



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  
**CAUCUS MEETING MINUTES**  
**September 28, 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, Romaine, Blackman and Mayor Dodd

Absent: Alderman Timpani arrived at 7:06pm

Also present were Administrator Close, Attorney Pennella and Clerk Verga

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

Mayor Dodd asked the Municipal Engineer/Town Planner & Assistant Engineer to be present at tonight's meeting to provide the public with an overview of the King Field Ball Field project which started, approximately, a year ago.

Mayor Dodd commented that it's important to provide athletic facilities for our children, to give the children an opportunity to get involved in sports and to also give the community a sense of pride.

Mayor Dodd is not asking for a vote, tonight, on the project but instead will request a special meeting to be held on Tuesday night.

Michael Hantson provided an overview of the King Field Ball Field Project and the bidding process. He explained the objectives of the project which includes taking the four existing ball fields and bringing them up to current standards for little league and high school girl's softball regulations. Mr. Hantson noted some of the deficiencies with the fields, which consist of irregular grading, improper lighting, and electrical problems associated with the lighting as well as the fencing. He noted that the configuration of the fields essentially remains the same, there's a little bit of shifting of the fields to maximize the little area that belongs to the town. Mr. Hantson continued to explain the project, providing details on several sections.

Mr. Hantson proceeded to explain the bid process and noted that (4) four bids were received. He noted that the low base bid price for the project was \$673,337 which doesn't include field lighting or scoreboards. He noted that field lighting would be approximately \$125,000 and would be considered an add-alternate.

Mayor Dodd noted that the fields provide a benefit to the community, not only for little league, but it's also for high school girls softball in addition to facility application permits, and it serves as a multi-purpose baseball field, as opposed, to just little league and will be a huge improvement to the area.

Alderman Poolas wanted to know the width from the left field corner of the warning track to Roswell Street on King 1. Mr. Hantson provided an estimate of figures by showing Alderman Poolas the map.

Alderman Donofrio wanted to know if the map was in the specs. Mr. Hantson noted that the map is on a separate page. Alderman Donofrio wanted to know if the work can be sectionalized and done over a few years. Mr. Hantson explained that the administrator had talked to him about it and his recommendation was that you can't stage this type of project; the irrigation system can't be phased in.

Mayor Dodd noted that it's important to focus on the point of, the field is designed and is ready to move forward and if we change direction now, we are going to lose the 2011 season and that is something he does not want to do. Mayor Dodd expressed that it's important to stay on the path that was started a year ago and complete that task. Mr. Hantson noted that not only did the town design the project but the town bid the project so it can't be started over unless the project is thrown out.

Administrator Close stated there will be subcommittee meetings held to answer any questions.

Mayor Dodd stated it's important for the board to have all the information so they can make an educated decision.

Michael Hantson noted that the sod must be laid by the middle of November and noted that the longer it gets postponed the bid, might as well, be thrown out.

Alderman Timpani wanted to know if we're taking a chance by installing the sod so close to the deadline. Mr. Hantson noted that the ideal time to lay sod is in the fall.

Mayor Dodd opened the meeting to the public for the King Field Ball Field Project.

Victor Rodriguez – 39 Boonton Street – Mr. Rodriguez thanked the engineer for his presentation. He stated this project is very important to Little League and reminded the board that the fields have not been rehabilitated in over 40 years. He noted that there are over 200 children that play on King Field which doesn't include the recreation summer program or high school girls. He noted that King Field is the only field that collects money (facility application fees) however it's not enough to cover the rehabilitation cost. He noted that it's an important project for recreation and parents with and without children in the sport are supporting the project. He expressed that there's a safety concern and noted that the fields are not up to little league standards. He noted that the parents just want what's good for the kids and the project would bring pride to the community. He asked that the lights be included in the project because it's essential to their games. He submitted a petition to the clerk with 500 signatures from residents who support the ball field project.

Alderman Poolas wanted to know the number of children that signed up for little league baseball, this year. Mr. Rodriguez noted about 139 children which doesn't include softball. Alderman Poolas asked the number of sign-ups for midget football and soccer. Mr. Rodriguez provided a breakdown for each division in midget football (146 total) and Mark Jaeger noted that there are about 360 fall sign-ups and 400 spring sign-ups for soccer.

Alderman Timpani wanted to know how the soccer field was being used without any lighting. Mr. Rodriguez explained that the soccer teams play on Saturdays from 9:00 am to 5:00 pm and baseball plays everyday during the week at different times.

Alderman Poolas wanted to know the amount that was donated to Little League after the concession stand fire. Mr. Rodriguez noted that they received about \$5,000 in donations and also expressed that they are willing to do their part in raising money for the score board.

Edward Correa – 88A E. Blackwell Street – Mr. Correa spoke on the King Field Ball Field Project. He explained that surplus in acres (NJ Green Acres) and went into details about the National Recreation & Park Association (NRPA) and related them to the Town of Dover's Master Plan. He stated the board will vote on a bond that will add to the monies that were already bonded for the King Field Complex, between the concession stand and the ball field improvements there will be a total of more than \$800,000 invested in the recreational space located in the first ward. He urged the board to follow the (1) recommendations of the Dover Recreation & Open Space Component of the town's Master Plan, (2) asked the board to consider the amount and type of recreation demanded by the community, (3) to use the money wisely and make King Field a comprehensive and accessible facility, (4) to improve King Field Complex, and (5) to make it a multipurpose sport facility for Little League, baseball, football, soccer, track, etc which can be utilized year round, including safe and compliant Little League Baseball Field for the children.

He noted that last week he requested, through the Open Public Records Act (OPRA), the annual ground maintenance schedule for all the parks and recreational facilities in the Town of Dover and all the material available to maintain the fields. He explained that the response he received was that "no such document exists; the DPW schedules maintenance as man power and weather permits. He expressed that if the town lacks a maintenance plan for the recreational fields and open space in our town, when there are so many documented concerns for the condition of the exiting facilities, how can we proceed to improve King Field or any other facilities when they have fallen into despair.

Mr. Correa read a petition that was signed by 600 residents. NOTE: The petition was not given to the Municipal Clerk.

Mayor Dodd commented on Mr. Correa's remarks and feels are not 100% true. Mayor Dodd agreed that the community needs more multipurpose use facilities, but explained that each location has limited space. King Field was looked at for multiuse and there isn't enough space for four baseball fields and a soccer field. He noted that the board does recognize the needs' of the community that is why the Crescent Field project was done. We also looked at moving the baseball field from Second Street and installing a youth sized soccer field there. Mayor Dodd asked the engineer to speak on the open space element of the master plan.

Mr. Correa asked the board to look at other fields that need rehabilitation and to establish a maintenance schedule. Mayor Dodd noted that there might not be a written (plan) but the Department of Public Works does have a plan for maintenance and he commends them on the job they do.

Alderman Visioli commented that a vote will not take place on the bond ordinance and subcommittee meetings will be held to discuss same. He also stated our Master Plan is recognized by the county and state.

Mr. Hantson informed the public and board on the open space element of the master plan and nowhere is it stated to make King Field Complex a multiuse field. It is stated to make it a multipurpose complex and explained that could mean having a playground, walking trails by the pond as some examples. Hamilton Field is recommended to be made a multiuse field. The town asked for assistance from Rutgers University and Morris County Soil Conservation to analyze the soil and recommend the time frame needed for the installation of sod and the type of sod to be used. Mr. Close provided additional information on the sod process.

Alderman Timpani wanted to know if a soccer field (multi-purpose) could be installed at the King Field Complex. Mayor Dodd noted that combining sports is not the design they are trying to achieve.

Alderman Poolas asked several questions about the fields. He would like to see a multi-purpose field at King Field not only for sports events but for recreational events.

Administrator Close commented on the lighting system, that it is energy efficient and computerized. It is maintained by the company for 25 years.

Mr. Hantson reminded the board that there's an agreement with the Board of Education with regards to the fields.

**Julio Soto** – 100 W. Blackwell Street – he is in support of the rehabilitation of King Field and would like the children to have the opportunity to choose the sport that they would like to play in.

**Maria Tchinchinian** – 30 Hillcrest Drive – wanted to let the board know that the children want a new field and she supports the rehabilitation of the fields.

**Patrick Fahy** – 2 E. Chrystal Street – he urges the board to adhere to the master plan. He noted the financial plan better serves for a multiuse field. He also asked the board to take their time with the planning to meet the needs of the community.

Mayor Dodd clarified that the project started well over a year ago. He explained that a year ago he mentioned that the concession stand was phase I of the project and the rehabilitation of the fields would be phase II.

Mr. Hantson clarified the language in the Master Plan. He noted the characteristics of pocket & neighborhood parks.

Alderman Timpani wanted to know if Crescent Field was the last place for a large event.

**Mark Jaeger** – 19 Winthrop Place – he expressed that one field is not enough; they require two fields for soccer. He supports the rehabilitation.

**Victor Rodriguez** – 39 Boonton Street – He noted that fall baseball was not placed on the calendar due to the anticipated rehabilitation, but next season will start in March and go through November.

Seeing no hand or hearing no voices, Mayor Dodd closed the meeting to the public (9:06 pm).

#### **MUNICIPAL CORRESPONDENCE:**

1. Ordinance from Rockaway Township Amending Chapter LIV, Land Use and Development, Section 54-30, Zoning Regulations, Subsection 54-30.11, Signs
2. Resolution from Rockaway Township Urging the NJ Legislative Government to Enact Changes to the Open Public Records Act (OPRA) Law
3. Resolution from the Township of Randolph Opposing Assembly Bill-Emergency - Medical Services/Medical Transport
4. Resolution from the Town of Boonton Urging the NJ Legislative Government to Enact Changes to the Open Public Records Act (OPRA) Law
5. Letter from Denville's Administrator to all member municipalities requesting that they support the Township of Denville's initiative in connection with the defense of the Jersey City Municipalities Utilities Authority v Town of Dover, et al litigation
6. Letter from Assemblyman Anthony Bucco Re: Contact person at the Government Records Council (GRC)
7. Fax Advisory from the NJ State League of Municipalities Re: Civil Service Adoption of Amended Rules Selection & Appointment Transfer
8. Notice of Deficiency from the NJ Department of Environmental Protection (NJDEP) Re: 2 South Morris Street
9. Suspected Hazardous Substance Discharge Notification from NJDEP Re: 11-13 No. Warren Street
10. Invitation to the Peer Place, Denville groundbreaking ceremony (Morris County Affordable Housing Corp. & Morris Habitat for Humanity)
11. Invitation to the Ann Street, Dover home dedication (Morris Habitat for Humanity and Community Partners)
12. Invitation to the Dover Recreation Commission Halloween Costume Contest on Saturday, October 23, 2010
13. Invitation from the Township of East Hanover Re: The Sixth Annual Morris County Columbus Day Parade

14. Invitation from NJ Natural Gas Re: NJNG Energy Forum 2010

Mayor Dodd asked if there were any questions regarding the awarding of the two bids. There were no questions from the Board of Aldermen.

**CONSENT AGENDA**

1. Resolution Approving Raffle License – Millpond Towers Residents Association
2. Resolution Approving Limos – Schedule A
3. Resolution Approving Cancellation of Escrow Deposits
4. Resolution Approving the Settlement of a Tax Court Appeal – C&E Partnership, Block 1301, Lot 8

**ORDINANCE(S) FOR INTRODUCTION**

1. Ordinance #19-2010 – Amending & Supplementing “Parking” – Monmouth St.

**ORDINANCE(S) FOR SECOND READING**

1. Ordinance #18-2010 – Providing for a Handicapped Parking Space at Grant Street

**AGENDA ITEMS:**

**RESOLUTIONS**

1. Approving Bills List
2. Awarding Bid for Chestnut Street Roadway Improvements – Jenicar Builders Contractors Co., Inc.
3. Awarding Bid for 2010 Bond Project Roadway Improvements – Tilcon, New York Inc.
4. Approving Terminal Leave for Health Officer
5. Authorizing the Mayor & Board of Aldermen to Enter into Executive Session – Personnel Matter

Alderman Visioli noted that the Parking Committee met several times and there was input from the Town Attorney to discuss Ordinance #19-2010. Alderman Visioli noted that there will be an amendment to limit the number of permits per household to two. Attorney Pennella read the amendment.

Mayor Dodd commented on resolution #4. He gave the public some background on Don Costanzo, Health Officer and thanked him for his dedication to the town and his many years of service.

Alderwoman Blackman served on the Board of Health with Mr. Costanzo and thanked for his dedication also.

Alderman Poolas thanked Mr. Costanzo for inspiring him to get involved in the town.

**REGULAR MEETING MINUTES**  
**September 28, 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 9:17 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 adequate notice was given to the official newspaper.

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

Edward Correa – 88A East Blackwell Street – Mr. Correa asked if the public comment session could be prior to the board entering into the executive session.

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

**MAYOR'S REPORT** – Mayor Dodd noted the following Town of Dover events: 9/27 Exercise Program “Move Today” for seniors, 10/21 Female Cancer Screening, 10/25 Flu Shots, 11/13 Rabies Vaccination Clinic.

Mayor Dodd noted that the Office of Emergency Management is preparing for flooding in the town due to the storm alert of 4plus inches of rain. He noted that the dog & cat census will be complete in November, Harding Avenue Roadway Improvements, and the Natural Gas line projects are underway. He thanked Alderwoman Blackman for attending the Spanish Heritage program held by the Morris County Prosecutors Office.

Mayor Dodd noted the upcoming events: 9/30 Morris Habitat for Humanity will dedicate the Ann Street house, 10/10 multi-town river clean-up project. Mayor Dodd had the privilege to distribute trophies during the opening day of soccer. He thanked everyone involved in the senior picnic and for making it a success. He noted that many merchants donated for the prizes. Alderwoman Blackman thanked the businesses for their donations and the volunteers who worked. Mayor Dodd thanked DJ “Dr. J” from Attilio’s Restaurant, who volunteered his service and Alderwoman Blackman who was the emcee. Mayor Dodd met with the Bishop from El Salvador.

**ADMINISTRATOR CLOSE** – commented on the Harding Avenue Roadway Improvement Project, the bids for King Field Complex and Chestnut Street projects. He attended the Rotary Luncheon. Thanked, Sunnyside Florist for the donation of a wreath to commemorate September 11<sup>th</sup>.

**ATTORNEY'S REPORT** – Mr. Pennella met with Judge Bozonelis regarding the Jersey City case. Attorney Pennella provided comments on the meeting.

**CONSENT AGENDA**

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

**WHEREAS**, the below listed organization has applied for a Raffle License; and

**WHEREAS**, such license has 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:

1. The below listed raffle for the date set forth following their name is hereby approved:

**Millpond Towers Residents Association**  
to be held on November 3, 2010 from 10:00 am to 3:00 pm  
(50/50)

**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**

**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**

1. 2003 Dodge Wagon (LIMO) Passengers: 6 Color: Silver VIN: 281703 Plate# OL3253H

**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**

**RESOLUTION**

**WHEREAS**, the rules of procedure of the Town of Dover, New Jersey state that a deposit shall be made to cover escrow funds withheld.

**WHEREAS**, a deposit has been received from the following and a balance remains:

Jose Zhangallimbay	\$125.00
Edwin Soto	\$125.00

for a total of \$250.00, said funds are being held in the Trust Other Fund, and

**WHEREAS**, the CFO and Engineering/Construction Department have investigated these deposits and have determined there is no forwarding address available,

**NOW, THEREFORE, BE IT RESOLVED**, that these monies have been unclaimed for a period of 6 years and are hereby cancelled for deposit to the Town of Dover General Account.

**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**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER**  
**APPROVING THE SETTLEMENT OF A TAX COURT APPEAL C & E PARTNERSHIP,**  
**BLOCK 1301 LOT 8 -1 WEST McFARLAN STREET**

**WHEREAS**, C & E Partnership is the owner of 1 West McFarlan Street, Dover New Jersey, also known as Block 1301, Lot 8; and

**WHEREAS**, C & E Partnership filed appeals with the Tax Court of New Jersey for the years 2009 and 2010 bearing Docket # 001756-2009 and 002463-2010; 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 \$2,200,000.00 total assessment for year 2009, a settlement value of \$2,000,000.00

total assessment for year 2010 and a total assessment of \$1,700,000.00 for year 2011 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 Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,230,000.00	\$1,230,000.00
Improvements:	<u>\$1,387,300.00</u>	<u>\$ 970,000.00</u>
Total:	\$2,617,300.00	\$2,200,000.00

<u>2010</u>	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,230,000.00	\$1,230,000.00
Improvements:	<u>\$1,387,300.00</u>	<u>\$ 770,000.00</u>
Total:	\$2,617,300.00	\$2,000,000.00

2011 Total assessment of \$1,700,000.00

**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 amount of \$2,200,000.00 for tax year 2009, a fair market value of \$2,000,000.00 for tax year 2010 and a fair market value of \$1,700,000.00 for tax year 2011.
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.

**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**

## **ORDINANCE FOR INTRODUCTION**

**ORDINANCE NO. 19-2010**  
**OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS,**  
**STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING REVISED ORDINANCES 1969**  
**ENTITLED "PARKING, TITLE 28, SAVED FROM REPEAL,"**  
**MONMOUTH STREET RESIDENT PARKING**

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

Title 28 of the Revised Ordinances 1969 of the Town of Dover Saved from Repeal under the Code of the Town of Dover is hereby supplemented and amended as follows:

1. Decal Parking. Parking for the days and hours set forth below on Monmouth Street for its entire length is hereby limited to residents of such street only. This parking restriction is for Monmouth Street from South Morris Street eastward to its terminus. Decals shall be issued by the municipality identifying residents' cars which decals must be permanently affixed and displayed in the rear window of the vehicle, the lower left hand corner.

2. Criteria for Issuance of Permit. Permits shall only be issued to owners of the property or to tenants legally residing on properties located on Monmouth Street. The municipality will require proof of ownership or tenancy by submission of the following documentation:

A. Deed as to owners with copy of driver's license and vehicle registration of car to receive decal if the property is owner-occupied. A copy of a utility bill shall also be required.

B. As to tenants, a copy of the written lease agreement must be presented. If there is no written lease agreement, then a written, notarized statement by the owner of the property must be provided verifying the tenancy. Also a copy of the tenant's driver's license and vehicle registration for the car that will receive the decal and a copy of a current utility bill must be provided. Also, a valid Certificate of Compliance from the Dover Property Maintenance Department is required for rental properties. There shall be no charge for the issuance of a permit.

3. Limit on Permits. There shall be no more than two (2) decals/permits issued per dwelling unit. Decals/permits are not transferable.

4. Non-Transferrable. Decals/permits are not transferable.

5. Hours and Days When Decal Parking Is in Effect. Only motor vehicles with a Town-issued resident decal shall be permitted to park on Monmouth Street between the hours of 5 a.m. and 5 p.m. Monday through Friday.

6. Signage. The Public Works Department is hereby authorized to post signs of the decal parking restrictions consistent with the Manual on Uniform Traffic Control Designs for Streets and Highways for the State of New Jersey.

7. Engineer's Certification. The effectiveness of this Ordinance is conditioned upon the Municipal Engineer, under his seal as a licensed professional engineer, certifying to the governing body of the municipality that any designation or erection of signs or placements of pavement markings have been approved by the engineer after investigation of the circumstances, appears to the engineer to be in the interest of safety and expedition of traffic on the public highways and conforms to the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways as adopted by the Commissioner of Transportation.

8. Penalties. The penalty for violation of this ordinance shall be the general penalty for violation of ordinances under the Code of the Town of Dover.

9. Effective Date. This ordinance shall take effect upon publication after second reading and approval by the Municipal Engineer.

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

11. Validity. 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.

12. Effective Date. The Ordinance shall take effect in accordance with law.

**Alderman Visioli has moved the foregoing ordinance be adopted and duly seconded by Alderman Poolas 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**

## **ORDINANCE FOR SECOND READING**

### **ORDINANCE NO. 18-2010**

### **ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER** **PROVIDING FOR HANDICAPPED PARKING SPACE AT 48 GRANT STREET**

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

#### ***SECTION 1. Description for handicap parking space to be located at 48 Grant Street.***

Said handicap parking space shall be located along the southerly curblin of Grant Street beginning at a point 583 feet east of the southeasterly curblin intersection of Thompson Avenue and Grant Street thence, continuing in easterly direction for a distance of 20 feet.

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

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

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

**Mayor Dodd opened the meeting to the public for a hearing.**

**Warren Darnul** – 151 Grant Street – Mr. Darnul wanted to know if the resident had a private driveway. Mayor Dodd explained the process to obtain a handicapped parking space and noted that a private driveway does not preclude them from obtaining a handicapped parking space.

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

**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:	\$5,507.56
CURRENT ACCT claims in the amount of:	\$1,622,969.35
CAPITAL ACCT claims in the amount of:	\$415.00
WATER UTILITY ACCT claims in the amount of:	
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$172.32
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:	\$68,460.29
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>\$1,697,524.52</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:	\$341,268.58
WATER UTILITY ACCT claims in the amount of:	\$18,209.28
PARKING UTILITY ACCT claims in the amount of:	\$5,017.86
PAYROLL AGENCY ACCT claims in the amount of:	\$104,584.29
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$33.84
<b>TOTAL CLAIMS PAID</b>	<b>\$469,113.85</b>

**TOTAL BILL LIST RESOLUTION** **\$2,166,638.37**

**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  
AWARDING BID FOR CHESTBUT STREET ROADWAY IMPROVEMENTS**

**WHEREAS**, the Town of Dover solicited bids for Chestnut Street Roadway Improvements; and

**WHEREAS**, bids received on September 8, 2010; and

**WHEREAS**, the tree lowest bidders submitted bids as follows:

- A. Jenicar Builders Contractors Co., Inc. 573 Belgrove Drive, Kearny, NJ
- B. Mark Paving Inc., 51 Noll Ter., Clifton, NJ
- C. Tony's Concrete, 316 E. Kinny St., Newark, NJ

**WHEREAS**, the Engineering estimate for the project by the Town was \$216,857.50; and

**WHEREAS**, the Municipal Engineer recommends awarding the contract to Jenicar Builders Contractors Co., Inc. located at 573 Belgrove Drive, Kearney, New Jersey in the amount of \$207,909.06;

**WHEREAS**, the project will be funded with \$150,000.00 from the New Jersey Department of Transportation Fiscal Year 2010 Municipal Aid Program and \$57,909.06 from Capitol Account C-04-55-921-001;

**WHEREAS**, the \$207,909.06 does not include police traffic directors.

**NOW THEREFORE, it is hereby RESOLVED** by the Mayor and the Board of Aldermen of the Town of Dover, Morris County, New Jersey as follows:

- 1. The bid of in the amount Jenicar Builders Contractors Co., Inc. of \$207,909.06 for Jenicar Builders Contractors Co., Inc. is hereby accepted; and
- 2. The Mayor and Clerk are hereby authorized to execute a contract with Jenicar Builders Contractors Co., Inc. in the amount of \$207,909.06

**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, 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  
AWARDING BID FOR 2010 BOND PROJECT ROADWAY IMPROVEMENTS**

**WHEREAS**, the Town of Dover solicited bids for 2010 Bond Project Roadway Improvements; and

**WHEREAS**, bids were received on September 17, 2010; and

**WHEREAS**, the three lowest bidders submitted bids as follows:

- |    |  |                  |
|----|--|------------------|
| A. | Tilcon, New York Inc., 625 Mt. Hope Rd., Wharton, NJ | \$197,307.55     |
| B. | Mark Paving Inc., 51 Knoll Ter., Clifton, NJ         | \$214,086.52     |
| C. | Schifano Const. Corp., 1 Smalley Ave., Middlesex, NJ | \$230,533.75 and |

**WHEREAS**, the Engineering estimate for the project by the Town was \$241,167.50; and

**WHEREAS**, the Municipal Engineer recommends awarding the contract to Tilcon, New York Inc. located at 625 Mt. Hope Rd., Wharton, New Jersey in the amount of \$197,307.55; and

**WHEREAS**, the project will be funded with \$197,307.55 from Capitol Account C-04-55-922-005; and

**WHEREAS**, the \$197,307.55 does not include police traffic directors.

**NOW THEREFORE, it is hereby RESOLVED** by the Mayor and the Board of Aldermen of the Town of Dover, Morris County, New Jersey as follows:

1. The bid of in the amount of \$197,307.55 for Tilcon, New York Inc. is hereby accepted; and
2. The Mayor and Clerk are hereby authorized to execute a contract with Tilcon, New York Inc. in the amount of \$197,307.55.

**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, and Blackman  
Nays: None    Absent: None    Abstained: Mayor Dodd**

**RESOLUTION APPROVING TERMINAL LEAVE FOR HEALTH OFFICER**

**WHEREAS**, the Health Officer has notified the Mayor and Board of Aldermen of his intention to retire as of December 1, 2010; and

**WHEREAS**, established town policy is that 75% of accumulated sick time be granted as time off with pay plus 100% accumulated vacation time; and

**WHEREAS**, under current policy the Town will be required to pay the accumulated sick time and vacation time as well as the salary of the replacement for the Health Officer; and

**WHEREAS**, in order to lessen the financial impact of the Health Officer's retirement, he has offered to accept compensation for the accumulated sick time and vacation time over a period of years after he is off the payroll rather than requiring that the Town pay this amount out over a period of approximately 12 months, as per the current town policy, which would thus cause a significant financial hardship to the Town in dealing with its budget in 2011.

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

1. The accumulated time for sick days and vacation days for Donald Costanzo has been calculated as of the proposed retirement date identified above and has been valued at his present salary level for a total payment due of \$99,589.41.
2. The value of the accumulated time shall be paid in six annual lump sum installments of \$14,999.00 beginning on July 1, 2011, and continuing to be paid each July 1<sup>st</sup> thereafter until all monies due are paid with a final installment payment of \$9,865.41.
3. Should Donald Costanzo's death occur before the balance due is paid, any balance due will be paid to his estate in accordance with the established payment schedule.

**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**

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

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

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

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

1. Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matter falling within the attorney client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
2. PERSONNEL ISSUES such as: any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public office officer or employee employed

or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Health Officer Position.

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

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

**Alderman Visioli has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine 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**

**PUBLIC COMMENTS – Three Minutes per Person**

**Jon Sperry** – 58 No. Essex St. – he asked if the bench at JFK Park could be moved or deleted because it’s an eye sore. Mayor Dodd will look into, possibly, turning the bench around to look into the park.

**Ed Ridner** – 33 Knickerbocker Ave. – he expressed that it’s a courtesy that the members of the board return from executive session. He wanted to know why the Mayor and the Board don’t require a background checks on board members. Mr. Ridner wanted to know if a requirement could be put into place for background checks for board members. Attorney Pennella stated yes, but noted there could only be a disqualification based on the state statute.

**Frank Simini** – 93 Prospect St. – he expressed his concern with the Second Street Playground area. He noted that the public disregards the no parking signs and suggested speed bumps and crosswalks be placed by the playground area. He also suggested more enforcement in the area. Alderman Poolas wanted to know if the ordinance on tonight’s agenda would address Mr. Simini’s concern. Mr. Close noted that the proposed plan does address his concerns.

**Maria Tambini** – 10 E. Blackwell St. – she noted that the senior picnic was great and thanked Walt Slyker for the photographs.

**Edward Correa** – 88A East Blackwell Street – he wanted to know who makes up the Redevelopment Committee. Mayor Dodd clarified that the Mayor and Board of Aldermen are the Redevelopment Entity. Attorney Pennella provided clarification on the differences between the entity and committee. Mr. Correa wanted to know the town’s current debt. Mayor Dodd noted that the information would come from the Chief Financial Officer.

Alderman Poolas wanted to know if town vehicles are allowed to be utilized for personal use by town employees. Attorney Pennella noted that he would have to review the policy and stated it might be a violation to the policy.

Alderman Picciallo thanked Mr. Costanzo for his services.

Mayor Dodd and Board of Aldermen entered into executive session 9:55 pm.

**Alderwoman Romaine made a motion to return from executive session, and duly second by Alderman Visioli  
Ayes: Aldermen Delaney, Poolas, Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: None      Abstained: None**

**Motion to adjourn made by Mayor Dodd at 10:08 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**