



TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

CAUCUS MEETING MINUTES

April 24, 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, Timpani and Mayor Dodd

Absent: None

Also present were Administrator Garvin, Attorney Pennella and Clerk Verga

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

PRESENTATION(S) – Trammel Crow – Bassett Highway Redevelopment (Removed)
Woodmont Properties – The Briad Group

Pat Donoughy-11 Spruce Street - Would like local contractor to be used for the Woodmont Properties Project.

Frank Zanotti-224 Baker Street – (Union operator) Mr. Zanotti hopes the contract stays with local contractors in this area.

Joe K.-Sutton Road, Hunderton County - President of the Morris County Building Trades - There's a lot of unemployment in Morris County's construction business. He would like to make a request to the construction manger to use local people especially from Dover. Also, would like to know if the companies perform drug screening and background check. It's important to perform these screenings because you don't want undesirable people working on these projects.

Charles E. Williams-11 Adams Avenue-Please try to keep things right here at home.

Mike Cichetti-130 So. Salem Street - Current projects are being performed by people outside the area and that are non-union. They could've use local people and agrees with the Mayor that we should use local people for upcoming projects.

Darren George-Rockaway Twp. – There's some unemployment and would like to see his brothers and sisters (belongs to a local union) working.

PROCLAMATION – Arbor Day

PROCLAMATION – National Safe Kids' Week

Alice Gilbert-30 Greenwood Ave. - On January 1, 2007, Mayor Dodd established a committee to work on the Fire, Police and Rescue Memorial for Hurd Park. Alice Gilbert presented Mayor Dodd and Alderman Poolas with a contribution of four hundred dollars for the Memorial.

MUNICIPAL CORRESPONDENCE:

1. Memo from Congressman Frelinghuysen re: Storm-induced Flooding
2. Ordinance from Township of Randolph re: Minimizing tract size and continuous frontage requirements in the OL Office Laboratory District; rezone certain properties and other amendments

AGENDA ITEMS:

ORDINANCE(S) FOR INTRODUCTION

1. Ordinance #16-2007 re: Amending Chapter 337 Streets and Sidewalks

ORDINANCE(S) FOR SECOND READING

1. Ordinance #11-2007 re: Amending Chapter 265 Parks and Recreation "Prohibitive Acts"
2. Ordinance #12-2007 re: Establishing a Historic Preservation Commission

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3. Ordinance #13-2007 re: Amending and Supplementing Article 28 "Parking" Chapter A, Public Parking
4. Ordinance #14-2007 re: Establishing two taxi stands and vacating three existing taxi stands
5. Ordinance #15-2007 re: to exceed Municipal Budget Appropriation Limits and to establish a Cap Bank

RESOLUTIONS

1. Approving Bills List
2. Endorsing the submission of the 2006 Tonnage Grant Application
3. Removing members from the Dover Volunteer Fire Department
4. Designating TCR NJ/PA Properties, Inc. for negotiations of Redevelopment Agreement and authorize execution of Interim Cost Agreement
5. Approval of two Taxi Cab Driver Licenses – Oscar Coreas (Queen's Limo) and Emmanuel Okoye (Dover Livery)
6. Approving two (2) One-Day ABC Licenses for Global Reach International (#3 & #4) to be held at the Baker Theatre (# 5 & 6) 41 W. Blackwell Street on 5/12/07 and 6/16/07 from 7:00 p.m. to 1:30 a.m.
7. Approving One-Day ABC License for Global Reach International (#5) to be held at Crescent Field (#1) on 5/05/07 from 12:00 p.m. to 8:00 p.m.
8. Approving One-Day ABC License for Club Colombia (#1) to be held at Crescent Field (#2) on 7/21/07 from 12 noon to 7:00 p.m.
9. Awarding Curbside Recycling Contract to Morris County Municipal Utilities Authority
10. Mayor and Board to have Executive Session for Collective Bargaining Agreements
11. Approving personnel action for Reynaldo Julve – moving from part-time to full-time in the Engineering Department



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REGULAR MEETING MINUTES April 24, 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 7:31 pm

ROLL CALL

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

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.

Bob and Marge Flynn - Owners of Dover Livery – The owners commented on the resolution to remove the three existing taxi stands. The three existing taxi stands belong to Dover Livery (our) company. The removal of the stands will be a big issue for our company because most of our clients are walk-ins. We are unable to pick-up on the streets and we are unable to cruise around because it's illegal. We ask that you reconsider the resolutions.

Lorraine Cloughley - 27 Everett Drive - Thanked the board for their action on Ordinance #13-2007.

Administrator Garvin's Report – Administrator attended several meetings which included solid waste and curbside recycling contracts. Administrator met with parking consultant to discuss operation & equipment. Discussed with the water department the generic projects and the status & cost associated with these projects. There were several negotiations session involving the PBA & FOP that were also attended. Attended a mediation session regarding ongoing litigations and in closed session the administrator will give further updates on negotiations.

Mayor Dodd's Report – No report for this meeting.

ALDERMEN/COMMITTEE REPORTS –

Alderman Fahy – Attended the little league opening day along with several members who also participated, the annual pitch was thrown by Mayor Dodd. Alderman Fahy also attended the Trammell Crow presentation. Personnel meeting will take actions on the recommendation of the Administrator regarding the moving of town positions. The Fire-fighter's position has been filled with a full-time fire fighter, Jon Sperry.

Alderman Picciallo – Attended the little league parade. This Friday, Head Start will be hosting a dinner to honor their volunteers. The Mayor's Assistance Program with the help of Connie Foster have done a tremendous job with the Library and would like to congratulate them. A resident's complaint was directed to the administrator and has been resolved. Citizens have been e-mailing Alderman Poolas and Alderman Picciallo with complaints which have helped them to keep up with their ward.

Alderman Poolas – Alderman Poolas also attended the little league parade. Bingo was attended with the seniors at their complex which was enjoyed by both Alderman Poolas and Alderman Picciallo. There's no formal report on DPW. The complaints received from the citizens of the First Ward have been reported to the administrator and been forwarded to the appropriate department. Alderman Poolas was happy to see those complaints have been corrected. Baker Theater will be hosting a play-Historical Society, NJ Radio Museum and the High School Jazz Band will also be present. The Memorial Day parade will be held on Monday, May 28, 2008.

Alderman Ryan – Today, Alderman Ryan attended the police committee meeting and several items were discussed. The items discussed were the Cushman parking utility vehicle, personnel matters which will be discussed in closed session. In regards to keeping the board fully informed, I would like make a motion to establish a resolution to direct the town attorney to provide the board with any Town and Police litigations. The board should be kept informed of any pending litigations.

Alderman Donofrio – No report for tonight's meeting.

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Alderman Timpani – \$3,300 was raised for the fishing derby. The kids will have a lot of fish, a hot dog truck with ice cream and other goodies available to them. The location of the fishing derby will take place at Randolph Avenue & West Blackwell Street. Trophies and prizes will also be available. Mayor Dodd suggested a flyer be delivered to the schools with the help of Alderman Delaney since he’s the liaison of the Board of Education. Alderman Timpani also commented on how liaisons to committees should notify the board of ongoing events in their committees.

Alderman Delaney – Alderman Delaney attending the dinner that honored police & fire. Spoke with a Port Authority Officer, William Jimeno (Guest Speaker) who was trapped below the World Trade Center-Twin Towers. Message was sent to Mayor Dodd from Officer William Jimeno thanking him for his assistance with the search and recovery efforts. Alderman Delaney thanked everyone for going out to vote for the school board, budget passed. Next Wednesday, the school will give a presentation on Modern Technologies-white boards. Academy Street School nurse saved the life of a student who had stopped breathing. Dover High Schools will be hosting a demonstration on current trends in drug use and how to talk to teens.

Alderman Visioli – Friday is the last day to submit comments on the DeFeo report. Alderman Visioli covered some personnel issues and spoke with the Town Administrator & Dept. Heads with suggestions from his wards.

Attorney Pennella’s Report –Mr. Claps was present at the meeting since Mr. Pennella’s is on vacation. No report was left to be addressed.

CONSENT AGENDA

ORDINANCE(S) FOR INTRODUCTION

ORDINANCE NO. 15-2007
THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AMENDING AND SUPPLEMENTING ORDINANCES 9-2007 CHAPTER 337, STREETS AND SIDEWALKS OF
THE CODE OF THE TOWN OF DOVER

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. Chapter 337, Streets and Sidewalks of the Code of the Town of Dover, Article X, entitled, Parking of Certain Vehicles is amended to add a new sub-section C to Section 337-45 entitled, “Exemptions” as follows:

C. Exempt from this Article, for a limited time period are recreational vehicles and non-commercial trailers which may be parked on the public street for up to 24 hours without a permit or up to 72 hours with a permit obtained from the Town of Dover Chief of Police. The permit may be issued based upon the reasonable need to park the recreational vehicle or non-commercial trailer on the public roadway, e.g., preparation for a trip or repair work to the private property prohibiting the parking of the recreational vehicle or non-commercial trailer on private property.

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

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.

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

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

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

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ORDINANCE(S) FOR SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 11-2007
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND
SUPPLEMENTING CHAPTER 265 OF THE CODE OF DOVER ENTITLED "PARKS AND RECREATION"

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover as follows:

1. Section 265-6 entitled "Prohibitive Acts" is amended and supplemented by adding a new subsection A. (7) to read as follows:
 - A. No person in a park shall:
 - (7) Smoke at any event in any park or playground area within 50 feet of any playground, playing field, spectator stands or where children are at play. Smoking shall be defined to mean the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco. "Event" shall be defined as any game (organized or unorganized), performance, ceremony or the like. Exempted from this no smoking requirement shall be private parties or gatherings where a public park is rented from the Town.
2. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.
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.
4. The Ordinance shall take effect in accordance with law.

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

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

ORDINANCE NO. 12-2007
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 OF THE CODE OF THE TOWN OF DOVER ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND ASSOCIATED REGULATIONS.

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 VIIA, Historic Preservation, is created as follows:

ARTICLE VIIA, Historic Preservation

§ 236-96.1. Purpose and objectives.

The purpose of this chapter is to establish a Historic Preservation Commission pursuant to NJSA 40:55D-107, et. seq., to provide guidance in achieving preservation of historic resources in designated Historic Districts and Sites and to advance the following public purposes:

- A. To promote the use of historic districts for the education, pleasure and welfare of the citizens of the Town and its visitors and to promote civic pride in the Town's historic resources.
- B. To foster private reinvestment in the historic district and sites and balance the purposes of historic preservation with

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current needs.

- C. To encourage preservation of sites of historic, archaeological, cultural, social and architectural significance.
- D. To encourage the continued use of historic sites and to facilitate their appropriate reuse.
- E. To maintain and promote an appropriate and harmonious setting for existing historic resources within the Town.
- F. To recognize and preserve historic resources in the Town as an essential element of municipal character and identity which contributes to the reputation of Dover as a place of beauty and architectural value.
- G. To encourage appropriate alterations to historic sites and new construction which is in keeping with the character of historic districts and sites.
- H. To assist implementation of the historic preservation element of the Master Plan,

§ 236-96.2. Definitions.

ADDITION — An extension or increase in building size, floor area or height.

ADMINISTRATIVE OFFICER — For purposes of this Historic Preservation Ordinance, the Town Engineer shall be the administrative officer. This definition is separate and apart from the definition set forth in § 236-5. The same person may or may not be designated herein as in § 236-5.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another, or the change in appearance of the exterior surface of any improvement.

CERTIFICATE OF HISTORIC REVIEW — A document issued by the Historic Preservation Commission confirming their review of any alteration or addition to a site or a property within the Historic District. Such review is based upon plans presented for the preservation, restoration, rehabilitation or alteration of an existing property, or the demolition, addition, removal, repair or remodeling of any feature on an existing building within the Historic District or for any new construction within the Historic District.

DEMOLITION — "Demolition" is the partial or total razing, dismantling or destruction of any historic site or any improvement within the Historic District.

DESIGNATED SITE — A site that has been designated per § 236-96.4 herein.

GUIDELINES — The guidelines for both the Historic Preservation Commission and applicants for a certificate of historic review shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing Preservation, Rehabilitation, Restoration, and Reconstruction (codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* - Vol. 60, No. 133 and as may be subsequently amended), are adopted by reference, and design guidelines developed specifically for the Dover Historic Preservation Commission are set forth herein in § 236-96.7 and may take precedence over the Secretary of the Interior's Standards for the Treatment of Historic Properties where more specifically applicable to the buildings and sites within Dover.

HISTORIC DISTRICT — One or more historic sites and certain intervening or surrounding property significantly affecting or affected by the quality and character of historic site or sites, as specifically designated herein.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been designated in the Master Plan as being of historic, archaeological, cultural, scenic or architectural significance at the national, state or local level, as specifically designated herein. The designation of an historic site or landmark shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto. When used in this chapter, the word "landmark" may be substituted for historic site.

IMPROVEMENT — Any structure or any part thereof installed upon public or private property and intended to be kept at the location of such construction or installation.

INTEGRITY — The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY — A list of historic sites or districts determined to meet criteria of designation specified herein.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in

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the National Register of Historic Places.

ORDINARY MAINTENANCE AND REPAIR — Repair of any deterioration, wear or damage to a structure in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear or damage with material and workmanship of the same quality.

PRESERVATION — The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building's materials.

PROTECTION — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack or to cover or shield the property from danger or injury.

RECONSTRUCTION — The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specific period of time.

REHABILITATION — The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REPAIR — Any work done on an improvement that is not an addition and does not change the exterior appearance of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality.

RESTORATION — The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STREETSCAPE — The visual character of the street, including but not limited to the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§ 236-96.3. Historic Preservation Commission.

A. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:

- (1) To identify, record and maintain a system for survey and inventory of all buildings, sites, places, improvements and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- (2) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
- (3) To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
- (4) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.
- (5) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation.
- (6) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Town.

B. Establishment.

- (1) Members. The Historic Preservation Commission shall consist of five (5) regular members and two alternate members. Members shall serve without compensation. The mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." At least one member shall be designated of each of the following classes:
 - (a) Class A. A person who is knowledgeable in building design and construction or architectural history and who

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may reside outside the municipality.

- (b) Class B. A person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.
- (c) Class C. Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment.
- (d) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the five regular members, a total of at least one less than a majority shall be of Classes A and B.

(2) Terms.

(a) The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the historic preservation commission and the planning board shall be for the terms of membership on the planning board; and the term of any member common to the historic preservation commission and the board of adjustment shall be for the term of membership on the board of adjustment.

(b) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

(3) Alternates. The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(4) Budget.

(a) The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission.

(b) The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

(5) Rules of Commission.

(a) The Commission shall elect a Chairman and Vice-Chairman from its members and select a Secretary who may or may not be a member of the Commission or a municipal employee.

(b) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of historic review and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this chapter and shall include but not be limited to rules pertaining to all notices and hearings required herein.

(c) In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the administrative officer, on behalf of the Commission, shall maintain complete files and records, including but not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of historic review, along with collateral data, decisions and appeals associated therewith, and information, materials and references submitted to the public related to historic preservation. A record of the proceedings shall be kept and made available, but a formal verbatim record shall not be required.

(d) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including

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voting records, attendance, resolutions, findings, determinations, decisions and applications. Copies of all minutes shall be delivered promptly to the Town Clerk.

- (e) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest unless a member resides or owns property within 200 feet of property which is the subject of an application.
 - (f) Attendance of Historic Commission members at meetings regarding number of absences; termination; replacement and requirements to advise the Mayor and Board of Aldermen of same shall be in accordance with Chapter 40 of the Code of the Town of Dover.
- (6) Meetings; quorum.
- (a) The Historic Preservation Commission shall establish and post in Town Hall a regular schedule of a minimum of 10 meetings per year. Additional meetings may be called by the Chairman or Vice Chairman when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
 - (b) Three (3) members shall constitute a quorum. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a certificate of historic review. Not less than a majority of the appointed membership shall be required to grant or change a historic site or district designation.

§ 236-96.4. Designation of historic sites and districts.

- A. Survey. The Commission shall perform a comprehensive survey of the Town of Dover to identify historic districts, sites and improvements which are worthy of protection and preservation.
- B. Criteria for designation. The survey shall be used as a basis for identifying sites and districts worthy of designation. The criteria for evaluating and designating historic districts and sites shall be guided by the National Register of Historic Places Criteria established in accordance with National Historic Preservation Act (80 Stat. 915, as amended). The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:
- (1) Character, interest or value as part of the development, heritage or cultural characteristics of the Town, State or nation.
 - (2) Association with events that have made a significant contribution to the broad patterns of our history.
 - (3) Association with the lives of persons significant in our past.
 - (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture or engineering.
 - (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Town, state or nation.
 - (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.
 - (7) Unique location or singular physical characteristics that make a district or site an established or familiar visual feature.
 - (8) That have yielded, or may be likely to yield, information important in prehistory or history.
- C. Procedures for designation.
- (1) Interested parties shall contact the administrative officer regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of a historic site or district. The administrative officer will schedule a hearing before the Commission to review the proposed historic site or district.
 - (2) The formal historic district nomination shall include: a building-by-building inventory of all properties within the district; black and white photographs of all properties within the district; a property map of the district showing

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boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include: a black and white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.

- (3) Upon review and approval of the proposed site or historic district by the Historic Preservation commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration as an amendment to the Historic Preservation Element of the Master Plan. Municipal Land Use Law procedures shall be followed for any amendment to the Historic Preservation Element of the Master Plan.
- (4) Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Mayor & Board of Aldermen for adoption to amend and supplement this chapter with said designation.
- (5) All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed and the owner of the proposed site(s) or the owners within a proposed historic district shall receive notice, at least 10 days prior to the hearing, by certified mail, return receipt requested, of the hearing by the Town Council of the adoption of an ordinance designating the proposed historic site or district.

D. Designation of districts. The following historic district(s) is delineated and described in the Historic Preservation Element of the Master Plan and is hereby a designated historic district for purposes of this chapter:

- (1) Blackwell Street Historic District. The designated historic district is set forth in the Historic Preservation Element of the Master Plan of the Town of Dover which is incorporated herein by reference.
- (2) Additional districts. Any additional designated districts and sites and/or any changes in the designation of historic districts and historic sites shall be effectuated by amendment of this chapter in accordance with procedures provided for under Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the procedures set forth herein.

§ 236-96.5. Referral from municipal agencies for development applications.

- A. The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development, variance or zone change request submitted to either Board for development in historic districts or on historic sites designated herein. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
- B. On all matters referred to the Commission which require approval by the Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only.
- C. An approval by the Planning Board or Zoning Board of Adjustment, as the case may be, does not relieve the applicant of the requirements to obtain a certificate of historic review for properties within the Historic District.

§ 236-96.6. Certificate of historic review.

- A. When required. A certificate of historic review issued by the Commission shall be required before a permit is issued or before work can commence for any of the following activities within the historic district:
 - (1) The demolition of any building, improvement, site, place or structure. When considering applications involving demolition as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
 - (2) Addition to or new construction of a principal or accessory building or structure. When considering applications involving new construction as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

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(3) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction or alteration. Exterior change for all primary and accessory buildings shall include special consideration of character defining features visible from the public right-of-way. When considering applications involving change in exterior appearance, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

B. When not required. A certificate of historic review shall not be required:

- (1) For the issuance of a building permit by the Construction Official for changes only to the interior of a structure.
- (2) For ordinary maintenance and repair to the exterior of a building, as long as existing materials are not removed or replaced with other than in-kind material, and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.
- (3) For ordinary maintenance and repair to the exterior of a building, provided new materials/features are not being added (excluding a layer of paint), and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.

Should the Administrative Officer feel that the nature and/or extent of the maintenance or repair outlined in B.(2) or (3) above is not in keeping with the purpose and objectives of this ordinance, the approval of said maintenance or repair shall be referred to the Historic Preservation Commission for a determination as to whether a certificate of historic review shall be required.

C. Procedures.

- (1) All applicants shall complete an application form and pay the required fee and escrow deposit. Application forms shall be made available in the office of the administrative officer. Completed applications shall be filed with and fees/escrow deposits paid to the administrative officer.
- (2) Each application shall be accompanied by sketches, drawings, photographs, descriptions and other information to show the proposed alterations, additions, changes or new construction. The Commission may require additional materials as it reasonably requires to make an informed decision.
- (3) The Commission shall reach a decision on an application and submit its report to the administrative officer within 45 days of referral of same by the administrative officer. Failure to report within a forty-five-day period shall be deemed to constitute a report in favor of the issuance of a permit and without recommendation of conditions to the permit. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- (4) Informational meetings. Persons considering action that requires a certificate of historic review, as set forth in this section, are encouraged to request an informal informational meeting with the Commission and/or its Chairman. There shall be no fees or escrow deposits required for informal informational meetings. Requests for such informational meetings shall be made to the administrative officer, who will contact the Chairman of the Commission. The Commission may hold such informational meetings within 15 days of receipt of such request. The purpose of an informational meeting is to review with the applicant the standards of appropriateness and the procedures for obtaining a certificate of historic review.
- (5) Application review.
 - (a) In addition to complying with the requirements of the Open Public Meetings Act, (see N.J.S.A. 10:4-6 et seq.) and except in the event of an emergency, at least 10 days prior to such meeting notice shall be given to the applicant of the time, date, place and specific subject of the meeting.
 - (b) A certificate of historic review shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.
 - (c) The owner shall post the certificate of historic review on a conspicuous spot on the site visible to the public during the entire process of work.
 - (d) An applicant is encouraged to attend the Historic Preservation Commission meeting when the project is to be reviewed. However, the applicant shall not be required to appear or to be represented at the meeting to consider the application for a certificate of historic review and the Commission may take action in the absence of the applicant.

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- (e) When an application is approved, the Commission shall forthwith issue a certificate of historic review which shall be forwarded to the applicant.
- (6) Emergency procedures.
- (a) When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with construction codes without first obtaining a certificate of historic review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure.
- (b) A request for the Commission's review shall be made simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the administrative officer certifies the immediate necessity for such permit issuance. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible and such convening members shall proceed to review the certificate of historic review application as provided in this chapter. Subsequent to such review, a certificate of historic review may be issued upon a majority vote of the members convened.
- (7) Procedure for granting certification of appropriate municipal actions.
- (a) It is recognized that the intent and purposes of this chapter would not be fully served if the municipality were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a certificate of historic review shall be required before final approval of any municipal actions on public as well as private lands, streets, easements and rights-of-way within the Historic District or listed in the Historic Sites Inventory of the Master Plan. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the municipality or any municipal agency and which is not otherwise covered by the provisions of this chapter. There shall be no fee or escrow deposit required for a certification of appropriate municipal actions.
- (b) In those circumstances where the municipality cannot require compliance, as in certain cases involving the county, state and federal governments, the Town urges, most strongly, the voluntary cooperation of such agencies in seeking a certificate of historic review and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable state and federal regulations regarding historic preservation.

§ 236-96.7. Standards, design guidelines and criteria.

The purpose of this section is to provide uniform standards, design guidelines and criteria for the regulations of the Historic District for use by the Historic Preservation Commission. All projects requiring a certificate of historic review and all applications for development in the Historic District shall be guided by the principles of the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

- A. Secretary of Interior's Standards for Rehabilitation. In carrying out all of its duties and responsibilities, the Commission shall be guided by "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing Rehabilitation, (codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* - Vol. 60, No. 133 and as may be subsequently amended). Those standards are as follows:
1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires

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replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- B. Visual compatibility factors. In assessing the design of any proposed additions or new construction, the following visual compatibility factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above.
- (1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 - (2) Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 - (3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
 - (5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (6) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
 - (9) Walls of continuity. Appurtenances of a building, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (10) Scale of building. The size of a building, its mass in relation to open spaces and its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - (11) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
 - (12) Exterior features. A building's related exterior features, such as lighting, fences, signs, sidewalks, driveways and parking areas, shall be compatible with the features of those buildings and places to which it is visually related and shall be appropriate for the historic period for which the building is significant.

§ 236-96.8. Demolition.

- A. As set forth in § 236-96.6A(1) hereinabove, a certificate of historic review and compliance is required for the demolition of any building, improvement, site, place or structure.
- B. Criteria. In regard to an application to demolish or move a historic building, site, place or structure, the following matters shall be considered:

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- (1) Its historic, architectural, cultural and aesthetic significance in relation to the criteria of § 236-96.4B.
- (2) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.
- (3) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
- (4) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
- (5) The extent to which its retention would increase property values, promote business, create positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture, educate citizens in American culture and heritage or make the municipality a more attractive and desirable place to live.
- (6) The probable impact of its removal upon the ambiance of the historic district.
- (7) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the applicable building codes.
- (8) The compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality and the probability of significant damage to the structure or improvement as a result of the relocation.
- (9) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this chapter and whether the proposed new location is visually compatible in accordance with the standards set forth herein.
- (10) A discussion with the applicant regarding applicant's consent to the removal and reuse of certain important features of the historic building or structure.

C. Procedure.

- (1) Applications for a demolition permit must be made to the Building Construction Official. For all properties within the Historic District, a copy of the application will be forwarded to the Historic Preservation Commission within 10 days of receipt of the complete demolition application by the Building Code Official.
- (2) When considering applications for demolition permits, the Commission's report may contain mandatory conditions, in which event the administrative officer shall include the conditions contained in the certificate of historic review in any permit which is issued.
- (3) Applications for demolition shall include current and archival photographs of the interior and exterior of the building and drawings to document the condition of the building.
- (4) The Commission's review of a demolition application may take up to 45 days from receipt of completed application, just as in the case of a development application.
- (5) Demolition notice posting and publication. Notice of proposed demolition shall be posted on the premises of the building, place or structure in a location that is clearly readable from the street. In addition, the applicant shall publish a notice in the official newspaper of the Town within 10 days of an application for a demolition permit.
- (6) Review of application.
 - (a) The Historic Preservation Commission will review the application for demolition based on the criteria outlined above. Its report may:
 - [1] Approve demolition without conditions.
 - [2] Stipulate conditions, including but not limited to documentation of the building prior to demolition and/or confirmation of applicant's consent to the removal and reuse of certain important features of the historic building or structure.
- (7) All new construction on the site of a building demolished within the Historic District is subject to mandatory review by the Historic Preservation Commission. The new construction shall be in the character of the Historic Site or District, and all comments of the Commission in these circumstances are binding upon the applicant. The certificate

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of historic review will be issued only when the Historic Preservation Commission is satisfied that the facades of the replacement structure meets all the criteria of the Design Guidelines deemed applicable and fits appropriately within the Historic District.

- (8) When a certificate of historic review has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

§ 236-96.9. Enforcement.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a certificate of historic review. If it should, the municipal official shall inform both the administrative officer and the applicant, as well as the Historic Preservation Commission.

§ 236-96.10. Violations, penalties and injunctive relief.

A. Violations.

- (1) If any person shall undertake any activity regarding an historic site or improvement within an historic district without first having obtained and posted a certificate of historic review, such person shall be deemed to be in violation of this chapter.
- (2) Upon learning of the violation, the Chief Code Enforcement Officer or his designee shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by seeking review of the extent and proposed work by the Historic Preservation Commission.
- (3) If the owner cannot be personally served within the municipality with said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.

B. Penalties. If any person shall undertake demolition or removal or new construction affecting an historic site or improvement within an historic district without first having obtained a certificate of historic review or without subsequent review by the Commission following discovery of the omission, he may be required to restore same to the previous condition. In addition, there shall be imposed upon such person the fines and penalties set forth in § 236-103.A of the Land Use Code of the Town of Dover.

C. Injunctive Relief. In the event that any action which would permanently and adversely change a historic site or historic district, such as demolition or removal is about to occur without a certificate of historic review having been issued, the Town Attorney may apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or landmark.

§ 236-96.11. Appeals.

Appeals to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.2 and N.J.S.A. 40:55D-72 may be taken by any interested party affected by any order, requirement, decision or refusal of the administrative officer pursuant to a report submitted by the Historic Preservation Commission, including a denial of a certificate of historic review, in accordance with N.J.S.A. 40:55D-111. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken, upon completing the appeal application form, paying required fees and escrow deposits, and specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. No public notice shall be required for the hearing of said appeal.

§ 236-96.12. Other requirements unaffected.

The requirements of this chapter shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

Section 2

Chapter 236, Land Use and Development, Article IX, Fees and Escrows, is supplemented as follows:
Initial Review Fee

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<u>Submission/Application</u>	<u>Application Fee</u>	<u>Escrow Deposit</u>
Certificate of Historic Review:		
Demolition.....	\$150.00	\$300.00
Addition or New Construction	\$250.00	\$500.00
Change in the Exterior Appearance.....	\$150.00	\$300.00
Change in the Exterior Appearance for a sign or awning only.....	\$75.00	\$150.00
Appeal of Administrative Officer due to a Report of the Historic Preservation Commission.....		
	\$150.00	\$150.00

Section 3

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

Section 4

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 5

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

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

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

ORDINANCE NO. 13-2007
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER AMENDING AND
SUPPLEMENTING ARTICLE 28 "PARKING," CHAPTER A, "PUBLIC PARKING SYSTEM," OF THE
REVISED ORDINANCES OF THE TOWN OF DOVER

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. Article 28, "Parking," Chapter A, "Public Parking System," Subsection 5, "Day to Day Operations," of the Revised Ordinances of the Town of Dover, Morris County, New Jersey, saved from repeal, is hereby amended and supplemented as follows:

5. Day to Day Operations. The day-to-day operations of the public parking system will be under the control and jurisdiction of the Administrator of the Town of Dover except that parking enforcement officers shall be under the control and jurisdiction and report to the Chief of Police of the Town of Dover. Enforcement of parking violations shall also be under the control of the Police Department. All other administrative duties and responsibilities in operating the public parking system will be under the control of the Town of Dover Administrator.

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

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.

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

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

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

ORDINANCE NO. 14-2007
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
ESTABLISHING TWO TAXI STANDS AND VACATING THREE EXISTING TAXI STANDS

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. There are hereby established the following taxi stands pursuant to N.J.S.A. 39:4-197 (3), a, for use by Town of Dover licensed taxi cabs only as follows:

A. On West Dickerson Street near the train station described as follows: Said Taxi Stand shall be located along the southerly curblineline of West Dickerson Street beginning at a point 214 feet east of the curblineline intersection of South Morris Street and West Dickerson Street, thence continuing in a westerly direction for a distance of 42 feet to a point.

B. On Block 1213, Lot 2 at its intersection with South Bergen Street at the train station described as follows: The proposed Taxi Stand shall be located along the easterly extension of West Dickerson Street onto Block 1213, Lot 2, beginning at a point 16 feet, east of the southerly extension of the west curblineline of South Bergen Street and its intersection with the southerly curblineline of Block 1213, Lot 2, thence continuing in an easterly direction for a distance of 82 feet.

2. Said Taxi Stands located on the northerly curblineline of East Blackwell Street beginning at a point 56 feet west of the curblineline intersection of North Morris Street and East Blackwell Street, thence continuing in a westerly direction for a distance of 34 feet shall be removed. Also, the Taxi Stand located on the westerly curblineline of N. Morris Street beginning at a point 43 feet north of the curblineline intersection of N. Morris Street and East Blackwell Street, thence continuing in a northerly direction for a distance of 17 feet shall be removed.

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.

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

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

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.

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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:	\$56,840.07
CURRENT ACCT claims in the amount of:	\$221,388.59
CAPITAL ACCT claims in the amount of:	\$4,886.47
WATER UTILITY ACCT claims in the amount of:	\$118,714.03
WATER UTILITY RESERVE ACCT claims in the amount of:	\$353.29
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$201.93
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:	\$85.80
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	\$976.50
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:	\$12,973.22
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
TOTAL CLAIMS TO BE PAID	\$416,419.90

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:	\$295,730.01
CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$1,873.48
PAYROLL AGENCY ACCT claims in the amount of:	\$145,946.03
UNEMPLOYMENT TRUST ACCT claims in the amount of:	
TOTAL CLAIMS PAID	\$443,549.52
 <i>TOTAL BILL LIST RESOLUTION</i>	 <i>\$859,969.42</i>

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

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

2006 TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
APPROVING TAXICAB DRIVER LICENSES

WHEREAS, applications for taxicab drivers licenses have been made by the people listed on Schedule B attached hereto and made a part hereof; and

WHEREAS, the Police Department of the Town of Dover has reviewed their applications and has advised that there is no prohibition to the issuance of their license; 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 that the taxi driver licenses for those people listed on Schedule A attached hereto and made a part hereof are hereby approved.

Schedule A

Queens Limo -	Oscar Coreas
Dover Livery -	Emmanuel Okoye

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

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

RESOLUTION

WHEREAS, the Global Reach International filed an application for their **third** and **fourth** Special Permit for Social Affair to be held at the Baker Theater, which is their **fifth** and **sixth** event; and

WHEREAS, Global Reach International, a non-profit organization is permitted to have twelve events per year and Baker Theater is permitted to have twenty-five; and

WHEREAS, the Police Chief will determine what special conditions if any are needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the following applications for Alcoholic Beverage Social Affair Permit(s) be approved:

1. Global Reach International is approved for a concert/dance to be held on May 12, 2007 at the Baker Theater, 41 W. Blackwell Street, Dover, NJ from 7:00pm through 1:30am.
2. Global Reach International is approved for a concert/dance to be held on June 16, 2007 at the Baker Theater, 41 W. Blackwell Street, Dover, NJ from 7:00pm through 1:30am.
3. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

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

RESOLUTION

WHEREAS, the Global Reach International filed an application for their **fifth** Special Permit for Social Affair to be held at Crescent Field, which is their **first** event; and

WHEREAS, Global Reach International, a non-profit organization is permitted to have twelve events per year and Crescent Field is permitted to have twenty-five; and

WHEREAS, the Police Chief will determine what special conditions if any are needed.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the following applications for Alcoholic Beverage Social Affair Permit(s) be approved:

3. Global Reach International is approved for a festival to be held on May 5, 2007 at Crescent Field, Second Street, Dover, NJ from 12:00pm through 8:00pm.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

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

RESOLUTION

WHEREAS, the Club Columbia filed an application for their **first** Special Permit for Social Affair to be held at Crescent Field, which is their **second** event; and

WHEREAS, Club Columbia, a non-profit organization is permitted to have twelve events per year and Crescent Field is permitted to have twenty-five; and

WHEREAS, the Police Chief will determine what special conditions if any are needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the following applications for Alcoholic Beverage Social Affair Permit(s) be approved:

1. Club Columbia is approved for a Columbian Festival to be held on July 21, 2007 at Crescent Field, Second Street, Dover, NJ from 12:00pm through 7:00pm.
2. This approval is conditioned upon security satisfactory to the Town of Dover Chief of Police being in place for this event.

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

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER
AWARDING THE BID FOR CURBSIDE RECYCLING CONTRACT

WHEREAS, the Town of Dover entered into a contract pursuant to the Public Contracts Law for curbside recycling pick-up; and

WHEREAS, Morris County Municipal Utilities Authority is prepared to provide the Town of Dover with a 5- year curbside recycling collection service for \$200,00 per year to be billed on a monthly basis at the rate of \$16,667 per month,

WHEREAS, if any collections are missed due to inclement weather, the Morris County Municipal Utilities Authority will deduct the cost of the missed day as follows:

\$200,000 divided by 26 collections =\$7,692.31 per collection

\$7,692.31 divided by 3 sections = \$2,564.10 (amount to be deducted from the invoice per day of collection missed due to inclement weather)

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:

TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

1. The Curbside Recycling Contract is hereby awarded to Morris County Municipal Authority, 300 Mendham, New Jersey 07945.
2. The Mayor and Clerk are authorized to sign a contract.

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

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

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

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

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

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

1. ANY collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

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

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

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

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

RESOLUTION

WHEREAS, there exists a need to make personnel changes;

THEREFFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey, upon the recommendation of the Business Administrator hereby rescinds Resolution No. 112 adopted on April 17, 2007 and approves the following:

Reynoldo Julve – Promotion from part-time to full-time and transfer from Code Enforcement/Health Departments to Engineering. Salary will be consistent with the applicable labor agreement.

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

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

UNFINISHED OR NEW BUSINESS

TOWN OF DOVER

MAYOR AND BOARD OF ALDERMEN

PUBLIC COMMENTS – Three Minutes per Person

Bill Gilbert-30 Greenwood Avenue - Mr. Gilbert is the Vice-Chairman of the Planning Board. The large task of revisiting and updating the Master Plan was completed in January. Mr. Hooper initiated the Master plan committee; unfortunately Mr. Hooper has passed away before the task was complete. Mr. Gilbert would like to invite the public, the Board, and Administration to the planning board meeting where they will be presenting Bob's wife and family with a signed copy of the master plan which has been dedicated to Bob.

Robin Foster-90 Penn Avenue - Mr. Foster was driving by Crescent Field Park and there was a big commotion around the vending/soda machines. After advising the police department, they've notice that one of the vending machine was smashed to pieces. Mr. Foster suggested removing the vending machines because of the incidents and the vandalisms becomes an eye soar. Town Administrator stated the machines belong to the PBA and there will be a follow up.

Connie Foster-90 Penn Avenue – Dover General & Aetna have parted ways for now. Hope that they would come to an agreement. Alderman Ryan should spend more time working with the police dept. (liaison to the Police Dept.) on child safety helmet instead of worrying about transcripts which is an expensive to the taxpayers.

Kay Walker-72B East Blackwell Street – Ms. Walker is concern about the garbage & recycling contracts and would like to know how it will work. Mayor Dodd stated he can't give her a response because their still under negotiation and a letter will be sent tomorrow to all apartment complexes.

George Laurie- 10 Hillside Avenue - Thanked the Mayor and Board for passing the preservation commission, this is a commission that has been long overdue. Mr. Laurie would like to thank Alderman Poolas for giving the fundraising a plug. We've inherited a huge house at the end of Blackwell Street and there's been a tremendous expense. Fundraising have been conducted for the maintenance of the house. There will be a program at the museum house on the capture of James Hennery, most wanted criminal in America. There will be an Uncle Floyd program at the Baker Theater. The high school jazz festival will be held in June which is there 3rd Annual Event. Bob Wagner has put together an updated presentation on the History of Dover's Speedway. Paul Guenther program will be held at the Hosiery Mills and Mr. Schoonmaker has the decade of the 1960's attending Dover High School program. Mr. Laurie would like to thank Connie Foster for her help with their website-www.doverhistoricalsociety.com and hopes there can be a link on Dover's website. Mr. Laurie is also concerned with the redevelopment and believes Marion Harris who raised some concern about this project might be confused.

Betty Inglis-328 Richards Avenue – IHOP offered tonight and Thursday night from 4-10pm as a way to raise funds for the Dover Historical Society.

Motion made by Mayor Dodd to adjourn at 9:05 p.m., Seconded by Alderman Donofrio and passed by the following voice vote.

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

Nays: None

Absent: None

Abstained: None

Respectfully submitted,

Margaret J. Verga.
Municipal Clerk