



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
November 10, 2014 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.

ROLL CALL:

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd

Absent: Alderwoman Yzarnotegui

Also present were Municipal Clerk Margaret Verga, Administrator Donald Travisano and Attorney Downs

Clerk Verga stated adequate notice was given to the official newspaper

SUNSHINE LAW STATEMENT

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

DISCUSSION ON THE PROPOSED WATER RATE INCREASE

Mayor Dodd expressed that we have a need for a water rate increase (ordinance 24-2014) to provide for some infrastructure improvements. He noted that with the increase the rate is still below some surrounding towns including Mine Hill and Randolph.

Mr. David Evans of Nisivoccia LLP expressed that the water rate increase will impact users' bills in 2015. He noted that this is the first increase for water utility in just about five years. Mr. Evans explained that the average residential user will see an increase of about \$7.00 per month and very low-end users who are usually seniors will see an increase about \$1.00 per month. He expressed that the increase is absolutely necessary and it's being driven by the need for infrastructure improvements, capital improvements, associated debt services and the restructuring of the department, with the hiring of four new personnel, most notably the superintendent. Mr. Evans encouraged the board to look at the operations once a year to see if further changes need to be made.

Alderman Rutan wanted to know if the increase would provide sufficient funds to start putting pipes in the ground. Mr. Evans expressed that the engineer outlined a 3-5 year plan for capital needs that presumably includes pipes in the ground.

MUNICIPAL CORRESPONDENCE:

1. Ordinance from the Borough of Rockaway amending Chapter 172, Zoning
2. Resolution from the Borough of Madison Opposing the proposed Pilgrim Pipeline
3. Notice of Hearing to Property Owners – Township of Randolph – 242 South Salem Street
4. Notice of Hearing to Property Owners – Town of Dover (Zoning Board of Adjustment) – 210 West Blackwell Street
5. Invitation to the Roundtable Consulting Sessions (NJ League of Municipalities Convention) on Tuesday, November 18th

CONSENT AGENDA

1. Resolution Removing Fire Department Members
2. Resolution Approving Volunteer Fire Department Member – Cindy Isaza and Jesus Matos
3. Resolution Approving Municipal Tax Redemption for 32 Trenton Street
4. Resolution Approving Municipal Tax Redemption for 121 S. Morris Street
5. Resolution Approving Municipal Tax Redemption for 23 Randolph Avenue
6. Resolution Canceling Taxes and Authorizing a Refund Pursuant to Statute on Block 2313, lot 6

ORDINANCE FOR INTRODUCTION

1. Ordinance No. 23-2014 – Establishing Section 1-15 of the Code of Dover Entitled “General Penalty”
2. Ordinance No. 24-2014 – Amending Water Changes for Domestic, Commercial, Public and Industrial Use
3. Ordinance No. 25-2014 – Establishing Chapter 286 Entitled Regulation of Vacant & Foreclosing Residential Properties

ORDINANCE FOR SECOND READING/PUBLIC HEARING

1. Ordinance No. 21-2014 – Extending Title 39 Authority
2. Ordinance No. 22-2014 – Amending various fines for violation of parking sections

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Approving Transfer Resolution
3. Resolution Approving Limos – Schedule A
4. Resolution Providing for the Cancellation of Various Grant Balances
5. Resolution Authorizing Agreement for Public Health Nurse Services
6. Resolution Approving Interlocal Health Service Agreement
7. Resolution Granting Municipal Consent & Rights-of-Way Agreement with Cross River Fiber Inc.
8. Resolution Granting Municipal Consent & Rights-of-Way Agreement with Peg Bandwidth, LLC

Alderman Visioli will be voting “no” on the resolution to approve limos.

Alderwoman Noriega abstained from line item 14-02255 on the bills list.

REGULAR MEETING MINUTES
November 10, 2014

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

The meeting was called to order by Mayor Dodd at 7:07 pm

ROLL CALL

Present: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd

Absent: Alderwoman Yzarnotegui

Also present were Municipal Clerk Margaret Verga, Administrator Donald Travisano and Attorney Downs

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

Mayor Dodd opened the meeting to the public on any agenda items.

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

MAYOR'S REPORT:

- Mayor Dodd noted that the "Everbridge" portal for residents to obtain town information and announcements is up and running. He urged all residents to sign up through the town's homepage.
- The playground equipment at JFK Park has been installed. Mayor Dodd encouraged the board members to attend the ribbon cutting ceremony on Saturday.
- Mayor Dodd thanked the Turkistanian American Association for providing Thanksgiving meals.
- The bid opening for the 2014 Small Cities Project (Baker St., Central Ave., W. Fairview Ave., Front St., Pequannock St. & E. Fairview Ave. Roadway Improvements) will take place on January 7, 2015. The project has a start date in April with a completion date of June 26th. He also noted that the other Small Cities project for Grace and White Streets will take place in June.
- Mayor Dodd appointed Jason Taveras to the library board.

ATTORNEY REPORT: No report

CONSENT AGENDA

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
REMOVING MEMBERS FROM THE ROLLS OF THE DOVER VOLUNTEER FIRE DEPARTMENT

WHEREAS, Section 20-5 provides that any member of the Dover Volunteer Fire Department with less than 10 consecutive years of active service who is not in good standing for two consecutive years shall be recommended to be removed by the Board of Engineers from the rolls of the Dover Volunteer Fire Department or Rescue Squad; and

WHEREAS, David Carral and Raphael Guareno are not in good standing; and

WHEREAS, Donald Hammond has resigned from Vigilant Engine Co. No. 2 due to injuries; and

WHEREAS, the Dover Volunteer Fire Department recommends their removals from the rolls of the Dover Volunteer Fire Department; and

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. David Carral, Raphael Guareno and Donald Hammond are hereby removed from the rolls of the Dover Volunteer Fire Department.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd

Nays: None

Absent: Alderwoman Yzarnotegui

Abstained: None

RESOLUTION APPROVING VOLUNTEER FIRE DEPARTMENT MEMBERS

WHEREAS, the Town of Dover Fire Department has received applications for membership in the Dover Volunteer Fire Department from Cindy Isaza and Jesus Matos; and

WHEREAS, they have met all the requirements as stated in Chapter 20-4, Volunteer Fire Department;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover approve the memberships of Jason Vetter to the Volunteer Fire Department as a member of Engine Company No. 1 and Cindy Isaza as a member of the Emergency Squad.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderman Yzarotegui Abstained: None

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on July 17, 2014, a lien was sold on Block 2022 Lot 16 also known as 32 Trenton Street, Dover, New Jersey for delinquent 2013 water and sewer fees; and,

WHEREAS, this lien, known as Tax Sale Certificate 13-00014 was sold to PC4 Firsttrust Bank, LLC; and,

WHEREAS, redemption fees for Certificate No.13-00014 were received in full.

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 \$1,288.49 for redemption payment and premium made at time of sale, payable to US Global Corp Trust Service, 50 South 16th Street, Suite 2050, 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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderman Yzarotegui Abstained: None

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on July 17, 2014, a lien was sold on Block 1803 Lot 26 also known as 121 S Morris Street, Dover, New Jersey for delinquent 2013 water fees; and,

WHEREAS, this lien, known as Tax Sale Certificate 13-00012 was sold to BV001 Trust; and,

WHEREAS, redemption fees for Certificate No.13-00012 were received in full.

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 \$495.96 for redemption payment and premium made at time of sale, payable to US Bk Cust for BV001 Trust, 50 South 16th Street, Suite 2050, 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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderman Yzarotegui Abstained: None

RESOLUTION

WHEREAS, at the Municipal Tax Sale held on July 17, 2014, a lien was sold on Block 509 Lot 4.01 also known as 23 Randolph Avenue, Dover, New Jersey for delinquent 2013 water and sewer fees; and,

WHEREAS, this lien, known as Tax Sale Certificate 13-00003 was sold to PC4 Firsttrust Bank, LLC; and,

WHEREAS, redemption fees for Certificate No.13-00003 were received in full.

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 \$1,825.39 for redemption payment and premium made at time of sale, payable to US Global Corp Trust Service, 50 South 16th Street, Suite 2050, Philadelphia, PA. 19102.

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

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarotegui Abstained: None

RESOLUTION OF THE TOWN OF DOVER, COUNTY OF MORRIS
CANCELING TAXES AND AUTHORIZING A REFUND PURSUANT TO STATUTE ON BLOCK 2313, LOT 6

WHEREAS, N.J.S.A. 54:4:4-3.30 provides for an exemption from property taxes on certain property owned by a totally disabled veteran; and

WHEREAS, it has been determined by the Tax Assessor that the property described as Lot 6 in Block 2313 owned by Yandri Pozogaibor qualifies for a Veteran's Property Tax Exemption; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32 the governing body has the authority to cancel charges for a totally disabled veteran's portion of the 2014 taxes when a N.J.S.A. 54:4-3.30 Certification of Assessment Credit for Exemption has been granted; and

WHEREAS, in this case the Mayor and Board of Aldermen deems that the Property Owner should receive a refund on taxes already paid as of the date of the application to the Town of Dover, as follows and that Yandri Pozogaibor shall be exempt from future payments for property taxes for said property:

<u>Block / Lot</u>	<u>Property Owner</u>	<u>Refund</u>
2313 / 6	Yandri Pozogaibor 52 Sammis Avenue Dover, NJ 07801	\$1,433.21 (4 th Q - 2014)

NOW THEREFORE BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Dover, do hereby authorize a Veteran's Property Tax Exemption discharge of debt for the 2014 taxes, and refund be issues to the said Property Owner for a total refund of \$1,433.21 as referenced hereinabove.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarotegui Abstained: None

ORDINANCE FOR INTRODUCTION

ORDINANCE NO. 23-2014
ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY ESTABLISHING SECTION 1-15 OF THE CODE OF THE TOWN OF DOVER ENTITLED "GENERAL PENALTY."

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:

SECTION 1. 1.15 – GENERAL PENALTY

1.15.10 Violations and penalties—Collection.

- A. Except as otherwise provided, the violation of any provision of the code of the Town of Dover, New Jersey shall be punishable by imprisonment in the county jail or in any place provided by the Town for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not less than one hundred dollars (\$100.00) nor more than two thousand (\$2,000.00); or by a period of community service not exceeding ninety (90) days; or by any combination of fine, imprisonment and community service. Each day

or part thereof any violation of the code of the Town of Dover, New Jersey shall continue shall constitute a separate offense.

- B. Any person who is convicted of violating an ordinance within one year of the date of previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.
- C. Any person convicted of the violation of any ordinance may, in the discretion of the court by which he or she was convicted, and in default of the payment of any fine imposed therefore, be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days.
- D. Whenever any such fine is imposed, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarotegui Abstained: None**

ORDINANCE NO. 24-2014

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE SUBSECTION OF THE REVISED GENERAL CODE OF THE TOWN OF DOVER ENTITLED, "WATER CHARGES FOR DOMESTIC, COMMERCIAL, PUBLIC AND INDUSTRIAL USE IN THE TOWN OF DOVER, BOROUGH OF VICTORY GARDENS, AND PORTIONS OF THE TOWNSHIP OF RANDOLPH, TOWNSHIP OF ROCKAWAY, TOWNSHIP OF MINE HILL AND BOROUGH OF WHARTON"

WHEREAS, the Water Utility provides water service in the Town of Dover, Borough of Victory Gardens, and portions of the Township of Randolph, Township of Rockaway, Township of Mine Hill and Borough of Wharton; and

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

SECTION 1. Rate Schedule 1., General Metered Service:

Applicable to Use of Service for:

All water service applied through meters for domestic, commercial, public and industrial use.

Character of Service:

Continuous

Fixed Service Charge Per Quarter:

5/8" meter	\$ 17.69
3/4" meter	\$ 26.52
1" meter	\$ 44.21
1-1/4" meter	\$ 44.21
1-1/2" meter	\$ 88.40
2" meter	\$141.46

3" meter	\$265.20
4" meter	\$442.01

Rate:

All Water consumed over 333 cubic feet, a flat
 Rate charge per hundred cubic feet (c.c.f.) \$3.2018

SECTION 2. Rate Schedule No. 7, Miscellaneous Charges

Applicability

Customer requested service: turning on water at the curb (seasonal or restoration of service subsequent to delinquent payment). The following fee does not apply for customer request for meeting testing:

Rate:

Business hours (Monday-Friday – 8:00 AM to 3:00 PM)	\$26.00
After-business hours and weekends	\$86.00

Applicability:

Removing , repairing and replacing meters damaged due to
 Negligence of customer including frozen and broken meters:

Meter sizes – 5/8", 3/4", 1"	\$ 74.00
1-1/2", 2" and above	\$388.00

Connection fees:

Effective January 1, 2015 and thereafter, there shall be a connection fee charged in the amount of \$1,965 for all new customer connected to the system. Said connection fee shall be calculated annually, utilizing the cumulative capital and debt service charges of the water utility, divided by the current number of customers.

Hook up fees:

Effective January 1, 2015 and thereafter, there shall be a hookup charged as listed below for all new customers connected to the system. These hookup charges will be as follows:

5/8" and 3/4" meters	\$ 912
1' meters	\$1,125
1-1/5" and larger meters	\$1,600

Terms of payment:

Net cash becoming delinquent 20 days from the billing date.

SECTION 3. Rate Schedule No. 3., Private Fire Service or Fire Sprinkler Service

Applicability:

All fire protection service throughout the service territory

Charter of Service:

Continuous

Rate:

Each protection unit per quarter:

1"	\$ 29.01
2"	\$ 29.01
4"	\$ 48.37
6"	\$ 96.72
8"	\$145.07
10"	\$406.18
12"	\$406.18

Terms of Payment:

Net cash becoming delinquent 20 days from billing date.

SECTION 4. Rate Schedule No. 4., Public and Private Fire Service, (Fire Hydrants):

Activity:

All fire protection service throughout the service territory.

Character of Service:

Continuous

Rate:

Each protection unit per year \$195.00

Terms of Payment:

Net cashing becoming delinquent 20 days from billing date.

SECTION 5., Rate Schedule No. 8, Emergency Metered Services:

Applicability:

Water service through interconnections.

Character of Service:

On an emergency need basis

Rate:

All water delivered at a rate of \$3.2018 per hundred cubic feet (c.c.f.)

SECTION 6. Rate Schedule No. 5, Testing Customer Meters

Rate:

Test for accuracy at customer’s request, once
Every twelve (12) months No charge

Test for accuracy more than once every twelve
(12) months \$19.25 each occurrence

SECTION 7. All Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phase or sentence shall be deemed separable.

SECTION 9. This ordinance shall take effect upon final publication as provided by law.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: None**

ORDINANCE NO. 25-2014

OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY ESTABLISHING CHAPTER 286 OF THE CODE OF THE TOWN OF DOVER ENTITLED “REGULATION OF VACANT AND FORECLOSING PROPERTIES.”

WHEREAS, recent events in the local and national housing market have led to a drastic rise in the number of foreclosed houses. In municipalities throughout the nation, homes are being left vacant as families are forced to move out. These homes are frequently repossessed by banks, financial institutions and large real estate conglomerates who have little or no connection with the municipality in which they own property; and

WHEREAS, many of these homes are frequently vacated prior to the conclusion of the foreclosure process. Homes sit empty for months or years at a time awaiting foreclosure sale; often creating a substantial public nuisance. In many cases, these homes are in violation of local building, sanitary and property maintenance codes. The mortgagees are large financial institutions located out of state, making enforcement efforts very difficult; and

WHEREAS, these code violations include, among other violations, unoccupied buildings susceptible to vandalism and/or open structures rendering them unsafe and dangerous, yards full of litter and debris, unlocked houses,

un-shoveled snow that renders sidewalks dangerous and impassable, overgrown grass and bushes and unsecured swimming pools that are not only a threat to children, but become breeding grounds for infectious insects such as mosquitoes; and

WHEREAS, in addition to the dangerous conditions described in the aforementioned clauses, these violations, if left unabated tend to increase the negative economic and aesthetic impact on the Town. Specifically, these eyesores contribute to lowered neighborhood property values and detract from any and all beautification efforts. Overall, foreclosures and vacant dwellings severely and appreciably impact the quality of life and the health, safety and welfare of the residents of the Town of Dover; and

WHEREAS, foreclosures and vacant homes and their impact on local residents' quality of life have become a nationwide epidemic. Banks and other financial institutions are refusing to maintain properties they now own and municipal inspectors have turned into investigators as they try to find out who the new owners are and how to contact them to correct code violations; and

WHEREAS, several municipalities throughout the country have adopted laws in an attempt to combat this growing crisis. Others are considering similar legislation;

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:

SECTION 1. 286-1 Purpose

It is the intent of this Chapter to protect and preserve the public health, safety and welfare and security and quiet enjoyment of residents and neighborhoods by (i) requiring all real property owners, including banks, financial institutions, credit unions, lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties, and (ii) regulating the maintenance of vacant and/or foreclosing real properties in order to prevent blighted and unsecured residences.

In addition to any other remedies in law or equity not set forth herein, enforcement authority shall be vested in the Code Enforcement Department. The Police Department and Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Town Administrator, may also designate, when necessary, additional enforcement duties for other Town Departments or a contracted third party administrator.

SECTION 2. 286-2 Definitions

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

Town – means the Town of Dover

Days – means consecutive calendar days.

Chief Code Enforcement Officer – means the Chief Code Enforcement Officer of the code Enforcement Department and/or his or her designee(s).

Enforcement Authority – means the Code Enforcement Department and any other Department designated as such by the Town Administrator.

Foreclosing – shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien

Initiation of the foreclosure process – means any of the following actions taking by a mortgagee against the borrower or mortgagee of a property: (i) taking possession of the property; (ii) delivering a mortgagee's notice of intention to foreclose to the borrower; (iii) commencing a foreclosure action or filing a *lis pendens* in the Superior Court of New Jersey.

Mortgagee – means the bank, financial institution, lending institution, credit union and/or creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee,

or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Property – means any real estate, residential property, or portion thereof, located in the Town of Dover, including buildings or structures situated on the property. For the purposes of this section only, property does not include property owned or subject to the control of the Town or any of its governmental bodies or agencies including, but not limited to, property owned or controlled by the Housing Authority of the Town of Dover.

Securing – means taking measures that assist in making the property inaccessible to unauthorized persons.

Vacant – means any property not currently legally occupied and not properly maintained or secured.

SECTION 3. 286-3 Registration of Vacant and/or Foreclosing Properties; duty to Provide Written Notice of Vacant, Property and/or Mortgage Foreclosure.

- a) Any Mortgagee who holds a mortgage on real property located within the Town shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee, and the Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property
- c) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- d) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article and within 5 days of the transfer register the property and pay a registration fee in accordance with this Article. Any previous unpaid annual registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration.
- e) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee, is subject to all the terms of this Article and within 5 days of the transfer register the property and pay a registration fee in accordance with this Article. Any previous unpaid annual registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration.
- f) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- g) A non-refundable annual registration fee established by resolution shall accompany each registration pursuant to this section.
- h) All registration fees must be paid directly from the Mortgagee, Trustee, Servicer, or Owner. Third Party Registration fees are not allowed without the consent of the Town and/or its authorized designee.
- i) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- j) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- k) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- l) Failure of the Mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to

enforcement and any resulting monetary penalties.

- m) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

All property registrations are valid for one year from the date of registration. An annual registration fee of three hundred dollars (\$300.00) must accompany the registration form.

Once the property is no longer vacant or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the enforcement authority within thirty (30) days of sale, transfer or occupancy.

SECTION 4. 286-4 Maintenance Requirements

Properties subject to the requirements of this Chapter must be maintained in accordance with the all applicable federal, state and local laws, rules and regulations. The owner, local individual or local property management company must inspect the property twice a month for the duration of the vacancy.

The property must contain a posting with the name and 24-hour contact phone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.

Adherence to this section does not relieve the owner of any applicable obligations set forth in the Code of the Town of Dover, covenant conditions and restrictions, and/or home owners' association rules and regulations.

SECTION 5. 286-5 Inspections

The enforcement authority shall have the authority and the duty to inspect properties subject to this Chapter for compliance and to issue summonses for any violations.

SECTION 6. 286-6 Enforcement and Penalties

Failure to initially register with the enforcement authority is punishable by a fine of five hundred (\$500.00) dollars.

If applicable, failure to properly identify the name of the individual or property management company is punishable by a fine of five hundred (\$500.00) dollars.

Failure to maintain the property or respond to the notice as set forth in paragraph 1 of Section 3 hereinabove is punishable by a fine up to five hundred (\$500.00) dollars, plus costs associated with the cleanup, to include, but not be limited to tipping fees and overtime for use of personnel and equipment.

Nothing contained herein shall prevent the Department of Public Works, in a case of an unregistered or delinquent registered owner, from cleaning up the property on an as needed basis and imposing a lien against the property for costs associated for cleanup as set forth in paragraph 3 of this Section.

Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the Mayor and Board of Aldermen, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14.

SECTION 7. 286-7 Implementation

Upon the effective date as set forth in Section 10 herein below, any existing vacant or foreclosing properties shall have thirty (30) days to comply with the provisions of this Ordinance.

SECTION 8.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 9.

If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 10.

The Ordinance shall take effect in accordance with law.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: None**

ORDINANCE FOR SECOND READING/PUBLIC HEARING

ORDINANCE NO. 21-2014

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 373 (VEHICLES AND TRAFFIC) OF THE REVISED ORDINANCES OF THE TOWN OF DOVER 1969 SAVED FROM REPEAL GRANTING JURISDICTION TO ENFORCE TITLE 39 OF THE NEW JERSEY STATUTES TO THE TOWN OF DOVER OVER ROADS AND PARKING LOTS LOCATED AT BLOCK 901, LOTS 1.04 AND 1.06

WHEREAS, the Town of Dover Planning Board granted Minor Subdivision and Preliminary and Final Major Site Plan approval to permit the construction of a Marriott Townplace Suites Hotel and a medical office building on property located at Block 901, Lots 1.04 and 1.06 (the "Property"); and

WHEREAS, as a condition of said approval, the Planning Board required that the Town of Dover be permitted to enforce Title 39 of the New Jersey Statutes (Motor Vehicle and Traffic Regulation) within the boundaries of the Property; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover find that it is in the best interest of the Town of Dover to have the provisions of Title 39 made applicable to the semi-public roads, streets, driveways and parking lots located on the Property; and

WHEREAS, the Town Engineer and Town Attorney have reviewed the request and find that it is in compliance with the requirements under New Jersey law and have approved of the regulations contained in the Resolution of Approval and this Ordinance made applicable to the Property; and

NOW, THEREFORE, 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:

SECTION 1.

Chapter 373 of the Code of the Town of Dover ("Code") entitled "Vehicles and Traffic" is hereby amended as follows:

A. The provisions of Subtitle 1, Title 39, of the revised Statutes of New Jersey are made applicable to the semi-public roads, streets, driveways and parking lots at the property located at Block 901, Lots 1.04 and 1.06 on the Tax Map of the Town of Dover

B. A penalty for a violation of any Title 39 provision, or any Town of Dover Ordinance, shall be in accordance with the penalty(s) set forth in Title 39, or the Town of Dover Code, and shall be administered in the same manner as if the violation occurred on a public road or parking lot under the municipality's jurisdiction.

C. This Ordinance will be enforced on all of the roads and parking areas as shown on the plan entitled "Minor Subdivision Preliminary and Final Major Site Plan for Briad Development, LLC/ Woodmont at Dover ET, LLC," prepared April 7, 2014, as amended. Such plans are located in the Town of Dover Engineering Department.

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

Mayor Dodd opened the meeting to the public for a hearing on ordinance 21-2014. Seeing no hands and hearing no voices Mayor Dodd closed the meeting to the public.

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: None

ORDINANCE NO. 22-2014
AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING VARIOUS FINES FOR PARKING
VIOLATIONS AND SUPERSEDING ANY PREVIOUS ORDINANCES ESTABLISHING
OR AMENDING FINES FOR PARKING VIOLATIONS

WHEREAS, it is the intent of this Ordinance to supersede any previous Ordinance(s) establishing or amending fines for parking violations; now, therefore,

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:

SECTION 1. PARKING VIOLATIONS; FINES

Fines for Parking Violations within the Town of Dover are hereby amended as follows (this section shall apply exclusively to fines and any costs imposed by the court shall be considered in addition to):

<u>Violation No.</u>		<u>Fine</u>
A. B-10A	Occupying Two Stalls	\$25.00
B. B-10B	Backing in Stall (Parking Lots)	\$25.00
C. B-10C	Parking in Non-Metered Zone (Parking Lots)	\$25.00
D. B-13	Tampering with Meters (Parking Lots)	\$39.00
E. B-15	Trans versing Parking Lots	\$39.00
F. B-16	Unlawful Use of Parking Lots	\$39.00
G. B-5	Overtime Parking or No Money/Coin in Meter	\$29.00
H. C-1B	Parking in Taxi or Bus Stand	\$39.00
I. C-5	Double Park – Obstructing Traffic	\$100.00
J. C-6	Park Opposite Direction (One Way Street)	\$39.00
K. C-7	No Parking Emergency	\$39.00
L. D-1	Parking on Designated Street with Time Limit	\$29.00
M. E-1	No Parking Between 2AM-6AM	\$39.00
N. F-1	Parking Prohibited At Any Time	\$39.00
O. G-1	Parking Unregistered Vehicles in Parking Lot	\$39.00
P. H-1A	Parking Unsafe Vehicles on Street or Parking	\$39.00
Q. H-1B	Public Parking – Time Limit 15 Minutes (1 st Offense)	\$25.00
R. J-2	Public Parking – Time Limit 15 Minutes (2 nd Offense)	\$50.00
S. J-2A	Fire Zone, Hospital (First Offense)	\$39.00
T. 17-1982	Loading Zone	\$39.00
U. 19-1981	Parking: Trucks/Trailers/Rec Veh Over 4 Tons	\$39.00
V. 2-1985	Fire Zone – 1 st Offense	\$39.00
W. 2-1985 A	Stopping/Standing Zones By Use of Painted Line	\$55.00
X. 27-1	2 HR. Parking on Streets Between 9AM-6PM	\$25.00
Y. 337-48	Prohibited Parking 9PM-7AM Comm- NonComm Vehicles	\$94.00

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

Mayor Dodd opened the meeting to the public for public hearing on ordinance 22-2014. Seeing no hands and hearing no voices Mayor Dodd closed the meeting to the public.

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: None

RESOLUTIONS

BILL LIST

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

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

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

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

RESERVE ACCT claims in the amount of:	\$0.00
CURRENT ACCT claims in the amount of:	\$455,501.13
GENERAL CAPITAL ACCT claims in the amount of:	\$1,256.22
WATER UTILITY ACCT claims in the amount of:	\$61,431.97
WATER UTILITY RESERVE ACCT claims in the amount of:	\$0.00
WATER CAPITAL ACCT claims in the amount of:	\$0.00
PARKING UTILITY ACCT claims in the amount of:	\$5,057.96
PARKING UTILITY RESERVE ACCT claims in the amount of:	\$0.00
PARKING CAPITAL ACCT claims in the amount of:	\$0.00
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$0.00
EVIDENCE TRUST ACCT claims in the amount of:	\$0.00
RECYCLING TRUST ACCT claims in the amount of:	\$0.00
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	\$0.00
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	\$0.00
TRUST/OTHER ACCT claims in the amount of:	\$5,366.99
COAH TRUST Acct claims in the amount of:	\$0.00
TOTAL CLAIMS TO BE PAID	\$528,614.27

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:	\$314,634.73
WATER UTILITY ACCT claims in the amount of:	\$22,199.87
PARKING UTILITY ACCT claims in the amount of:	\$3,184.86
PAYROLL AGENCY ACCT claims in the amount of:	\$366,454.27
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$43.95
TOTAL CLAIMS PAID	\$706,517.68
TOTAL BILL LIST RESOLUTION	\$1,235,131.95

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

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega and MacDonald
Nays: None Absent: Alderwoman Yzarnotegui Abstained: Mayor Dodd

TRANSFER RESOLUTION

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the Appropriation of Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the year, viz: 2014

NJEIT Prin & Int
Public Bldg & Grds OE
Municipal Court OE

Other Ins/Gen'l Liability
Police S & W
Recycling OE

Legal Fees OE
Health Benefit Waivers

WHEREAS, there appears to be a surplus in the following accounts (excepting the Appropriation for Contingent Expenses, Down Payments and Capital Improvement Fund) over and above the demand necessary for the balance of the year, viz: 2014

Water Social Security
Finance S & W
Group Insurance OE

Recreation S & W
Fire S & W

Fire Prevention S & W
Municipal Court S & W

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same are hereby transferred to the account (excepting the Appropriation for Contingent Expenses or Deferred Charges) mentioned as being sufficient to meet the current demands; and

BE IT FURTHER RESOLVED that the Treasurer be and she is hereby authorized to make the following transfers:

FROM		TO	
Water Social Security	\$ 8,094.00	NJEIT Principal & Interest	\$ 8,094.00
Recreation S & W	\$ 40,000.00	Other Insurance/Gen'l Liability	\$ 11,000.00
Fire Prevention S & W	\$ 20,000.00	Legal Fees OE	\$ 50,000.00
Finance S & W	\$ 13,000.00	Public Bldgs & Grounds OE	\$ 12,000.00
Fire S & W	\$ 63,500.00	Police S & W	\$ 50,000.00
Municipal Court S & W	\$ 5,000.00	Health Benefit Waivers	\$ 25,000.00
Group Insurance OE	\$ 16,500.00	Municipal Court OE	\$ 5,000.00
		Recycling S & W	\$ 5,000.00
Total	\$166,094.00	Total	\$166,094.00

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui 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

AXELS EXPRESS LIMO AND TAXI

2005 Lincoln	1LNHM82W35Y619560	OL1624J	Transfer
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FIRST CLASS OF DOVER, LLC

2004 Dodge	1D4GP45R64B553984	OL5822J	New
2005 Lincoln	1LNHM82WX5Y631706	OL3730J	Renewal
2006 Lincoln	1LNHM82V26Y623446	OL3578J	Renewal
2007 Lincoln	1LNHM84W67Y613302	OL5814J	New
2007 Lincoln	1LNHM82V37Y606236	OL3579J	Renewal

CITY LIMO & TAXI INC

2005 Toyota	5TDZA22C45S290416	OL4603J	Transfer
2005 Dodge	2D4GP44L05R599357	OL1038J	Transfer
2006 Ford	2FAHO71W56X134562	OL7231H	Transfer

ELITE LIMO AND TAXI LIMO & TAXI INC

2005 Toyota	4T3Z13C12U458016	OL8136H	Renewal
2005 Dodge	2D4GP44L55R186284	OL3741J	Transfer
2006 Dodge	1D4GP24R468670505	OL5501J	Transfer

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

**Ayes: Aldermen Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: Alderman Visioli Absent: Alderwoman Yzarotegui Abstained: None**

RESOLUTION PROVIDING THE CANCELLATION OF VARIOUS GRANT BALANCES

WHEREAS, there are certain older appropriation reserve balances remaining on completed grant projects and

WHEREAS, it is necessary to formally cancel these appropriated reserve balances and any offsetting grant receivables where applicable.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey that the following Federal, State and County appropriated reserve balances and related offsetting grant receivable balances be cancelled:

Grant Title and Grant Year	Amount to be cancelled
2012 Municipal Alliance – County	11,077.73
2012 Municipal Alliance – Local	3,194.52
2013 Municipal Alliance – County	4,984.32
2013 Municipal Alliance – Local	1,246.06
NJ DOT – Orchard St	1,684.51
Drive Sober or Get Pulled Over	1,275.00
Baseball Tomorrow Grant	12,870.00
2010-H1N1 Public Health Response	2.00
Total	\$36,334.14

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarotegui Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING AGREEMENT FOR PUBLIC HEALTH NURSE SERVICES**

WHEREAS, the Town of Dover Board of Health requires the services of a nurse to fulfill its obligations under the rules and regulations of the State of New Jersey; and

WHEREAS, Dover has determined it to be in the best interest of the community in providing for the public health needs of the residents of Dover to enter into an agreement with Claudia Choto, RN,BSN for public health nursing services (hereinafter referred to as “services”); and

WHEREAS, the entry into such agreement is without competitive bidding as it is an exception under the Local Public Contracts Law, N.J.S.A. 40A:11-5 (1)(a)(i) “Professional Services”; and

WHEREAS, the Chief Financial Officer of the Town of Dover has certified sufficient funds available to enter into this agreement; and

WHEREAS, Choto agrees to render public health nursing services to the Town of Dover for a minimum of 21 hours per week at an hourly fee of \$41.00 per hour; and

WHEREAS, the Town of Dover Board of Health has determined and certified in writing that the value of the service will not exceed \$41,328.00; and

WHEREAS, the anticipated term of this contract is for one year from March 1, 2014 to December 31, 2014; and

WHEREAS, Choto is being awarded this contract outside a “Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.4 *et. seq.*; and

WHEREAS, Choto attests that she has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission in the one-year period preceding the award of this agreement, nor will it make a reportable contribution during the term of the agreement to any political party committee in the Town of Dover or to any candidate committee; and

WHEREAS, the terms of the agreement are for one year;

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 Mayor and Municipal Clerk are hereby authorized to execute an agreement for public health nurse services with Claudia Choto, RN, BSN upon the terms hereinabove stated.

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 Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd

Nays: None

Absent: Alderman Yzarnotegui

Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING INTERLOCAL HEALTH SERVICE AGREEMENT

WHEREAS, the Town of Dover is in need of an appointed Health Officer pursuant to N.J.S.A. 26:3A, 2-14; and

WHEREAS, the Township of Mt. Olive is willing to enter into a Shared Service Agreement pursuant to N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, Mt. Olive will provide and deliver the services of a properly licensed, full-time health officer and registered environmental health specialist together with such other properly trained and experienced personnel as may be required to discharge the duties of public health activity within the territorial jurisdiction of the Town of Dover; and

WHEREAS, the minimum standards of performance required under the terms of this agreement shall be in accordance with N.J.S.A. 26:3A, 2-1 et. seq. and N.J.A.C. 8:52-1.1, et. seq.; and

WHEREAS, the cost to the Town of Dover for the year 2015 shall be \$46,685.00 for the administrative health officer (146 hours), the registered environmental health specialist (493 hours), and health education services (72 hours). For year 2016 the total cost shall be \$47,620.00; and

WHEREAS, payments will be made quarterly in 2015 in the amount of \$11,671.25 and quarterly for the year 2016 in the amount of \$11,905.00; and

WHEREAS, Mt. Olive will provide a certificate of insurance in the general liability amount of \$5,000,000.00 and agrees to indemnify and hold harmless Dover from all claims; and

WHEREAS, this agreement will be for a period of two years commencing in January of 2015 and extending through December 2016; and

WHEREAS, either party may terminate the agreement upon six months’ written notice;

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. There is hereby approved the entry of a Shared Services Agreement with the Township of Mt. Olive for a health officer, registered environmental health specialist and health education services upon the terms and conditions set forth above;

2. The administrator and municipal attorney are authorized to review and approve a contract based upon the terms set forth herein;

3. The mayor and clerk are hereby authorized to execute such contract as approved by the administrator and municipal attorney.

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

**Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: None**

RESOLUTION GRANTING MUNICIPAL CONSENT AND AUTHORIZING EXECUTION OF RIGHTS-OF-WAY USE AGREEMENT WITH CROSS RIVER FIBER, INC.

WHEREAS, Cross River Fiber, Inc. (“Cross River”) is a public utility and telecommunications carrier as defined by N.J.S.A 48:2-13; and

WHEREAS, Cross River is authorized to provide service by the New Jersey Board of Public of Utilities and the Federal Communications Commission; and

WHEREAS, Cross River is seeking to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Town of Dover in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; and

WHEREAS, N.J.S.A 48:17-10 through 48:17-12 permits municipalities to enter into a Rights-of-Way Use Agreement with a telecommunications carrier; and

WHEREAS, the Town of Dover (“Town”) desires to enter into a Rights-of-Way Use Agreement with Cross River that sets forth the terms of use, occupancy and manner in which Cross River will utilize the Town’s Rights of Ways (“Use Agreement”); and

WHEREAS, the Use Agreement shall be effective for an initial twenty (20) year term and contain two (2) additional renewable ten (10) year terms; and

WHEREAS, the Town Administrator is authorized to negotiate and execute the Use Agreement to be entered into by and between the Town and Cross River;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover hereby grant municipal consent to Cross River to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Town of Dover in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; be it

FURTHER RESOLVED that the Mayor and Board of Aldermen authorize the Town Administrator to negotiate and execute a Use Agreement with Cross River.

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

**Ayes: Aldermen Visioli, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderwoman Yzarnotegui Abstained: Alderman Picciallo**

RESOLUTION GRANTING MUNICIPAL CONSENT AND AUTHORIZING EXECUTION OF RIGHTS-OF-WAY USE AGREEMENT WITH PEG BANDWIDTH NJ, LLC (“PEG BANDWIDTH”)

WHEREAS, PEG Bandwidth, LLC (“PEG Bandwidth”) is a public utility and telecommunications carrier as defined by N.J.S.A 48:2-13; and

WHEREAS, PEG Bandwidth is authorized to provide service by the New Jersey Board of Public of Utilities and the Federal Communications Commission; and

WHEREAS, PEG Bandwidth is seeking to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Town of Dover in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; and

WHEREAS, N.J.S.A 48:17-10 through 48:17-12 permits municipalities to enter into a Rights-of-Way Use Agreement with a telecommunications carrier; and

WHEREAS, the Town of Dover (“Town”) desires to enter into a Rights-of-Way Use Agreement with PEG Bandwidth that sets forth the terms of use, occupancy and manner in which PEG Bandwidth will utilize the Town’s Rights of Ways (“Use Agreement”); and

WHEREAS, the Use Agreement shall be effective for an initial twenty (20) year term and contain two (2) additional renewable ten (10) year terms; and

WHEREAS, the Town Administrator is authorized to negotiate and execute the Use Agreement to be entered into by and between the Town and PEG Bandwidth;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover hereby grant municipal consent to PEG Bandwidth to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Town of Dover in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; be it

FURTHER RESOLVED that the Mayor and Board of Aldermen authorize the Town Administrator to negotiate and execute a Use Agreement with PEG Bandwidth.

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

Ayes: Aldermen Visioli, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderman Yzarnotegui Abstained: Alderman Picciallo

PUBLIC COMMENTS

Maria Tambini – 10 E. Blackwell Street, Dover – Ms. Tambini thanked the police department for the wonderful job they do.

Carlos Matias – 43 Garrison Avenue, Dover – Mr. Matias wanted to know the plans for the redevelopment on Dickerson (property) Street. Mayor Dodd explained that the town is in negotiation with a re-developer to develop the two municipal parking lots. Mayor Dodd explained that there have been several meetings and the next meeting is scheduled for tonight (right after the town meeting).

Pinelopi Sikolas – 37 Elizabeth Street, Dover – Ms. Sikolas wanted more information on the redevelopment project. Mayor Dodd explained that about a year ago proposals were received from several developers and after careful review Capodagli Property was designated as the conditional redeveloper. Capodagli Property has proposed to build 226 units on Dickerson and Sussex Streets with a pedestrian walkway. The town will sell the properties to the developer which will be privately owned. The town is not far enough into the process to know if they will receive payment in lieu of taxes or pay property taxes. Ms. Sikolas asked several questions regarding the impact it will have on water usage since she has heard that we are low on water, it was explained that is not the case. Her other concerns were with traffic congestion in the area, school taxes and a need for more police officers. Mayor Dodd explained that when you build one and two bedrooms units, statistics have shown that these size units don’t normally generator school age children (at most maybe five per 200 units) and the location also encourages commuters to use the train.

**Motion to adjourn made by Alderman Romaine at 7:33 pm,
and duly seconded by Alderman Visioli passed by the following voice vote.**

Ayes: Aldermen Visioli, Picciallo, Romaine, Blackman, Rutan, Noriega, MacDonald and Mayor Dodd
Nays: None Absent: Alderman Yzarnotegui Abstained: None

Respectfully submitted,

Margaret J. Verga, Municipal Clerk