shall terminate upon completion of said work, which shall be for a duration of 14 months. If the State, within its sole discretion, determines that the temporary easement or right needs to be extended in order to complete the work, such right may be extended simply by written notice from the Resident Engineer to the owner or its assigns;

AND ALSO, the temporary right to enter upon the remaining lands of the owner with personnel, material, and equipment for the purpose of implementing mitigation work in kind such as paving, constructing curb and grading of paved areas and appurtenances, temporary relocation of payment kiosk to parking space 4133, as well as other forms of construction intended to mitigate or lessen damages, which may otherwise emanate from the proposed acquisition of parcels and or other lesser rights for a proposed transportation project, as far as the line marked "Temporary Site Mitigation Work Line", as shown on the aforesaid maps. This right shall begin from the date of notice from the State's Resident Engineer, and shall terminate upon completion of the work, after which the improvements constructed shall become the property and responsibility of the owner, his heirs, successors and assigns;

Being also known as an easements in Lot 2 in Block 1219, as shown on the Tax Maps for the Town of Dover, Morris County;  
Soccer

SUBJECT TO, all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded on “Exhibit “B” in the following manner:

- Blue – Utility Easement Line.
- Brown – Temporary Construction Easement Line.
- Brown – Temporary Site Mitigation Work Line.

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

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

**AGENDA ITEMS**

**BILLS LIST**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover do hereby approve the bills as listed; and

**BE IT FURTHER RESOLVED** that the proper officials are hereby authorized to sign the checks for payment of same.

RESERVE ACCT claims in the amount of:	\$667.50
CURRENT ACCT claims in the amount of:	\$1,745,213.58
CAPITAL ACCT claims in the amount of:	
WATER UTILITY ACCT claims in the amount of:	\$310,195.81
WATER UTILITY RESERVE ACCT claims in the amount of:	\$5,775.00
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$107.59
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:	
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:	\$5,439.78
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
<b>TOTAL CLAIMS TO BE PAID</b>	<b>\$2,067,399.26</b>

**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:	\$339,178.12
WATER UTILITY ACCT claims in the amount of:	\$17,798.33
PARKING UTILITY ACCT claims in the amount of:	\$4,978.14
PAYROLL AGENCY ACCT claims in the amount of:	\$93,570.95
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$63.14
<b>TOTAL CLAIMS PAID</b>	<b>\$455,588.68</b>

**TOTAL BILL LIST RESOLUTION** **\$2,522,987.94**

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

1. August 10, 2010 – Caucus & Regular

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

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

**RESOLUTION  
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER  
MORRIS COUNTY, NEW JERSEY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Town of Dover is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan (the Plan) has been developed through the work of the Morris County Hazard Mitigation Planning Committee, the Town of Dover Hazard Mitigation Working Group, and interested parties within the Town of Dover; and

**WHEREAS**, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards that face the Town of Dover that will reduce the future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Town of Dover's leadership in an emergency preparedness efforts; and

**WHEREAS**, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulation published under 44CFR Part 201 require the Town of Dover to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

**WHEREAS**, public meetings were held to receive comment on the Plan as required by DMA 2000.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover, that:

1. The Plan is hereby adopted as an official plan of the Town of Dover.
2. The Office of Emergency Management officials identified in the Mitigation Action Plan (Section 9) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Town of Dover Hazard Mitigation Working Group, and the Town of Dover Mayor and Board of Aldermen.
3. The Town of Dover Hazard Mitigation Working Group will provide annual progress reports on the status of implementation of the Plan to the Mayor and Board of Aldermen. This report shall be submitted to the Mayor and Board of Aldermen by December 31<sup>st</sup> of each year.
4. The Town of Dover Hazard Mitigation Working Group will undertake periodic updated of the Plan as indicated in the Plan Maintenance Program (Section 10) but no less frequent than every five years.

**BE IT FURTHER RESOLVED** by the Mayor and Board of Aldermen that the Town of Dover adopts the Morris County, New Jersey Multi-Jurisdictional Hazard Mitigation Plan, dated May 2, 2010 as this jurisdiction's Natural Hazard Mitigation Plan, and resolve to execute the actions in the plan.

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

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

### **RESOLUTION**

**WHEREAS**, Casa Puerto Rico, Inc., filed an application for their **sixth & seventh** Special Permit for Social Affair to be held at the Casa Puerto Rico, which is their **sixth & seventh** event; and

**WHEREAS**, Casa Puerto Rico, Inc., a non-profit organization is permitted to have twenty-five events per year; and

**WHEREAS**, the Police Chief will determine what special conditions if any are 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 following applications for Alcoholic Beverage Social Affair Permit(s) be approved:

1. Casa Puerto Rico is approved for a fund raising event (#6) to be held on Saturday, September 4, 2010 and (#7) September 5, 2010 at Casa Puerto Rico, 50 West Blackwell Street, Dover, NJ from 12:00 pm through 8:00 pm.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

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

### **RESOLUTION APPROVING PERSONNEL ACTION**

**BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover upon the recommendation of the Business Administrator do hereby approve the following personnel actions subject to the NJ Department of Personnel provisions:

Transfer: Richard Cloughley from Firefighter to Interim Fire Official

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

Attorney Pennella provided an explanation on the postponement of mortgage to Anibal Correa, Jr. (resolution below).

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AUTHORIZING POSTPONEMENT OF MORTGAGE TO ANIBAL CORREA, JR.**

**WHEREAS**, Anibal Correa, Jr. is the owner of property located at 44 North Bergen Street, Dover, New Jersey; and

**WHEREAS**, the Town of Dover Housing Rehabilitation Program issued a mortgage to him in the amount of \$20,846.00 on May 9, 2002; and,

**WHEREAS**, he wishes to refinance the property and had asked the Town of Dover to subordinate this mortgage to a new mortgage to be issued by American Bank in the amount of \$102,500.00; and

**WHEREAS**, the request for subordination was approved by the governing body; and

**WHEREAS**, Correa now requests a change in the amount of the first mortgage loan from \$102,500.00 to \$103,200.00; and

**WHEREAS**, the Mayor and Board of Aldermen have reviewed the revised loan amount, appraisal amount and purpose for the refinance and find that the postponement can be approved without jeopardizing the integrity of its second mortgage loan;

**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 Town of Dover Housing Rehabilitation Program mortgage loan in the amount of \$20,846.00 dated May 9, 2001 shall be subordinated to the new first mortgage to be issued by American Bank in the amount of \$103,200.00.
2. The Administrator of the Town of Dover is hereby authorized to execute all documents necessary to effectuate the above.

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

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

Mayor Dodd announced that the 29<sup>th</sup> Senior Citizen Picnic will take place on Thursday, September 2, 2010. He also announced that Regency Grande Nursing Home will be hosting a "Labor of Love Day & Barbeque" on September 12, 2010. Alderman Blackman announced that the Recreation Department will host a trip to the Bronx Zoo on Thursday, October 7<sup>th</sup>.

#### **PUBLIC COMMENTS – Three Minutes per Person**

**HELEN OGUJE** – 21 Losey Street – Ms. Oguje has written letters requesting assistance from the adjoining property owner and the town to trim the branches that hang on her property from the neighbor's tree. She feels that no one has been able to help her and she has tried to contact the owner to no avail. She also noted that taxes have not been paid on the lot for about four years.

Mayor Dodd assured Ms. Oguje that the administration department is addressing the issue. Mr. Close explained to Ms. Oguje what his department has done including contacting Mr. Lovas, attorney for the Police Athletic League (PAL). Mr. Close explained that PAL, which is a non-profit organization, is now a non-existent organization. Mr. Close explained he has been unable to get a resolution and noted that the branch issue is not a code violation. Mayor Dodd asked the Attorney if the town has the ability to obtain ownership on a lot that has unpaid taxes. Attorney Pennella explained that he has spoken to Mr. Lovas, who is not the owner but the agent for PAL. He noted that PAL is a non-profit organization and because of their status the property is tax-exempt and explained that the members have allowed the organization to dwindle. Attorney Pennella expressed to the board that it's *private* property and as a municipal governing body they should only deal with *public* property. He noted that someone from PAL must file a title action, in order, to correct the title for that property. He noted that in the meantime, the only legal mechanism is for the property owner to lawfully cut the branches or trees that are over hanging her property. Attorney Pennella expressed that taxpayer's money can not be spent on private property. Attorney Pennella answered Mayor Dodd's question by stating that if taxes were owed on the property and tax sale would have taken place. Attorney Pennella offered to get a list of the members from Mr. Lovas to see if he's able to get in contact with someone.

**MARILYN KALNAS** – 49 Watson Drive – Ms. Kalnas expressed that her road is a complete disaster and wanted to know when her street would be paved. Mayor Dodd commented that he's unable to provide her with the information but would have the Engineering Department look into it.

**EDWARD CORREA** – 88A E. Blackwell Street – Mr. Correa delivered a petition to the Mayor & Board of Aldermen regarding the monetary reimbursement to Dover Park Plaza Condominium for solid waste removal. Mr. Correa noted the residents of Park Plaza in the audience and read the petition in its entirety. He also noted that the parking regulations at the Municipal Parking Lot A are unfriendly to the residents of Dover Park Plaza. Petition was presented to the Clerk.

**JOSE BARRIENTOS** – 21 Monmouth Street – Mr. Barrientos noted that back in December he brought to the board's attention the parking situation on Monmouth Street. He explained Commuters Park on Monmouth Street because it alleviates them from paying the fees at the municipal lots. Mayor Dodd explained that Monmouth Street is on the list for the Parking Committee to look into. Mayor Dodd asked Attorney Pennella if an ordinance could be introduced to

allow residents to obtain parking permits for Monmouth Street. Attorney Pennella noted that residents have to be notified about the proposal and if they agree then an ordinance would have to be introduced. Mayor Dodd apologized for the delay and asked Mr. Pennella to forward a memo regarding the parking. Mr. Barrientos was advised that he will be contacted with a solution.

**JON SPERRY** – 58 North Essex Street – Mr. Sperry complimented Morris County Hispanic Organization on an outstanding job at JFK Park. He noted that they left the park cleaner than they found it and noted that they were very well organized. He believes they had a noise permit which was not an issue and could not be heard across the street. However, the week before the Salvation Army had a function that had very high noise levels. Mayor Dodd noted that the Salvation Army did have a noise permit which allows for amplified sound. They both agreed that a better job could be done on monitoring the noise permits.

Mr. Close explained that the police department will have the other officers trained to use the noise meter because at the current time there is only one certified officer.

**MARIE TAMBINI** – 6-16 E. Blackwell Street – Ms. Tambini expressed that she is looking forward to the senior picnic. She asked if there was a time that garbage could be put out the night before. Mayor Dodd noted that it's no later than five o'clock the night before. She noted Blackwell Street has garbage all over the place and noted that it happens frequently. She noted that recycling is also put out on the wrong day or wrong week. She asked that someone monitor Blackwell Street. Mr. Isselin noted that a number of tickets have been issued to people that put out garbage or recycling on the wrong day and his department is out enforcing the ordinance.

**Motion to adjourn made by Mayor Dodd at 8:46 p.m., and duly seconded by Alderman Donofrio and passed by the following voice vote.**

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

**Respectfully submitted,**

**Margaret J. Verga, Municipal Clerk**