



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN
CAUCUS MEETING MINUTES
October 25, 2011 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 Visioli, Picciallo, Timpani, Blackman, Downs and Mayor Dodd

Absent: Aldermen Delaney, Poolas & Romaine

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

PROCLAMATION: ACACIA LODGE

Mayor Dodd presented members of the Acacia Lodge with a proclamation for their donation of \$500 to help flood victims of Hurricane Irene.

PROCLAMATION: PETTY OFFICER 2nd CLASS MICHAEL RODRIGUEZ

Mayor Dodd provided background information of Petty Officer 2nd Class Rodriguez and presented him with a proclamation and key to the town.

PROCLAMATION: AS THE MONTH OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH

MUNICIPAL CORRESPONDENCE:

1. Resolution from the Borough of Bloomingdale, Re: Floor Damage Prevention
2. Resolution from the Township of Roxbury in support of Senate Bill No. 2976 Amending the Open Public Records Act Law
3. Ordinance from the Township of Mine Hill, Providing for the regulation of the installation of wind generators
4. Ordinance from the Township of Mine Hill, Providing for the Regulation of the installation of solar panels
5. Ordinance from the Township of Randolph, Amending section of the Land Development Ordinance
6. September 2011 Tax Collector's Report
7. September 2011 Fire Dept.'s Report
8. Public Hearing Notice: Application made to Randolph's Board of Adjustment for a Variance Approval "C" on premises known as 5 Starling Dr. Randolph
9. Public Hearing Notice: Application made to Randolph's Board of Adjustment for a Variance Approval "C" on premises known as 73 Mountainside Dr. Randolph
10. Public Hearing Notice: Application made to Randolph's Board of Adjustment for Variance Approval on premises known as 4 Cushing Ct. Randolph
11. Invitation from the Morris County League of Municipalities: "Technology Update" program on 11/16
12. NJ State League of Municipalities re: 14th Annual Elected Officials Hall of Fame
13. NJ Natural Gas & County College of Morris is sponsoring a Free College Planning Workshop
14. Letter from the Dept. of Environmental Protection Re: 15 Third St.

CONSENT AGENDA

1. Resolution Approving Chapter 159 – Hurricane Irene Relief
2. Resolution Appointing Crossing Guard
3. Resolution Approving Limos – Elite Limo & Taxi Service, LLC

ORDINANCE FOR FIRST READING

1. Ordinance #20-2011 – Authorizing a Special Emergency Appropriations – Hurricane Irene

Mr. Close provided a brief description on ordinance #20-2011.

ORDINANCE FOR SECOND READING

1. Ordinance #19-2011 – Approving Handicapped Parking Space – 23 Berry Street

AGENDA ITEMS:

RESOLUTIONS

1. Resolution Approving Bills List
2. Resolution Awarding Contract to The Provident Bank as the municipality's depository
3. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – September 27, 2011
4. Resolution Approving Mayor & Board of Aldermen Meeting Minutes – October 11, 2011
5. Resolution Approving Executive Session Meeting Minutes – various dates
6. Resolution Approving Liquor License Renewal – Pancho Villa Rodeo, Inc.
7. Resolution Approving Special Emergency Appropriation Authorization
8. Resolution Approving Special Emergency Appropriation Application to the Local Finance Board
9. Resolution Authorizing an agreement between Locust Hill Cemetery and the Town of Dover for road dedication and repairs
10. Resolution Authorizing the Mayor & Board of Aldermen to enter into execution session
11. Resolution Authorizing the Settlement of Dover vs. Briad Lodging Group, LLC

Alderman Picciallo noted several line item exclusions (11-02048, 11-02268, 11-02371) from the bills list.

REGULAR MEETING MINUTES
October 25, 2011

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 7:13pm

ROLL CALL

Present: Aldermen Visioli, Picciallo, Timpani, Blackman, Downs and Mayor Dodd

Absent: Aldermen Delaney, Poolas & Romaine

Also present were Attorney Pennella, Administrator Close and Clerk Verga

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

Mayor Dodd opened the meeting to public.

JIM MULLIN – 150 Ann St. – He wanted clarification on correspondence no. 14. Clerk Verga noted that it was a suspected hazard notification from the Department of Environmental Protection.

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

MAYOR'S REPORT:

- He provided an update on the Route 46/Route 15 project. The Pequannock Street is still scheduled to open in mid-November.
- Flu Clinic was held on October 17th and there's a second Flu Shot Clinic scheduled for Monday, October 31st from 2-5pm.
- Food Handlers' course was held in English & Spanish. Mr. Close noted that the course went extremely well.
- The Recreation Commission and the Mayor & Board of Aldermen will host the Annual Holiday Costume of Friday, October 28th.
- United Way of Morris County will host the March for Military Families and the Town of Dover has registered a team. Mayor Dodd asked for the public's support.
- Municipal Parking Lot Improvements is underway. He noted that the kiosk enclosure footings are done. The project is expected to be finished in three weeks.
- NJ Natural Gas is milling & paving the streets that they disturbed throughout their gas project.
- The NJ DOT funded Orchard Street Roadway Improvement Project should be completed in five weeks.
- The downtown area was stripped (parking).

ATTORNEY'S REPORT: Attorney Pennella noted that the board will enter into executive session to discuss the case of Town of Dover vs. Briad Lodging LLC.

CONSENT AGENDA

RESOLUTION CHAPTER 159

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Town of Dover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$500.00; which item is now available as revenue from Acacia Lodge No. 20 pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that a like sum of \$500.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:
Hurricane Irene Relief

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, Timpani, Blackman and Mayor Dodd
Nays: None Absent: Aldermen Delaney, Poolas & Romaine Abstained: Alderman Downs

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPOINTING CROSSING GUARDS FOR THE TOWN OF DOVER

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover that the following be and hereby are appointed **CROSSING GUARDS** for the Town of Dover for a term of one (1) year commencing January 1, 2011.

Vanessa Ladino

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, Timpani, Blackman and Mayor Dodd
Nays: None Absent: Aldermen Delaney, Poolas & Romaine Abstained: Alderman Downs

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

YEAR/MAKE/MODEL	Vehicle Identification #	Plate #
2000 Chevrolet (LIMO)	1GNDDT13W8Y2122398	OL3252H

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, Timpani, Blackman and Mayor Dodd
Nays: None Absent: Aldermen Delaney, Poolas & Romaine Abstained: Alderman Downs

ORDINANCE FOR FIRST READING

ORDINANCE NO. 20-2011

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-55.1 FOR THE EXPENSES RELATED TO HURRICANE IRENE.

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

1. Pursuant to N.J.S.A. 40A:4-55.1 the sum of \$250,000 is hereby appropriated for the Expenses Related to Hurricane Irene.
2. The authorization to finance the appropriation shall be provided for in the succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to the act.
3. The ordinance shall take effect after passage and final publication as required 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, Timpani, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Delaney, Poolas, Romaine Abstained: None

ORDINANCE FOR SECOND READING

ORDINANCE NO. 19-2011

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AMENDING AND SUPPLEMENTING ARTICLE XXVII OF THE REVISED GENERAL CODE OF THE
TOWN OF DOVER ENTITLED "PARKING" HANDICAPPED PARKING "SPACES" BY APPROVING A
HANDICAPPED PARKING SPACE FOR 23 BERRY 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. Said handicap parking space shall be located along the easterly curbline of Guy Street beginning at a point 64 feet north of the northeasterly curbline intersection of Berry Street and Guy Street thence, continuing in northerly 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. This 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.

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

RESOLUTIONS

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:	
CURRENT ACCT claims in the amount of:	\$1,334,658.36
CAPITAL ACCT claims in the amount of:	\$ 15,360.70
WATER UTILITY ACCT claims in the amount of:	\$ 147,320.01
WATER UTILITY RESERVE ACCT claims in the amount of:	\$ 1,916.93
WATER CAPITAL ACCT claims in the amount of:	\$ 1,181.79
PARKING UTILITY ACCT claims in the amount of:	\$ 1,717.63
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:	\$ 6,056.32
COAH TRUST Acct claims in the amount of:	

DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:

TOTAL CLAIMS TO BE PAID

\$1,508,211.74

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:	\$ 307,583.79
WATER UTILITY ACCT claims in the amount of:	\$ 18,775.87
PARKING UTILITY ACCT claims in the amount of:	\$ 3,224.86
PAYROLL AGENCY ACCT claims in the amount of:	\$ 109,922.65
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$ 20.59
TOTAL CLAIMS PAID	\$ 439,527.76

TOTAL BILL LIST RESOLUTION

\$1,947,739.50

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

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

RESOLUTION AWARDING A CONTRACT TO THE PROVIDENT BANK

WHEREAS, N.J.S.A. 40A:5-14 provides that the Governing Body of every municipality shall designate the depository or depositories wherein all public monies and other funds of the municipality shall be kept; and

WHEREAS, the Town of Dover issued a Request for Proposals to ten local banks for banking services; and

WHEREAS, four proposals were returned offering to provide services requested in the proposal; and

WHEREAS, the proposals have been reviewed by the Town Chief Financial Officer; and

WHEREAS, the CFO has advised that it is in the best financial interest to award a two year contract to The Provident Bank.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Dover that a contract is awarded to The Provident Bank in accordance with their proposal submitted September 20, 2011.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is directed to make necessary changes in Banking Services to become effective no later than December 1, 2011.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES

WHEREAS, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

September 27, 2011 – Caucus & Regular

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES

WHEREAS, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

October 11, 2011 – Caucus & Regular

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES

WHEREAS, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

WHEREAS, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

Executive Session Minutes

January 11, 2011	June 28, 2011
January 25, 2011	July 26, 2011
May 24, 2011	August 9, 2011
June 14, 2011	October 11, 2011

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

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

RESOLUTION

WHEREAS, the herein named duly filed an application for renewal of their Alcoholic Beverage License for their respective premises as shown below for July 1, 2011 to June 30, 2012; and

WHEREAS, no objections have been received from the public; and

WHEREAS, the required fees have been paid and all premises have been inspected and approved by the Police Department, Board of Health and the Bureau of Fire Prevention.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover that said applications be approved and that the respective license be granted; and

BE IT FURTHER RESOLVED that the Town Clerk be and hereby is authorized to issue license certificate accordingly as listed below.

Pancho Villa Rodeo Inc.

142 E. Blackwell St.
Dover, NJ 07801

1409-33-020-004

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

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

RESOLUTION OF THE TOWN OF DOVER
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:4-55.1 ET SEQ.

WHEREAS, the Mayor and Board of Aldermen of the Town of Dover in the County of Morris desire to make application to the Local Finance Board for its approval of special emergency ordinance pursuant to N.J.S.A. 40A:4-55.1 et seq. and,

WHEREAS, the Mayor and Board of Aldermen believe that:

- (a) it is in the public interest to accomplish such purpose; and,
- (b) the special emergency ordinance is for the health, welfare, convenience or betterment of the inhabitants of the Town of Dover; and,
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town of Dover and will not create an undue financial burden to be placed upon the Town of Dover;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Town of Dover are hereby authorized to prepare such application and to represent the Town of Dover in matters pertaining thereto.

Section 2. The Municipal Clerk of the Town of Dover is hereby directed to file a copy of the proposed special emergency ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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, Timpani, Blackman, Downs and Mayor Dodd
Nays: None Absent: Aldermen Delaney, Poolas & Romaine Abstained: None

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,
AUTHORIZING AN AGREEMENT WITH LOCUST HILL CEMETERY ASSOCIATION FOR
ROAD DEDICATION AND REPAIRS

WHEREAS, the Locust Hill Cemetery Association is the owner of Block 1408, Lot 1; and

WHEREAS, Losey Street intersects with the westerly boundary of Block 1408, Lot 1; and,

WHEREAS, Hoagland Avenue intersects with the northwest portion of Block 1408, Lot 1; and

WHEREAS, there exists a roadway connecting Losey Street with Hoagland Avenue which roadway is contained on Block 1408, Lot 1; and

WHEREAS, recent excessive heavy rains have created damage to this roadway area creating a public hazard; and

WHEREAS, there also exists a drainage pipe outside the connecting roadway on Block 1408, Lot 1 that has contributed to the necessity for repair; and

WHEREAS, Locust Hill Cemetery Association has requested assistance from the Town of Dover for repairs; and

WHEREAS, no easement and no dedication has been located with regard to the continuation of the roadway between Losey Street and Hoagland Avenue; and

WHEREAS, a recorded easement for the drainage line adjacent to the roadway between Losey Street and Hoagland Avenue cannot be located; and

WHEREAS, the Town intends to apply for funding through FEMA; and

WHEREAS, these issues need to be addressed in an expedited and emergency basis as the FEMA application deadline is Monday, October 31, 2001; and

WHEREAS, the parties wish to facilitate the repair of the water damage to the roadway and to the adjacent drainage pipe leading to the roadway; and

WHEREAS, the Locust Hill Cemetery Association wishes to dedicate to the Town the roadway between Losey Street and Hoagland Avenue located on their property known as Block 1408, Lot 1; and

WHEREAS, the Town is willing to make the repairs necessary to the connecting road between Losey Street and Hoagland Avenue, to the drainage pipe and driveway adjacent to such connecting roadway; and

WHEREAS, the Locust Hill Cemetery Association agrees to reimburse the Town of Dover for any and all costs and expenses, both soft costs and construction costs, that are not funded by FEMA; and

WHEREAS, the Town does not guarantee FEMA funding; and

WHEREAS, the Locust Hill Cemetery Association will pay the Town any money owned within twelve (12) months of the date of completion of the repairs;

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 Municipal Attorney is hereby directed to draft an agreement with the Locust Hill Cemetery Association upon the terms and conditions set forth above;
2. The Mayor and Clerk are hereby authorized to execute such agreement;
3. The Municipal Engineer is hereby authorized to obtain a survey of the roadway to be dedicated;
4. The Municipal Attorney is hereby authorized to obtain a title search of the connecting roadway and adjoining driveway.

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

PUBLIC COMMENTS

JIM MULLIN – 151 ANN ST – He wanted to know why there was a time delay to approve the executive session meeting minutes. Clerk Verga explained that the minutes can not be released until the matter has been settled. He wanted to know if the records are available through Open Public Records Act. Attorney Pennella noted that once they are approved, they are available.

**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.

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 Alderman Picciallo and passed by the following roll call vote.

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

MOTION TO RETURN FROM EXECUTIVE SESSION

Alderman Visioli made a motion to return from executive session and duly seconded by Alderman Picciallo and passed by the following roll call vote.

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AUTHORIZING SETTLEMENT OF DOVER VS. BRIAD LODGING GROUP, LLC**

WHEREAS, the Town of Dover and the Town of Dover acting as the Redevelopment Entity, hereafter collectively "Dover," filed suit against Briad Lodging Group Dover, L.L.C. bearing Docket # MRS-L-3426-09; and

WHEREAS, the lawsuit sought liquidated damages due to Briad's alleged failure to comply with the 50 percent local labor provision contained in the Redeveloper's Agreement, First Source Employment section; and

WHEREAS, the parties wish to resolve and settle the suit without further litigation; and

WHEREAS, the Defendant has offered the Town of Dover the sum of \$80,000.00 made payable in three payments all prior to December 30, 2011 to resolve the matter; and

WHEREAS, the Mayor and Board of Aldermen believe that this is a reasonable settlement and resolution of this dispute; 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. The Town of Dover hereby authorizes the settlement of the above mentioned lawsuit for the sum of \$80,000.00 with all payments to be made on or before December 30, 2011 as set forth above; and
2. The municipal attorney is hereby authorizes to prepare a stipulation of settlement for execution and submission to the court; and
3. The mayor and clerk are hereby authorized to execute such stipulation.

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

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

**Motion to adjourn made by Alderman Visioli at 7:56 p.m.,
and duly seconded by Mayor Dodd passed by the following voice vote.**

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

Respectfully submitted,

Margaret J. Verga, Municipal Clerk