



# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

### CAUCUS MEETING MINUTES

July 10, 2007

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 Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo and Mayor Dodd

Absent: Alderman Timpani

Also present were Administrator Garvin, Attorney Pennella and Clerk Verga

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

#### **MUNICIPAL CORRESPONDENCE:**

1. Resolution from Pequannock Township re: Supporting Senate Bill S-2507 which requires the reporting of Lyme Disease
2. Resolution from Borough of Rockaway re: Amending Abbot-Burke Funding
3. Ordinance from Borough of Rockaway re: Amending Land Use and Performance Standards
4. Tax Collector's Report for June 2007

#### **AGENDA ITEMS:**

##### **ORDINANCE(S) FOR INTRODUCTION**

1. Ordinance #23-2007 re: Authorizing a referendum for Elected Officials' Terms of Office

##### **ORDINANCE(S) FOR SECOND READING AND PUBLIC HEARING**

1. Ordinance #22-2007 re: Amending Land Use and Development to regulate Floor Area Ratio and Building Height/Ald. Visioli

##### **RESOLUTIONS**

1. Approving Bills List
2. Authorizing the Mayor and Clerk to sign NJ DOT Centers of Place Grant Application
3. Certification of the annual audit by the Governing Body
4. Authorizing the acceptance of a gift from Dover Fire Department Emergency Squad
5. Approving Limo Licenses for 07 Taxi Limo Inc.
6. Approving Liquor Licenses for 2008
7. Approving Personal Action
8. Authorizing the Mayor and Clerk to sign the 2008 Municipal Alliance Application

# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

### REGULAR MEETING MINUTES

July 10, 2007

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 7:20 pm

#### **ROLL CALL**

Present: Aldermen Fahy, Delaney, Poolas, Ryan, Visioli, Donofrio, Picciallo and Mayor Dodd

Absent: Alderman Timpani

Also present were Administrator Garvin, 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.

**Norma Jean Baylor** - 213 Penn Avenue - Ms. Baylor would like the town to enforce no parking fifty feet (50') to the stop sign/during a snow cover. Mayor Dodd will refer the complaint to the aldermen of the second ward.

**Joan Bochinno** - 49 Princeton Avenue - Ms. Bochinno would like to thank the board in advance and hopefully the board will pass ordinance no. 22-2007, tonight. When she first started as a member of the planning board she voted "no" for the floor area ratio plan. Ms. Bochinno would like to thank Alderman Visioli for bringing this ordinance to the council.

**Kevin Lewthwaite** - 150 Ann Street - Mr. Lewthwaite is on the planning board and is also a builder in town. Mr. Lewthwaite would like to express that the idea about the floor area ratio is a good but believes there are some flaws in the design. The ordinance should address bedrooms. The lot size should determine the amount of bedrooms that may be permitted.

**Renee Jacoby** - 111 Baker Street - Ms. Jacoby would like to discuss number seven on the agenda. She had personal experiences with the town and their grievances. Mr. & Mrs. Jacoby had brought lawsuits to worker's compensation. They have numerous grievances that were filed with the Town of Dover, never once to the water commissioners and always to Paul McDougall who was Clerk and Administrator.

An employee's handbook which clearly states all grievances will be filed with the town clerk or town administrator and since Mr. McDougall was both, all grievances were filed with him. Employee handbook also states that grievances and complaints are treated as one in the same. That when there's a bargaining unit with the town that it would be treated as a contract with the bargaining unit and that it would be honored. She has experienced this not to be true. The only mention it makes of the water commissioners is that they're responsible for getting them in uniform for spring and fall.

If anyone is going to be changing the contract or the way the employee is suppose to file their grievances or complaints with the Town Administrator; will you be intending on revising the employee handbook and what about the grievances that have been filed in the past with the town administrator. Ms. Jacoby understands that the town has discussed a specific grievance procedure. However, it is her understanding that when a grievance is filed and there's a resolution, it would be honored. She would like to know if ignoring a resolution is the same as revisiting a grievance. Ms. Jacoby has been working with attorneys in different civic organizations to start a watch dog operation to be able to provide information to employees of the Town of Dover.

**Administrator Garvin's Report** – Ms. Garvin requested an executive session to discuss pending litigations so that an update can be provided.

**ALDERMEN/COMMITTEE REPORTS** – Mayor Dodd requested that the Aldermen & Liaison Reports be held for the next town meeting due to weather.

**Attorney Pennella's Report** – There's taxi litigations pending. There's motion pending for discovery which Attorney Pennella is working on a response. The tax appeals are moving along fairly well and resolved all county tax appeals. State tax court appeals are in the discovery process.

#### **CONSENT AGENDA**

# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

### ORDINANCE(S) FOR INTRODUCTION

**ORDINANCE NO. 23-2007**  
**OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AUTHORIZING A REFERENDUM FOR ELECTED OFFICIALS' TERMS OF OFFICE**

WHEREAS, N.J.S.A. 40A:62-2 as amended by L 2005, c. 93, Section 1, eff. June 6, 2005 provides for the council (Alderpersons) to serve for a term of four years unless a different term had been established prior to the amendment of Section 40A: 62-2; and

WHEREAS, such amended statute provides that the term may be changed by the governing body adopting an ordinance requesting a Referendum of Voters to vote on the question of the term of council (Alderpersons) members; 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:

1. The Mayor and Board of Aldermen of the Town of Dover hereby call for a question to be placed upon the ballot at the next general election: "Shall the term of the council members (Alderpersons) in the Town of Dover, County of Morris be increased from two years to four years?"; and
2. A copy of this Ordinance shall be forwarded to the Morris County Clerk for inclusion on the ballot at the next general election; and
3. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.
4. 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.
5. The Ordinance shall take effect in accordance with law.

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

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

### ODRINANCE(S) FOR SECOND READING

**ORDINANCE NO. 22-2007**  
**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING CHAPTER 236, LAND USE AND DEVELOPMENT OF THE CODE OF THE TOWN OF DOVER TO REGULATE FLOOR AREA RATIO AND BUILDING HEIGHT AS FOLLOWS:**

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

#### **Section 1**

Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE II, Definitions and Word Usage, § 236-5. Terms defined, is amended as follows:

The term "STORY ABOVE GRADE" is replaced with the following:

STORY ABOVE GRADE -- Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than four (4) feet above grade plane;
- B. More than four (4) feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than six (6) feet above the finished ground level at any point.

# TOWN OF DOVER

## MAYOR AND BOARD OF ALDERMEN

### Section 2

Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE IV, Zoning, § 236-13. R-1 and R-2 Single-Family Districts, Par. E. Height limits, is replaced with the following:

E. Height limits. No building or structure in the R-1 and R-2 Districts shall have a Height of Building in excess of 30 feet. There shall be no more than two and one half (2-1/2) “stories above grade” (see definition of “STORY ABOVE GRADE”). Any story above the second “STORY ABOVE GRADE” that constitutes more than a “HALF STORY” as defined herein, or any story below the first story that is not a “BASEMENT”, as previously defined, shall be deemed a violation of this limitation.

### Section 3

Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE IV, Zoning, § 236-13. R-1 and R-2 Single-Family Districts, is amended and supplemented with the following

Par. “G.” Off-street parking, is relabeled as Par. “F.”

New Par. G. is inserted as follows:

G. Floor Area Ratio (FAR). FAR shall not exceed 0.55 for residential principal structures. FAR shall include all floor spaces, including basements, attached garages and half-story spaces within all principal structures, but excluding attached open decks, open porches and detached accessory structures.

### Section 4

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

### Section 5

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

### Section 6

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

Mayor Dodd opened this portion to the public:

**Seymour Levine** - 26 Claredon Terrace – There’s been complaints regarding Grant Street that “it doesn’t fit the neighborhood” and that usually means that the residents don’t want that house built there. Mr. Levine is bothered, that this matter could be brought up by individuals and then they get laws changed based on it. Mr. Levine drove around town and noticed that 80% of the homes are bi-levels homes and there are hardly any ranch homes. There was a steep slope law and he believes nobody was advised. People are going to be very shocked when they realize the laws have changed. There seems to be an indication that the town wants smaller houses and he always thought that bigger houses enhance the community.

**Michael Hantson** - Town Engineer – The most important thing that the Mayor & Board have to understand that as a result of the town’s master plan, public hearing and public information session the planning board got the message loud and cleared that the residents of Dover are concerned about large dwelling units constructed on a minimal size lot. The issue had nothing to do with building set back or building coverage but it had to do with massive bulk and height of a lot of these structures specifically the single family dwelling units. Dover’s Master Plan had two recommendations; one was to control massive bulk through floor area ratio and the second issue has to do with the height of these buildings. Floor Area Ratio is a term that is defined for municipal land use, it’s a means of controlling how much intensity and development goes on a lot by limiting the amount of floor area as a percentage of the total lot size. The planners that were hired to assist us in the master plan recommended that we use floor area ratio as means of addressing the issues that the public had raised. Specifically, floor area ratio is proposed by this ordinance to be controlled in the R-1 & R-2 districts which are the single family district in the town. The rest of the Town of Dover, for the most part, are central business districts. In our existing residential zone we want to maintain the character and size of the existing dwelling units that are already in the town. The recommendation for floor area ratio in the R-1 & R-2 district is to limit it to 55%.

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

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

**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**

**RESOLUTION**

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:	\$897.75
CURRENT ACCT claims in the amount of:	\$333,335.91
CAPITAL ACCT claims in the amount of:	\$77.76
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:	\$2,530.57
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:	\$1,916.83
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	\$204.00
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:	\$3,889.48
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
<b>TOTAL CLAIMS TO BE PAID</b>	<b>\$342,852.30</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:	\$285,845.20
CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$2,078.96
PAYROLL AGENCY ACCT claims in the amount of:	\$84,047.66
UNEMPLOYMENT TRUST ACCT claims in the amount of:	
<b>TOTAL CLAIMS PAID</b>	<b>\$371,971.82</b>

***TOTAL BILL LIST RESOLUTION*** ***\$714,824.12***

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

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









