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REORGANIZATION MEETING  
JANUARY 5, 2021  
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Mayor Martinez was ill and unable to attend the Council Meeting in person he did attend by telephone, therefore it was opened by Mary O'Keefe, Borough Clerk, who indicated that the meeting was being held in compliance with the Open Public Meetings Act having been duly advertised and posted in Borough Hall. This was followed by the Pledge of Allegiance and a Moment of Reflection.

#### OATH OF OFFICE

Councilman Elect Douglas Travers – Ms. O'Keefe administered the Oath of Office to Councilman Elect Travers, Mrs. Travers held the Family Bible

Councilman Elect Raymond Verdonik – Councilman Verdonik sister Joanne Verdonik, held the Bible while the Oath of Office was administered.

#### ROLL CALL

PRESENT: Mayor Ryan Martinez (by telephone), Councilman Alexander Calvi, Councilman Robert Fox, Councilman Robert Meier, Councilman Douglas Travers and Councilman Raymond Verdonik

ABSENT: Councilman Stephen Regis

Councilman Travers addressed those present in the audience thanking the residents of Butler for his reelection and expressed his gratitude to those he serves with on the Borough Council.

Councilman Verdonik thanked the residents of Butler for their support in reelecting him to serve on the Borough Council, noting that he feels it is an honor and a privilege to serve and he truly loves the Borough. He thanked the Council, Administrator and the Borough Employees and Volunteers for all that they do for the Borough.

#### ELECTION OF COUNCIL PRESIDENT

Councilman Fox nominated Councilman Verdonik, second by Councilman Meier  
All in favor.

At this time Council President Verdonik took over the running the Council Reorganization meeting.

Also Present: James Lampmann, Borough Administrator, Christopher Woods, from the office of the Borough Attorney and Mary O'Keefe, Borough Clerk

#### APPOINTMENTS

Borough Attorney	One year	Robert H. Oostdyk, Jr.
Borough Engineer	One year	Thomas Boorady
Borough Auditor	One year	Valerie Dolan of Nisivoccia LLP.
Tax Search Officer	One year	Cora Ashley

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Violations Clerk	One year	Mary O'Keefe and Pamela Krattiger
Assessment Search Officer	One year	Mary O'Keefe
Police Matron	One year	Leslie Usinowicz, Linda Daly, and Joyce Opperlee
Americans with Disabilities Act Compliance Committee	Three year	Karen Becker

Councilman Fox made a motion to confirm the Appointments, second by Councilman Meier  
Voted Aye: Calvi, Fox, Meier, Travers and Verdonik  
Voted Nay: None  
Absent: Regis

2021-01 Appointing Chris Finelli as Fire Chief for the Butler Fire Department  
Moved: Fox Second: Travers  
Voted Aye: Calvi, Fox, Meier, Travers and Verdonik  
Voted Nay: None  
Absent: Regis  
R 2021-01 approved

Motion to excuse the absence of Councilman Regis  
Moved: Travers Second: Fox  
All in favor.  
Absent: Councilman Regis

**BUTLER FIRE DEPARTMENT CHIEF – 2 Year Term –  
Company Chiefs**  
Chris Finelli  
William Dunlap

Butler Fire Department Officers:  
**Bartholdi Hose Company No. 2**  
Captain Joe Herrman

**Kiel Hook and Ladder Company No. 3**  
Captain Doug Morse IV

**FIRE POLICE – One-Year Term – Rich Dean, Tom Lozier, Chris Finelli, Dan Canty, Doug Yates, Joe Usinowicz, Rob Farro, Peter Shepard, Allen Courtney, Dakota Sheehan and Miranda Sheehan**  
**Fire Police Chief – Dan Canty**

**EMERGENCY MANAGEMENT COUNCIL – One-Year Terms – Christopher Finelli, Mark Warner, Chris Walthour, Dee Dunlap Dean, Mary O'Keefe, Allen Courtney, Jarred Schmiedhauser, Ciro Chimento, Peter Tabbot, Dan Canty, Scott Ricker and James Lampmann**

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Blood Bank One year Butler Fire Department.  
BUTLER RECREATION COMMISSION – Five-Year Term – Rebecca Calvi and William Hanisch

Veterans Service One year VFW Post 8096  
Sr. Citizen Advisory One year Allen Courtney, Bill Landon, Tom Lozier,  
Donna Meizinger, Dorothy Popivchak,  
Joe Popivchak, JoAnn Rehfuss, Isabelle Rimmer,  
Barbara Tavano and Pat Wotjecki,  
Dial-A-Ride One year Mary O’Keefe  
Museum Committee Three year Alan Byrd and Paul Smeilus  
Moved: Fox Second: Meier  
All in favor.  
Absent: Councilman Regis.

Public Agency  
Compliance Officer One year James Lampmann

Class III Planning Board One year Robert Fox  
Moved: Meier Second: Travers  
All in favor.  
Abstain: Councilman Fox  
Absent: Councilman Regis

Mayor Martinez’s Appointments to Planning Board  
Four-Year Term James Nargiso  
Two-Year Term: Marc Piccirillo  
Class II Member – One Year Term – Christopher Finelli

Library Board – Five-Year Term – Becky Karpowich

Board of Health – Five-Year Term – Dana Croker

Motion to confirm appointments:  
Moved: Fox Second: Meier  
Voted Aye: Calvi, Fox, Meier, Travers and Verdonik  
Voted Nay: None  
Absent: Regis

ALL APPOINTED OFFICIALS RECEIVED THE OATH OF OFFICE

Representatives to Joint Insurance Fund – One-year term – James Lampmann and James Kozimor

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Representative to Public Power Association and New Jersey Public Power Authority –  
One-year term – James Lampmann

Alternate Representative to Public Power Association and New Jersey Public Power Authority –  
One-year term – James Kozimor

Liaison Member to Sr. Advisory Committee – to be appointed

Liaison Member to Board of Education – Councilman Calvi

Liaison Member to Community Development Revenue Sharing Committee – James Lampmann,  
James Kozimor and James Nargiso

Liaison Member to Clean Communities – Councilman Travers

Liaison to Board of Health – Councilman Travers

Representative to Morris Tomorrow – Councilman Meier

Liaison to Museum Committee – Councilman Meier

Representative to Morris County League of Municipalities – Mayor Martinez

#### STANDING COMMITTEES OF THE COUNCIL

##### FINANCIAL, ORDINANCE & RECREATION COMMITTEE

Council President Verdonik, Chairperson  
Councilman Calvi, Vice Chairperson  
Councilman Fox, Member

##### PUBLIC SAFETY COMMITTEE

Councilman Regis, Chairperson  
Councilman Fox, Vice Chairperson  
Councilman Meier, Member

##### ELECTRIC LIGHT & PUBLIC LIGHTING COMMITTEE

Councilman Meier, Chairperson  
Councilman Regis, Vice Chairperson  
Councilman Travers, Member

##### WATER AND WASTEWATER COMMITTEE

Councilman Calvi, Chairman  
Councilman Travers, Vice Chairman  
Council President Verdonik, Member

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HEALTH, SANITATION AND COMMUNITY DEVELOPMENT  
COMMITTEE

Councilman Travers, Chairperson  
Councilman Meier, Vice Chairman  
Councilman Calvi, Member

ROADS AND BUILDINGS/GROUNDS COMMITTEE

Councilman Fox, Chairman  
Council President Verdonik, Vice Chairman  
Councilman Regis, Member

Moved: Meier

Second: Fox

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

RESOLVED THAT THE OFFICIAL NEWSPAPERS FOR THE BOROUGH BE THE  
SUBURBAN TRENDS, HERALD NEWS, STAR LEDGER, DAILY RECORD AND  
BERGEN RECORD.

Moved: Fox

Second: Meier

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

RESOLVED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF BUTLER  
HEREBY DESIGNATE THE FOLLOWING BANKING INSTITUTIONS AS DEPOSITORIES  
FOR MONEY BELONGING TO THE BOROUGH OF BUTLER FOR THE YEAR 2021: PNC  
BANK, LAKELAND STATE BANK AND N.J. CASH MANAGEMENT

Moved: Fox

Second: Meier

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

RESOLVED THAT THE FOLLOWING OFFICIALS SHALL BE AUTHORIZED TO SIGN  
THE DISBURSEMENT CHECKS FOR THE VARIOUS ACCOUNTS: THE  
ADMINISTRATOR, THE FINANCE CHAIRMAN AND THE CHIEF FINANCIAL  
OFFICER. ALL ACCOUNTS REQUIRE TWO SIGNATURES, WITH THE EXCEPTION OF  
THE PAYROLL ACCOUNT WHICH REQUIRES ONLY THE CHIEF FINANCIAL  
OFFICERS SIGNATURE, THE HOSPITALIZATION ACCOUNT WHICH REQUIRES  
ONLY THE CHIEF FINANCIAL OFFICERS SIGNATURE, AND THE COURT  
ADMINISTRATORS ACCOUNT WHICH REQUIRES THE COURT ADMINISTRATORS  
SIGNATURE.

Moved: Fox

Second: Meier

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All in favor.

RESOLVED THAT THE FOLLOWING SURETY BONDS BE SECURED AND THE BOROUGH PAY ALL CHARGES FOR THE BONDS REQUIRED BY BOROUGH OFFICIALS: Tax Collector/Utility Supervisor \$406,000; Clerk Typist/Tax Collectors Office \$110,000; Magistrate \$18,000; Chief Financial Officer \$90,000; Public Employees Blanket \$25,000 per occurrence (excluding Tax Collector/Utility Supervisor, Magistrate and Chief Financial Officer).

Moved: Fox  
All in favor.

Second: Travers

RESOLVED THAT THE COLLECTOR OF TAXES FOR THE BOROUGH OF BUTLER IS HEREBY AUTHORIZED TO CONDUCT THE ANNUAL SALE OF DELINQUENT TAXES AND OTHER MUNICIPAL CHARGES DUE ON A GIVEN PROPERTY COVERING ANY NUMBER OF QUARTERS AND PERMITS A MAXIMUM FEE OF \$25 FOR MAKING OF NOTICE OF TAX SALE FOR EACH OF TWO WEEKS PRECEDING THE DATE OF THE TAX SALE.

Moved: Fox  
All in favor.

Second: Travers

RESOLVED THAT THE GOVERNING BODY MAY FIX THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DATE THEY WOULD BECOME DELINQUENT, AND MAY PROVIDE THAT WITHIN THE TENTH CALENDAR DAY FOLLOWING THE DATE UPON WHICH THE SAME BECAME PAYABLE, THE RATE SO FIXED SHALL NOT EXCEED 18% PER ANNUM ON ANY AMOUNT IN EXCESS OF \$1,500 TO BE CALCULATED FROM THE DATE THE TAX WAS PAYABLE, UNTIL THE DATE OF THE ACTUAL PAYMENT. THE INTEREST TO BE CHARGED A DELINQUENT TAXPAYER FOR NON-PAYMENT OF REAL PROPERTY TAXES SHALL BE AN ADDITIONAL PENALTY OF 6% IF THE AMOUNT OF DELINQUENCY IS IN EXCESS OF \$10,000 AT THE END OF A CALENDAR YEAR

Moved: Fox  
All in favor.

Second: Travers

RESOLVED THAT THERE IS HEREBY IMPOSED A SERVICE CHARGE OF \$20.00 PER CHECK OR OTHER WRITTEN INSTRUMENT WHICH SHALL BE ADDED TO ANY ACCOUNT OWING TO THE BOROUGH IF PAYMENT TENDERED ON THE ACCOUNT WAS BY A CHECK OR OTHER WRITTEN INSTRUMENT WHICH WAS RETURNED TO THE BOROUGH FOR INSUFFICIENT FUNDS. THE SERVICE CHARGE AUTHORIZED BY THIS RESOLUTION SHALL BE COLLECTED IN THE SAME MANNER PRESCRIBED BY LAW FOR THE COLLECTION OF THE ACCOUNT FOR WHICH THE CHECK OR OTHER WRITTEN INSTRUMENT WAS TENDERED.

Moved: Fox  
All in favor.

Second: Travers

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RESOLVED, THAT THE TAX COLLECTOR IS PERMITTED TO PROCESS CANCELLATIONS OF PROPERTY TAX REFUNDS OR DELINQUENCIES OF LESS THAN \$10.00 WITHOUT FURTHER ACTION OF THE GOVERNING BODY IN ACCORDANCE WITH CHAPTER 82, PUBLIC LAW OF 1987, KNOWN AS N.J.S.A. 40A:5-017.1.

Moved: Fox  
All in favor.

Second: Meier

RESOLVED, THAT THE SALARIES OF THE BOROUGH EMPLOYEES AND PAID OFFICIALS OF THE BOROUGH BE PAID EVERY TWO WEEKS FOR THE YEAR 2021 AND THAT THE CHIEF FINANCIAL OFFICER BE AUTHORIZED TO SIGN PAYROLLS ON BEHALF OF THE MAYOR AND COUNCIL AND HE BE AUTHORIZED TO ISSUE THE NECESSARY CHECKS.

Moved: Fox  
All in favor.

Second: Travers

RESOLVED THAT THE REGULAR MEETINGS OF THE COUNCIL BE HELD ON: January 19, February 16, March 16, April 20, May 18, June 15, July 20, August 17, September 21, October 19, November 9 and December 21, 2021. BE IT FURTHER RESOLVED, THAT THE FOLLOWING ORDER OF BUSINESS SHALL BE ALLOWED AT THE MEETINGS: 1. ROLL CALL; 2. APPROVAL OF MINUTES; 3. GREETING OF PUBLIC AND INVITATION FOR DISCUSSION; 4. REPORTS OF COMMITTEES AND DEPARTMENT HEADS; 5. APPROVAL OF VOUCHERS AND PAYROLLS; 6. PRESENTATION OF CORRESPONDENCE, PETITIONS; 7. PUBLIC HEARINGS; 8. ORDINANCES FOR INTRODUCTION; 9. ORDINANCES FOR ADOPTION; 10. RESOLUTIONS; 11. UNFINISHED BUSINESS/NEW BUSINESS; 12. INVITATION FOR DISCUSSION FROM PUBLIC; 13. ADJOURNMENT

Moved: Fox  
All in favor.

Second: Meier

R 2021-2 RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH AUDITOR

R 2021-3 RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ENGINEER

R 2021-4 RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ATTORNEY

R 2021-5 RESOLUTION PROVIDING FOR AN AGREEMENT WITH BOND COUNSEL

R 2021-6 RESOLUTION PROVIDING FOR AN AGREEMENT WITH DMC

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- R 2021-7 RESOLUTION PROVIDING FOR AN AGREEMENT WITH BETTS & HOLT
- R 2021-8 RESOLUTION PROVIDING FOR AN AGREEMENT WITH ANDERSON & DENZLER
- R 2021-9 RESOLUTION PROVIDING FOR AN AGREEMENT WITH SPECIAL LABOR COUNSEL DORSEY AND SEMRAU
- R 2021-10 RESOLUTION AUTHORIZING THE EXECUTION OF MASTER POWER PURCHASE AND SALE AGREEMENTS AND CONFIRMATION TRANSACTIONS THEREUNDER WITH VARIOUS SUPPLIERS
- R 2021-11 RESOLUTION AUTHORIZING AN AGREEMENT WITH PHOENIX ADVISORS, LLC FOR MUNICIPAL BOND RELATED ISSUES
- R 2021-12 RESOLUTION CERTIFYING THAT THE BOROUGH OF BUTLER IS IN COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
- R 2021-13 TEMPORARY BUDGET FOR 2021
- R 2021-14 RESOLUTION AUTHORIZING A CONTRACT WITH AMERICAN ELECTRICAL TESTING
- R 2021-15 RESOLUTION AUTHORIZING AN AGREEMENT WITH UTILITY ENGINEERS, PC

Moved: Fox

Second: Meier

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

#### OPEN PUBLIC DISCUSSION

Council President Verdonik opened the meeting to the public for discussion.

Seeing no one come forward the public portion of the meeting was closed.

Moved: Fox

Second: Travers

All in favor.



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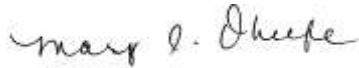
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Motion to adjourn the reorganization meeting.  
Moved: Fox  
All in favor.

Second: Meier

Adjournment: 6:22 p.m.

Adopted: March 16, 2021



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Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: March 16, 2021



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Ryan Martinez, Mayor

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**BOROUGH OF BUTLER  
RESOLUTION NO. 2021 - 1**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF CHRIS FINELLI  
AS DEPARTMENT CHIEF OF THE BUTLER FIRE DEPARTMENT**

WHEREAS, Revised General Ordinance 21-3 provides, in subsection E, that each Chief of the Board of Chiefs will serve a term of two years at each rank; and

WHEREAS, Chris Finelli has served a two year term and stayed on as Chief of the Department for an additional one year term; and

WHEREAS, under the progression contained in Section 21-3, the Deputy Chief would have become the Department Chief beginning on January 1, 2021; and


WHEREAS, Section 21-3 provides the qualifications for a Chief in the Butler Fire Department; and


WHEREAS, there are two current officers in the Butler Fire Department who meet the qualifications for Chief, however, only one is willing to serve as Department Chief, Chris Finelli; and

WHEREAS, it is therefore necessary to deviate from the progression for Department Chief and to appoint the only willing member of the Board of Chiefs as Chief of the Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that Chris Finelli is hereby appointed Chief of the Butler Fire Department for an additional term of one year and that upon expiration of his term the order of progression contained in Chapter 21-3 shall be restored.

Adopted: January 5, 2021

  
Mary O'Keefe, Borough Clerk

  
Ryan Martinez, Mayor

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**BOROUGH OF BUTLER  
RESOLUTION R 2021-2  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH THE BOROUGH AUDITOR**

**WHEREAS**, the Borough of Butler has a need to acquire auditing services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

**WHEREAS**, the term of this contract is one year; and

**WHEREAS**, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by a purchase order on an as needed basis in accordance with N.J.A.C. 5:30-5.4; and

**WHEREAS**, Nisivoccia & Company, has submitted a proposal dated December 1, 2020 indicating that they will provide the auditing services as follows:

Classification	Rate
Partner (Discounted Rate)	\$170
Manager	150
Supervisor	140
Senior Accountant	130
Staff Accountant	110

**WHEREAS**, Nisivoccia and Company has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the auditor from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Nisivoccia and Co, as described herein; and


**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** a notice of this action shall be printed once in the legal newspaper of the Borough of Butler

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keeffe  
Borough Clerk

Dated: January 5, 2021

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BOROUGH OF BUTLER  
RESOLUTION R 2021-3  
RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ENGINEER

WHEREAS, the Borough of Butler has a need to acquire engineering services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-20.5 and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with NJAC 5:30-5.4; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Certified Municipal Finance Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, Darmofalski Engineering Associates, Inc. has submitted a proposal dated November 16, 2020 indicating they will provide the engineering services as follows:

Professional Engineer	\$125/hr
Design/Drafting	75/hr
Field Inspector	75/hr
Outside Contractor	Cost + 15% Adm Fee

WHEREAS, Darmofalski Engineering Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the engineer from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Darmofalski Engineering Associates, Inc. as described herein; and


BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

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BOROUGH OF BUTLER  
RESOLUTION R 2021-4

RESOLUTION PROVIDING FOR  
AN AGREEMENT WITH THE BOROUGH ATTORNEY

WHEREAS, the Borough of Butler has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44-A-20.5 or 20.5 as appropriate; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert H. Oostdyk, Jr. has submitted a proposal dated December 9, 2020 indicating they will provide the legal services for an annual retainer of \$40,000 and matters of litigation at a rate of \$150 per hour; and

WHEREAS, Robert H. Oostdyk has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the attorney from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Finance Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Robert H. Oostdyk, Jr. as described herein; and

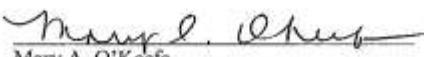
BE IT FURTHER RESOLVED that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect upon publication in the Suburban Trends.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

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BOROUGH OF BUTLER  
RESOLUTION R 2021-5  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH BOND COUNSEL

WHEREAS, the Borough of Butler has a need to acquire specialized legal services in connection with the authorization and the issuance of bonds or notes of the Borough of Butler in the County of Morris, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 44A-20.5; and

WHEREAS, the Certified Municipal Finance Officer has determined and certified in writing that the value of the acquisition may exceed \$17,400; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert Beinfield, Esq. has submitted a proposal dated December 3, 2020 indicating they will provide the legal services for the terms in the proposal on file in the office of the Borough Clerk; and

WHEREAS, Robert Beinfield, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit Robert Beinfield, Hawkins Delafield & Woods from making any reportable contributions through the term of the contract; and

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Hawkins, Delafield and Woods as described herein; and


BE IT FURTHER RESOLVED that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

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BOROUGH OF BUTLER  
RESOLUTION R 2021-6  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH DMC ASSOCIATES, INC.

WHEREAS, the Borough of Butler has a need to acquire surveying services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-2.5; and; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert Cigol has submitted a proposal dated December 4, 2020, for surveying and tax map services indicating they will provide the surveying service with the following:

Professional Land Surveyor (PLS)	\$125.00 per hour
Senior Survey Analyst	90.00 per hour
Field Crew	185.00 per hour
AutoCAD Tech	80.00 per hour
Planning Board/Board of Adjustment Applications Review	125.00 per hour
GIS Maintenance/Updates	80.00 per hour

Professional Services:

- Update the Tax Assessment Map as may be required by actions reflective of Planning Board, Zoning Board and governing body actions.
- Revise and update Zoning Map when required.
- Provide assistance to the Tax Assessor's office and staff on related questions concerning the tax map.
- Review of each title transfer deed provided by the borough for proper tax lot designation, description and mathematical closure.
- (2) complete sets (24" x 36") Tax maps for the Borough of Butler
- (2) complete sets (11" x 17") Tax maps for the Borough of Butler
- (1) CD Rom containing PDF Tax map
- (5) updated Zoning Maps (24" x 36") color

Lump sum fee for above professional services \$5,200.00

WHEREAS, Robert Cigol has completed and submitted a Business Entity Disclosure Certification that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the surveyor; from making any reportable contributions through the term of the contract; and

WHEREAS, the CMFO has certified that funds are available for this purpose; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Butler

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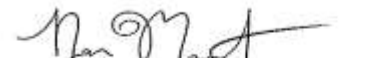
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authorized the Mayor and Borough Clerk to enter into a contract with DMC Associates, Inc. as described herein; and

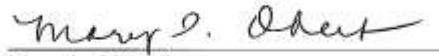
BE IT FURTHER RESOLVED, that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
\_\_\_\_\_  
Ryan Martinez, Mayor

Attest:

  
\_\_\_\_\_  
Mary A. O'Keefe  
Borough Clerk

Dated: January 5, 2021



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**DMC Associates, Inc. Land Surveyors**

211 Main Street, Butler, NJ 07405  
Tel (973) 838-9187 Fax (973) 838-4389  
www.dmcsurveying.com

December 4, 2020

Mary O'Keefe, Borough Clerk  
Borough of Butler  
One Ace Road  
Butler, NJ 07405  
Via: Email Only ([mokeefe@butlerborough.com](mailto:mokeefe@butlerborough.com))

Re: 2021 Professional Land Surveying Services for the Borough of Butler, County of Morris

Mr. Lampmann,

DMC Associates, Inc. Land Surveyors would like to thank the Borough of Butler for the opportunity to provide professional land surveying services for the upcoming 2021 calendar year. Listed below in an umbrella of services to be provided by DMC Associates.

**Professional Services:**

- Update the Tax Assessment Map as may be required by actions reflective of Planning Board, Zoning Board and governing body actions.
- Revise and update Zoning Map when required
- Provide assistance to the Tax Assessors' office and staff on related questions concerning the tax map.
- Review of each title transfer deed provided by the borough for proper tax lot designation, description and mathematical closure.
- (2) complete sets (24"x36") Tax Maps for the Borough of Butler
- (2) Complete sets (11"x17") Tax Maps for the Borough of Butler
- (1) CD\_ROM containing PDF Tax map
- (5) updated Zoning Maps (24"x36") color

Above services lump sum fee: .....\$5,200.00

Project Specific Professional Land Surveying Services: An individual project proposal will be provided outlining land surveying services and total cost for a specific project upon request.

**2021 Rate Schedule:**

Professional Land Surveyor (PLS) .....	\$125.00 per hour
Senior Survey Analyst.....	\$ 90.00 per hour
Field crew Rate.....	\$185.00 per hour
AutoCAD Tech.....	\$ 80.00 per hour
Planning Board/Board of Adjustment Applications Review.....	\$125.00 per hour
GIS Maintenance / Updates.....	\$ 80.00 per hour

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Client understands and agrees that the term records shall include, but are not limited to any plans, reports, documents, field notes or other items of work, produced or generated including digital versions and shall remain the sole property of DMC Associates, Inc. Land Surveyors unless otherwise agreed or outlined in this proposal.

Thank you for affording us the opportunity of submitting this proposal. If you have any questions, or if we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

Robert L. Cigol, PLS  
RLC/ac

Re: 2021 Professional Land Surveying Services for the Borough of Butler, County of Morris

Acknowledgement of Acceptance:



Signature

Date

Ryan Martinez, Mayor of WeAce Road Butler, NJ 973-838-7200

Print Name

Address

Telephone

TERMS ARE NET 30 DAYS. All invoices, which are unpaid after 30 days, will be subject to a 1 3/4% per month interest (18% per annum). Additionally, the addressee of this proposal will pay all reasonable attorney's fees and court costs which are incurred in the collection of past due invoices for this contract. If a third party is to be invoiced for these professional services, full payment will be requested prior to the delivery of the survey.

BOROUGH OF BUTLER  
RESOLUTION R 2021-7  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH BETTS & HOLT

WHEREAS, the Borough of Butler has a need to acquire legal services in power supply matters and with legal services provided to the Public Power Association as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with NJAC 5:30-5.4; and

WHEREAS, Betts & Holt has submitted a proposal dated December 8, 2020 indicating they will provide the services as follows:

Partners	\$375 an hour
Of Counsel	375 an hour
Associates	240 an hour
Legal Assistants	75 an hour.

WHEREAS, Betts & Holt has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the attorney from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Betts & Holt as described herein; and

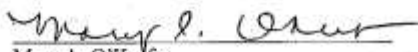
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

Dated: January 5, 2021

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**BETTS & HOLT LLP**

COUNSELLORS AT LAW

1101 CONNECTICUT AVENUE, NW • SUITE 450 • WASHINGTON, DC 20036  
TELEPHONE 202.530.3380

December 7, 2020

*Via email*

Ms. Mary O'Keefe  
Borough Clerk/Registrar  
Borough of Butler  
One Ace Road  
Butler, NJ 07405

RE: Betts & Holt LLP - Special Services Contract with the Borough of Butler

Dear Ms. O'Keefe:

You asked us to provide you with a budget and scope of work for assisting the Borough of Butler in 2021 with legal matters concerning the electric utility. This letter provides all the necessary information and serves as a special services contract that, if acceptable to the Borough, may be executed and returned to Betts & Holt LLP. We look forward to hearing from you soon.

**Scope of Work**

Betts & Holt LLP will serve as Special Counsel to the Borough of Butler, New Jersey to provide advice and assistance regarding the Borough's electric utility. These services include matters related to the umbrella master contracts facilitating block wholesale electricity purchases, and other facilitating agreements with PJM Interconnection, LLC and with a contract manager. *Please note, Kirk Howard Betts and Jill Barker are transitioning to retired status at the end of 2021. Accordingly, the professional services offered under this agreement are for the purpose of continuing projects and contracts for which we already provide representation. New matters and issues that arise from time to time, i.e., pole attachment fees, questions and concerns related to retail demand response, retail renewable energy, and other matters affecting the Borough's supply and distribution of electricity, should be assigned to new legal counsel wherever feasible.*

**Communications**

Kirk Howard Betts and Jill Barker will co-counsel the representation.

We will provide you copies of all documents that we prepare or receive. If a document that we prepare is confidential in nature, we will seek your consent before sending it to anyone else.

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Special Services Contract  
December 7, 2020  
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We will respond to your telephone calls and e-mails promptly. The telephone number for Betts & Holt LLP is 202-530-3380; our e-mail addresses are kbetts@bettsandholt.com and jmb@bettsandholt.com.

The firm's robust technology support allows secure remote access to its documents at any time, thereby allowing faster reference to our electronic files and document review and preparation from virtually anywhere. The client-oriented approach to representations and the capacity to transmit analyses and large volumes of data quickly allow our attorneys to be extremely responsive wherever they are located.

#### Professional Fees

Betts & Holt LLP hourly fees are based upon the preferential rate structure that it has with the Public Power Association of New Jersey ("PPANJ"). Fees for 2021 are \$375 an hour for partners (Mr. Betts) and \$375 an hour for counsel (Ms. Barker). Accustomed to responding to requests that we provide a budget for a representation, we would be pleased to present budget estimates when a scope of services is defined.

Expenses associated with the representation (including, but not limited to long-distance telephone, travel to the Borough, meals and lodging while traveling, taxi, photocopying, and on-line research costs) are considered to be reimbursable.

Our customary practice is to bill for time and disbursements monthly. Remittance within 30 days is expected.

#### Information Requested to Satisfy Fair and Open Process

**Certificate of Employee Information Report.** We are enclosing a copy of our Certificate of Employee Information Report, Certification No. 21283, which is valid through June 15, 2024, a copy of our State of New Jersey Business Registration Certificate, and a Certificates of Good Standing to practice law before the District of Columbia Court of Appeals for Kirk Howard Betts and Jill M. Barker. Also attached and made a part of this letter is Exhibit A, Mandatory Affirmative Action Language for Goods, Services and Professional Services Contracts and a Certificate of Professional Liability Insurance.

**Attorney Educational Background.** Betts & Holt, LLP has four licensed attorneys. Each attorney holds a college degree and a *juris doctorate* from an accredited law school. Please see the attached resumes for a complete listing of the degrees, professional associations and memberships of each attorney assigned to this matter, and a summary of their professional experiences. The firm is AV Preeminent rated, signifying the highest professional quality and integrity.

**Public Entities Represented.** Betts & Holt LLP currently represents the Borough of Butler as Special Counsel for the Borough's electric utility. The firm represents a variety of municipal electric systems, including the PPANJ since the firm

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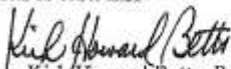
was formed in 1996, although attorneys of the firm have represented the PPANJ since 1986. The PPANJ membership includes the City of Vineland, NJ and Sussex Rural Electric Cooperative, and the eight municipal utilities in New Jersey including the Borough of Butler. In a similar vein, Betts & Holt LLP has represented the individual members of the PPANJ in electricity procurement issues, matters involving the hydroelectric allocation from the Niagara and St. Lawrence Projects, matters involving PJM, and in FERC matters from time to time since 1996. Betts & Holt LLP represents the New Jersey Public Power Authority (NJPPA) formed by the members of PPANJ in accordance with recent legislation enacted with the advice and counsel of Betts & Holt LLP, that enabled the municipal utilities in New Jersey to create the Authority.

Other public entities represented by Betts & Holt LLP include the City of Dover, Delaware since 1996, the Cities of Natchitoches and Ruston, Louisiana since 2000, the Town of Berlin, Maryland since 2011 and the Fayetteville, North Carolina Public Works Commission since 2013. The firm represented the University of Maryland, College Park Campus starting in 1996 and the District of Columbia Water and Sewer Authority from 2004 through 2008 and again beginning in 2013. Betts & Holt LLP has, in the past, represented the City of Lincoln, Nebraska in power supply and gas matters and Missouri River Energy Services (2004 to 2006) involving natural gas matters. Betts & Holt LLP also represented the Town of Moreau, NY (2003 - 2004) and the City of Alma, Michigan (ending in 2001) regarding municipalization, the Blue Ridge Power Agency, and the Delaware Municipal Electric Corporation and several of its individual members, the Cities of Newark and New Castle, and the Town of Lewes.

We would be pleased to respond to any questions that you may have and look forward to serving the Borough of Butler. If this is acceptable, please acknowledge and return the enclosed copy of this letter to confirm the terms of our engagement.

Faithfully yours,

Betts & Holt LLP

  
By: Kirk Howard Betts, Partner



Name: Ryan Martinez

Title: Mayor

for Borough of Butler

cc: James Lampmann, Borough Administrator

Enclosures: Certificate of Employee Information Report

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Business Registration Certificate  
Certificates of Good Standing  
Certificate of Professional Liability Insurance  
Exhibit A, Mandatory Affirmative Action Language  
Betts & Holt LLP Resumes

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BOROUGH OF BUTLER  
RESOLUTION R 2021-8  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH ANDERSON & DENZLER ASSOCIATES, INC.

WHEREAS, the Borough of Butler has a need to acquire engineering services in the water utility as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, Anderson & Denzler has submitted a proposal dated November 10, 2020 indicating they will provide the engineering services as follows:

Principal Engineer	\$181.70 per hour
Professional Engineer	166.80 per hour
Engineer	117.90 per hour
Sr. Designer	126.40 per hour
Land Surveyor	135.10 per hour
Design Draftsman	100.40 per hour
Inspector	95.70 per hour
Draftsman	72.20 per hour
2-man field crew	190.30 per hour
3-man field crew	224.20 per hour
Travel costs @ \$0.60 per mile	

WHEREAS, Anderson & Denzler Associates has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

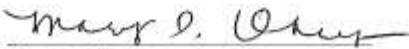
WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Anderson & Denzler as described and that the Business Disclosure entity Certification and the Determination of Value be placed on file with this resolution and that a notice of this action shall be printed one in the legal newspaper of the Borough of Butler

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

Dated: January 5, 2021



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PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, Made this 5<sup>th</sup> day of January 2021 by and between:

THE BOROUGH OF BUTLER, a public body corporate and politic, in the County of Morris and State of New Jersey, (Hereinafter referred to as the "Borough")

and:

WILLIAM D. RYDEN, Vice President of the firm of Anderson & Denzler Associates, a New Jersey corporation with offices at 519 Ridgedale Avenue, East Hanover, 07936 (Hereinafter referred to as "Engineer")

WITNESSETH

The parties hereto, for and in consideration of the mutual promises, covenants and conditions herein contained, agree to and with each other, as follows:

A. SCOPE OF THE WORK:

The Engineer shall provide professional engineering services for water system projects or operations as assigned by the Borough Administrator, effective January 1, 2021 and running through December 31, 2021.

B. PAYMENT FOR ENGINEERING SERVICES:

Payment for all professional engineering services under this contract shall be in accordance with the per diem and hourly rate schedule attached hereto.

The sole exception to the above, shall be where the Borough and the Engineer elect to enter into a written agreement for a specific project, wherein payment shall be on a lump sum or other mutually agreed upon basis.

Payments for all services shall be on a monthly basis, subject to Borough review and approval.

C. TERMINATION:

This Agreement shall terminate on December 31, 2021 or may be terminated by either party by giving thirty (30) days written notice. Upon termination, all papers, documents, memoranda, reports, and other materials relating to the administration of his engineering duties shall be returned to the Borough.

D. SUCCESSORS AND ASSIGNS:

This Agreement and all of the covenants shall inure to the benefit of, and be binding upon the Borough and Engineer respectively, and their successors, assigns and legal representatives. Neither the Borough nor the Engineer shall have the right to assign, transfer or sublet their interests or obligations hereunder, without the written consent of the other.

E. POLITICAL CONTRIBUTION DISCLOSURE

This contract has been awarded to Anderson & Denzler Associates and William D. Ryden based on the merits and abilities of said firm and named professional to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Anderson & Denzler Associates, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Borough of Butler if a member of that political party is serving in an elective public office of the Borough of Butler when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Butler when the contract is awarded.

F. BUSINESS ENTITY DISCLOSURE CERTIFICATION

This Agreement is subject to the requirements of the "Local Unit Pay to Play Law" (P.L. 2004, c.19, amended by P.L. 2005, c.51), and the "New Jersey Campaign Contributions and Expenditures Reporting Act" (N.J.A.C. 19:44A-1 et. seq.). Anderson & Denzler Associates, Inc. certified compliance with the aforementioned laws, as per the attached "Business Entity Disclosure Certification" form attached hereto.

G. CERTIFICATE OF EMPLOYEE INFORMATION REPORT

Anderson & Denzler Associates, Inc. has received a Certificate of Employee Information Report from the State Treasurer, a copy of which is attached hereto.

H. ACCEPTANCE & SIGNATURES

BOROUGH OF BUTLER

ATTEST: Mary D. O'Connell BY [Signature], Mayor

ENGINEER

ATTEST: [Signature] BY William D. Ryden  
William D. Ryden, P.E., Vice President  
Anderson & Denzler Assoc., Inc.

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BOROUGH OF BUTLER  
RESOLUTION R 2021-9

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
PROFESSIONAL SERVICES (LEGAL SERVICES)

WHEREAS, the Borough of Butler has a need to obtain Special Labor Counsel services and has determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough of Butler has determined and certified in writing that the value of the service may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Fred Semrau, Esq. of the firm Dorsey and Semrau, LLC has submitted a proposal dated December 4, 2020 indicating that his firm will provide the special labor counsel services at a rate of \$145.00 per hour; and

WHEREAS, Fred Semrau, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Fred Semrau, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Butler for the previous one year, and that the contract will prohibit Fred Semrau from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that the Borough of Butler authorizes the entry of a contract with Fred Semrau, Esq. of the firm Dorsey and Semrau, LLC as described herein; and

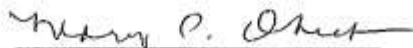
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

Dated: January 5, 2021

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RESOLUTION 2021-10

OF THE BOROUGH OF THE BOROUGH OF BUTLER  
AUTHORIZING EXECUTION OF MASTER POWER PURCHASE AND SALE  
AGREEMENTS AND CONFIRMATION TRANSACTIONS THEREUNDER BETWEEN  
THE BOROUGH AND VARIOUS SUPPLIERS

WHEREAS, pursuant to prior Council resolution(s) the Borough entered into Master Power Purchase and Sale Agreements with the following suppliers on the dates indicated:

Exelon Generation Company LLC <sup>1</sup> ,	October 4, 2011
Talen Energy Marketing LLC <sup>2</sup>	October 4, 2011
NextEra Energy Power Marketing, Inc.	October 4, 2011
PSEG Energy Resources & Trade LLC	October 28, 2011
Noble Americas Gas & Power Corp.	October 20, 2011
DTE Energy Trading, Inc.	October 4, 2011
BP Energy Company	February 3, 2015

WHEREAS, the Borough desires to extend to its authorized representatives the duty and obligation to execute Transaction Confirmations that secure specific quantities of energy for delivery to the Borough for specific delivery periods at a fixed price, and

WHEREAS, pursuant to prior Council authorization, and to facilitate the purchase of wholesale electricity, the Borough entered into the Membership Agreement with PJM Interconnection, LLC August 25, 2011;

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Butler in the County of Morris, State of New Jersey, that the Council affirms the above-described Master Power Purchase and Sale Agreements with Exelon Generation Company, LLC; Talen Energy Marketing LLC; NextEra Energy Power Marketing, Inc.; PSEG Energy Resources & Trade LLC; Noble Americas Gas & Power Corp.; DTE Energy Trading, Inc.; BP Energy Company; the Membership Agreement with PJM Interconnection, LLC and authorizes the continuation of these agreements; and

<sup>1</sup> An agreement was entered into with Constellation Energy Commodities Group, Inc. as well. However, Exelon Corporation, the parent company of Exelon Generation Company LLC, acquired Constellation Energy Group, the parent company of Constellation Energy Commodities Group, Inc. and assumed all the Constellation obligations.

<sup>2</sup> On June 1, 2015, PPL EnergyPlus LLC changed its name to Talen Energy Marketing LLC.

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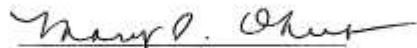
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BE IT FURTHER RESOLVED THAT the Council authorizes the Borough Administrator and Municipal Finance Officer to enter into binding Transaction Confirmations securing specific blocks of energy at specific delivery periods and prices pursuant to the Master Power Purchase and Sale Agreements.

ADOPTED AND APPROVED  
January 5, 2021

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe, Borough Clerk

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**BOROUGH OF BUTLER  
RESOLUTION NO. 2020-11**

**AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH PHOENIX ADVISORS, LLC**

WHEREAS, the Borough of Butler as part of the process of issuing bonds is required to execute Continuing Disclosure Agreements to provide certain financial and other information and notices within specified timeframes, in a manner prescribed by regulators of the underwriter that purchased said bond issues; and

WHEREAS, it is beneficial for the Borough to retain assistance of experts in the field of municipal bond finance, who have knowledge and experience in these matters, to assist in a compliance survey and in the on-going filing of required information and notices and Phoenix Advisors, LLC provides such services; and

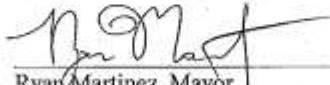
WHEREAS, the Borough Auditor and Chief Financial Officer have reviewed the agreement and recommend that the contract be awarded to Phoenix Advisors, LLC 4 West Park Street, Bordentown, New Jersey 08505 for a total price not to exceed \$1,500.00; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified to the availability of funds available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Butler, County of Morris, and State of New Jersey as follows:

- (1) The Borough of Butler hereby awards the agreement and authorizes the Chief Financial Officer to execute the agreement with Phoenix Advisors, LLC 625 Farnsworth Avenue, Bordentown, New Jersey 08505
- (2) A copy of the agreement is on file in the office of the Borough Clerk.

Adopted:

  
Ryan Martinez, Mayor

  
Mary A. O'Keefe, Clerk

Dated: January 5, 2021

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**2021  
AGREEMENT  
for  
CONTINUING DISCLOSURE and  
INDEPENDENT REGISTERED MUNICIPAL ADVISOR SERVICES**

**THIS AGREEMENT**, valid for the calendar year noted above, (the "Agreement") by and between Butler Borough, One Ace Road, Butler, NJ 07405 (the "Issuer"), and Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505 ("Phoenix Advisors") for the provision of professional services as more fully described in the accompanying Scope of Services.

**WITNESSETH:**

**WHEREAS**, the Issuer has heretofore agreed through the execution of Continuing Disclosure Agreements ("CDAs") in connection with one or more bond issuances to provide specific financial and other information and notices, within specified timeframes, to the marketplace in a manner prescribed by the regulators of the underwriter that purchased said bond issues; and

**WHEREAS**, Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") governs the many aspects of continuing disclosure; and

**WHEREAS**, Phoenix Advisors provides continuing disclosure agent services, has the expertise as Continuing Disclosure Agent ("Disclosure Agent"), and has hereunder been appointed by the Issuer to serve as its Disclosure Agent until the expiration of this Agreement, as defined in Section 4 herein; and

**WHEREAS**, Phoenix Advisors, being duly registered as a Municipal Advisor with the Securities and Exchange Commission (the "SEC") and the Municipal Securities Rulemaking Board (the "MSRB"), provides professional municipal advisory services and has heretofore been appointed by the Issuer to be its Independent Registered Municipal Advisor ("IRMA") and to offer such municipal advisory services as may be requested until the expiration of this Agreement, as defined in Section 4 herein; and

**WHEREAS**, the parties desire to set forth herein the terms and conditions under which Phoenix Advisors will provide such services to the Issuer.

NOW, THEREFORE, THE PARTIES HERETO, IN CONSIDERATION OF MUTUAL COVENANTS HEREIN CONTAINED AND OTHER GOOD AND VALUABLE CONSIDERATION, EACH INTENDING TO BE LEGALLY BOUND, HEREBY AGREE AS FOLLOWS:



**Section 1 - CONTINUING DISCLOSURE SERVICES**

- I. The Issuer's Disclosure Agent will assist the Issuer in meeting the secondary market disclosure obligations delineated in relevant CDAs and as specified under the Rule, including any required posting of any material event ("Event") notices.

The Issuer understands and acknowledges that its full cooperation is requisite to the Disclosure Agent's success assisting the Issuer in maintaining compliance with its CDAs and requirements of the Rule. The Issuer agrees that it will:

- i. Supply all documents required to be filed under its CDAs to the Disclosure Agent promptly, when available.
  - ii. Notify the Disclosure Agent immediately of any Event requiring the filing of a notice under the Rule or its CDAs.
- II. This Agreement applies to bonds issued since the effective date of the secondary market disclosure requirements of the Rule, unless said bonds are exempt under the Rule.
- III. Phoenix Advisors will perform such services relating to its role as the Issuer's Disclosure Agent to a professional standard. Described below is the scope of the Disclosure Agent services and methodology:
  - i. **Codify Issues That Are Subject to Continuing Disclosure**  
To make timely and accurate disclosure filings on the MSRB's Electronic Municipal Market Access Data Port website ("EMMA"), the Disclosure Agent will obtain and examine the Issuer's Official Statements relating to the outstanding bond issues to research the requirements found in the CDAs.
  - ii. **Security Set-up**  
We enter in our proprietary database details of each outstanding issue and its filing obligations. This security set-up applies our database functionality to your issues.
  - iii. **Review Data contained in Official Statements**  
The Disclosure Agent will review the Issuer's Official Statements for information concerning disclosure obligations and discuss the filing or reporting obligations with the Issuer. Our review will include other financial obligations undertaken of which we are made aware.
  - iv. **Monitor, React, and Meet Filing Deadlines**  
The schedule of filing dates for outstanding bond issues is part of our database to ensure that required filings are made. We monitor each client's different deadlines to ensure timely filing of necessary





documents. Our proprietary database produces ongoing reports that are used to alert the Issuer to approaching filing deadlines providing an essential safeguard for the timely filing of continuing disclosure information.

The Disclosure Agent will endeavor to gather required documents from public sources, e.g., state and local websites, to lessen the client's burden. Phoenix Advisors takes a proactive approach to client service. When we must obtain documents from clients, we provide email reminders sufficiently well in advance of upcoming deadlines, then follow up as necessary until completed on EMMA.

- v. **File Financial and Operating Data to Meet Your Obligations**  
In addition to filing Audited Financial information, CDAs require the filing of Operating Data. If the operating data is prepared with the assistance of the Disclosure Agent, the report will typically contain information consistent with the statistical data found in relevant Official Statements. This process often requires collaboration with the Issuer and other of the Issuer's retained professionals.
- vi. **File Documents Uniformly, Accurately, and Promptly**  
EMMA is a powerful resource for investors, analysts, and, importantly, underwriters that bid on debt issues. Easy identification on EMMA of filed documents is essential. The Disclosure Agent uses consistent naming and filing conventions, applying clear descriptive titles to filings, and correctly associates them with the right CUSIP on EMMA. The result is a uniform and logical chronology of data where EMMA users can easily find what they need.

The Disclosure Agent files documents on EMMA within forty-eight (48) hours of receipt. However, we file most documents on the same business day they are received.

- vii. **Confirm Filings to Client Promptly**  
The MSRB generates a submission confirmation for all disclosure filings made on EMMA. The Disclosure Agent will promptly send the Issuer an email copy of the MSRB's proof of required, voluntary, or Event filings made on the Issuer's behalf.
- viii. **Coordinate and Submit Voluntary Information**  
Voluntary filings are proper because the marketplace is hungry for information. We gather documents including Budgets, Debt Statements, and unaudited financials from issuers then file them as voluntary submissions. The more information, carefully labeled, the Issuer provides, the more professional and forthcoming their appearance is to market participants.



- ix. **Monitor Need for Material Events and Timely Filing of Notices**  
There is a significant list of items that regulators deem to be Events, whose incurrence requires a notice to be posted within ten (10) business days of the Event on EMMA. The occurrence of an Event is not apparent to those who are not directly involved with a transaction or with the Issuer's financial operations. It is the Issuer's responsibility to notify the Disclosure Agent of any reportable Event.
- x. **Actively Monitor Issuer Rating Changes**  
Rating changes are events that require Event Notice filing on EMMA. The Disclosure Agent's staff endeavors to regularly monitor rating agency news and updates for rating changes that affect the Issuer, and we file the appropriate Event notice. Issuers are always notified by the rating agencies when their ratings are adjusted, and when so told, the Issuer must alert the Disclosure Agent.
- xi. **Monitor Bond Insurer and Program Rating Changes**  
If a municipal bond insurer or a state program, e.g., a school bond enhancement program, is affected by a rating change, then all the bonds that carry that insurance or participate in that program will undergo a rating change, too. We monitor these types of rating changes, determine which, if any, of our clients are affected, and file the appropriate Event notices.
- xii. **Provide a Comprehensive Report Each Fiscal Year**  
We know the importance of documentation and well-organized files. The Disclosure Agent prepares a continuing disclosure report ("Annual Report") each year that shows every issue on which there is a continuing disclosure obligation, every filing, and every Event notice filed on the Issuer's behalf during the year on EMMA. The Annual Report also recaps a five (5) year history of the Issuers filings. Investors, underwriters of bonds, and the Issuer want to see the record of filing history. An accurate record during this timeframe is vital to the Issuer when it prepares Official Statements since a misstatement in such a document could have serious legal consequences.
- xiii. **Acceptance of Annual Report**  
The Annual Report highlights any exceptions to required filings and the timeliness of filings. The Issuer must carefully review said report and relay to the Disclosure Agent within ten (10) business days any error, discrepancy, omission, or concern relating to the Annual Report's accuracy or completeness.

We, the Issuer, and Phoenix Advisors agree that after ten (10) business days, without notice from the Issuer, the Annual Report is accepted



by the Issuer is accurate and complete.

#### Section 2 - CONTINUING DISCLOSURE SERVICES COMPENSATION

- I. The Issuer will compensate Phoenix Advisors for its services as Disclosure Agent, as set forth below:
  - i. \$1,050 – base fee (for up to three (3) outstanding issues), plus \$100 for each additional outstanding obligation, if filings are required.
  - ii. \$450 per issue set-up charge, discounted to \$200 if Phoenix Advisors serves as Municipal Advisor on the transaction.
  - iii. \$250 for each Event filing we make under the SEC's Event Disclosure Rule. Phoenix Advisors will waive this fee if engaged as Municipal Advisor on a transaction that involves such Event filing.
  - iv. All fees are accumulated and invoiced toward the end of the relevant year.

#### Section 3 – INDEPENDENT REGISTERED MUNICIPAL ADVISOR

- I. Under the Dodd-Frank law, the SEC requires that any person or entity that provides advice concerning municipal securities issuance be licensed and regulated by the SEC and the MSRB to provide any such advice.
  - i. Professionals providing advice to the Issuer must hold a Municipal Advisor Series 50 license. Additionally, persons supervising the provision of municipal securities advice must possess a Series 54 Municipal Principal license.
  - ii. Phoenix Advisors professionals are Series 50 licensed and, as appropriate, a Series 54 license. Importantly, all licensees are subject to a continuing education protocol.
  - iii. Under the SEC and MSRB regulation, the Municipal Advisor owes a Fiduciary Obligation to the Issuer.



- ii. There is no separate fee, financial cost, or obligation concerning the Issuer's appointment of Phoenix Advisors as the Issuer's Independent Registered Municipal Advisor ("IRMA" or "Municipal Advisor"). As the Issuer's IRMA, we will be available to answer general questions concerning outstanding debt issues, market conditions, prepare a preliminary project analysis, or preliminarily review financing proposals received by the Issuer as-requested.
  - iv. The Issuer, through the designation of an IRMA, allows third parties, primarily broker-dealer underwriting firms, but also other professional disciplines to submit proposals and ideas concerning financings to the Issuer.
  - v. Failure to actively seek advice from the Municipal Advisor means there is no one on your side appropriately licensed to advise the Issuer concerning the issuance or structure of municipal obligations, including bonds, notes, leases, or bank loans the Issuer may embark.
- iii. When, and if, the Issuer requests the Municipal Advisor's involvement in a debt issuance, the undertaking of a financial obligation, an in-depth evaluation of a proposal or project, perform a consultant service, or assist with rating agency surveillance, then a separate Fee Addendum to this Agreement together with a scope of service will be provided for the Issuer's acknowledgment.

#### Section 4 – AGREEMENT TERM AND CONDITIONS

- I. Phoenix Advisors nor any individual representing Phoenix Advisors possess any authority concerning any decision of the Issuer or any official of the Issuer beyond the rendition of information or advice. Phoenix Advisors is not legal counsel nor an accountant and is not providing legal or accounting guidance. None of the services contemplated in this Agreement shall be construed as legal services or a substitute for legal services. The Issuer hereby acknowledges its responsibility concerning federal securities laws and represents its intention to comply in all respects with federal securities laws.
- ii. This Agreement is subject to annual renewal and may be terminated by either the Issuer or Phoenix Advisors upon thirty (30) days' prior written notice.
- iii. This Agreement shall be governed by the laws of the State of New Jersey.

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IN WITNESS WHEREOF, The Issuer and Phoenix Advisors have caused this Agreement to be duly executed by its authorized representative, as of the day and year first above written.

**BUTLER BOROUGH**

By: 

**PHOENIX ADVISORS, LLC**

By:   
David B. Thompson, Chief Executive Officer



## SCOPE OF SERVICES – DEBT ISSUANCE

To assure that you have a complete understanding of an entire transaction Phoenix Advisors, LLC (the "Municipal Advisor"), is active at each juncture of your transactions to personally and professionally guide you and respond to your concerns and questions. Below is an outline of services that may be provided during the financing process. This outline is not finite – we expect to do those things necessary and appropriate to bring your transaction to a successful conclusion.

### I. Plan Strategy and Structure

The Municipal Advisor will research and analyze your outstanding debt to craft a financing solution that satisfies your needs now and into the future. Among the services that are provided to achieve these goals are:

- a. Identify and analyze
  - i. Review relevant financing structures, options and concepts.
  - ii. Make recommendations to you based upon cost-benefit and market analysis.
- b. Develop and put forward a sound plan of finance.
  - i. Construct analyses.
  - ii. Make recommendations concerning maturity structure, credit enhancement, early redemption features, and more.
  - iii. Address existing financial strengths, weaknesses, and growth patterns.

### II. Coordinate the Financing Process

The Municipal Advisor coordinates the many steps of your transaction adding organization and capability to the financing process. The Municipal Advisor will:

- a. Establish a Timetable that outlines key events, dates and responsibilities and maintain a contact list of transaction participants.
- b. Coordinate the financing by, as appropriate, scheduling meetings, assigning work product responsibility, and communicating with finance team members.
- c. Assist in obtaining the approval of oversight entities, if needed, by making appropriate application and clear and concise presentations.
- d. Provide practical business, not legal, advice as to critical components and appropriate language of financing documents to aid in their completion and market acceptance.
- e. Assist in preparation of the offering document, i.e. the Official Statement
- f. Ensure that the current needs and requirements of investors, insurers, and bidders are met by the contents of the document.
- g. Develop a rating agency strategy and prepare a comprehensive rating presentation to obtain a rating that best reflects your overall financial position.
- h. Evaluate and recommend required or value-added third-party services and products.



III. Execute the Plan

When your transaction is ready for sale, whether competitive or negotiated, your Municipal Advisor take many valuable steps the goal of which is to achieve the appropriate interest cost and successful closing. Among these steps are:

- a. Provide statistics and points of reference
  - i. Gauge the overall market climate.
  - ii. Monitor the market
  - iii. Provide a recommendation for timing of your sale
  - iv. Work to schedule your debt offering under the most advantageous market conditions available.
- b. Present information to potential investors and bidding underwriters
  - i. Alert them of your debt offering and its characteristics.
  - ii. As appropriate, coordinate and conduct to present the financing to investors.
  - iii. Act to bolster demand in the market.
- c. Assemble valuable statistics and comparisons proximate to your sale
  - i. Assist in evaluating the interest rates received
  - ii. Assure understanding of recommendations made concerning the sale.
- d. Be active in your sale
  - i. Coordinate day of sale activities
  - ii. Providing real-time translation of events during competitive bid submission.
  - iii. In negotiated transactions, have active dialogue with underwriters during the interest setting process in juxtaposition to their interests to guard yours.
- e. After the sale
  - i. Coordinate and monitor details of your closing.
  - ii. Prepare memorandum directing the movement of funds.
- f. If requested, provide information about the effective investment of the transaction's proceeds. The Municipal Advisor can serve as your agent in obtaining investments



designed to match your need for funds. In either capacity, the Municipal Advisor will not act as an investment manager.

IV. Follow-Up Reporting and Analyses

Our relationship with you is an ongoing process, not just a single transaction. As Municipal Advisor we stay by your side after closing. We will:

- a. Provide a permanent laminated debt service schedule, a clear presentation of your debt service requirements to be used during budget preparation and on debt service payment dates.
- b. Create reports and analysis summarizing your transaction suitable to share, as you may choose, with others.
- c. Monitor current debt for the opportunity to save through a refinancing.
- d. Alert you of a drop-off in debt service allowing you to layer in new debt.
- e. Review financing proposals presented to you.
- f. Regularly provide updates on the economy.
- g. Always be available to consult with you concerning any questions that arise.

**SCOPE OF SERVICES - CONTINUING DISCLOSURE**

Phoenix Advisors, LLC (the "Disclosure Agent") will assist the Issuer in meeting the secondary market disclosure obligations delineated in its relevant CDAs as specified under Rule 15c2-12 (the "Rule"), including the required filing of certain events requiring an event notice ("Event Notice(s)").

The Issuer understands and acknowledges that its full and complete cooperation is requisite to the Disclosure Agent's success in assisting the Issuer to maintain compliance with its CDAs and requirements of the Rule.

I. Issuer's Responsibilities

- a. Make all documents required to be filed under its CDAs available, if available, to the Disclosure Agent at least 48 hours prior to the deadline in their CDAs.
- b. Notify the Disclosure Agent, within 10 calendar days, of the occurrence of any event requiring the filing of an Event Notice under the Rule or its CDAs of such event. The events requiring such notification are:
  - i. Principal and interest payment delinquencies;
  - ii. Non-payment related defaults, if material;
  - iii. Unscheduled draws on debt service reserves reflecting financial difficulties;
  - iv. Unscheduled draws on credit enhancements reflecting financial difficulties;
  - v. Substitution of credit or liquidity providers, or their failure to perform;
  - vi. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
  - vii. Modifications to rights of security holders, if material;





- viii. Bond calls, if material, and tender offers;
- ix. Defeasances;
- x. Release, substitution, or sale of property securing repayment of the securities, if material;
- xi. Rating changes;
- xii. Bankruptcy, insolvency, receivership or similar event of the obligated person;
- xiii. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- xiv. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- xv. Incurrence of a financial obligation of the obligated person, if material, or Agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- xvi. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

II. Disclosure Agent's Services

a. Codify Issues That Are Subject to Continuing Disclosure

- i. Disclosure Agent when initially engaged will obtain and examine the Issuer's Official Statements relating to its outstanding bond issues to research the requirements found in the CDAs.
- ii. Review the Issuer's financial statements for information concerning debt and lease obligations and other relevant obligations.
- iii. Discuss with the Issuer its filing and or reporting obligations.

b. Security Set-up

- i. Enter into our proprietary database details of each outstanding bond issue and financial obligation with filing requirements.
- ii. All database functions will be applied to each outstanding bond issue and financial obligation with filing requirements.
- iii. An initial Required Filing Report will be provided to the Issuer to review and confirm for accuracy.
- iv. On an ongoing basis, enter into our database new issues and obligations of which we are made aware by the Issuer.

c. Monitor, React, and Meet Filing Deadlines

- i. Actively monitor the Issuers unique deadlines to ensure timely filing of required documents.



- ii. The Disclosure Agent will endeavor to gather required documents from public sources, e.g., state and local websites.
  - iii. Our database will produce messages to alert the Issuer sufficiently in advance of approaching filing deadlines of documents required to satisfy filing obligations.
  - iv. The Disclosure Agent will follow up telephonically with the Issuer regarding missing documents.
- d. File Financial and Operating Data to Meet Your Obligations
- i. File Operating Data in addition to filing Audited Financial information.
  - ii. The Disclosure Agent will work with the Issuer to assure that Operating Data filed meets the requirements of the Issuers CDAs.
  - iii. If this process requires collaboration with other of the Issuer's retained professionals any fees of those professionals are solely the responsibility of the Issuer.
- e. Confirm Filings to Client
- i. MSRB provides submission confirmations for all disclosure filings made on EMMA. These are forwarded electronically to the Issuer.
  - ii. It is the responsibility of the Issuer to review for accuracy and completeness and retain copies of submission confirmations in its files.
  - iii. The Disclosure Agent records EMMA filings in its database.
- f. File Documents Uniformly, Accurately, and Promptly
- i. The Disclosure Agent uses consistent naming conventions and descriptive titles on EMMA filings to create a uniform and logical chronology of data.
  - ii. Filings are associated with the appropriate CUSIP numbers on EMMA.
  - iii. The Disclosure Agent files documents on EMMA within forty-eight (48) hours of receipt.
- g. Coordinate and Submit Voluntary Information
- i. The Disclosure Agent will in concert with the Issuer identify relevant documents not required to be filed under the Issuer's CDAs and file them as voluntary submissions on EMMA.
  - ii. These may include, among others: budgets, debt statements, and unaudited financials.
- h. Material Events and Timely Filing of Notices.
- i. The Rule requires the Issuer to file on EMMA certain Event Notices on EMMA of events delineated in the Rule. It is the Issuer's responsibility to make the Disclosure Agent aware of the of any such event within ten (10) calendar days of the event.
  - ii. The occurrence of an event may not be apparent to the Disclosure Agent. It is the Issuer's responsibility to notify the Disclosure Agent of any reportable event.



- i. Issuer Rating Changes
  - i. Rating changes are events which require notice to be filed on EMMA.
  - ii. Proactively, the Disclosure Agent s monitors rating agency news and web sites for rating changes that affect the Issuer and the appropriate Event Notices are filed on EMMA.
  - iii. Issuers are always notified by the rating agencies when their ratings are adjusted. It is incumbent upon the Issuer to notify the Disclosure Agent when it is so notified by the rating agencies.
  
- j. Monitor Bond Insurer and Program Rating Changes
  - i. If a municipal bond carries bond insurance or is supported by a state program, e.g., a school bond enhancement program, a rating change applied to such insurer or program requires an Event Notice be filed for all bonds that are supported by that insurance or program.
  - ii. These types of rating changes are monitored by the Disclosure Agent to determine which, if any, of our clients' bonds are affected based on the original offering documents, and the appropriate Event Notices are filed. It is also incumbent upon the Issuer to notify the Disclosure Agent of such rating changes.
  
- k. Provide a Comprehensive Report of Filings
  - i. The Disclosure Agent prepares a continuing disclosure report ("CD Report") each year that shows every issue on which there is a continuing disclosure obligation, every required filing, and every Event Notice filed on the Issuer's behalf during the year.
  - ii. The CD Report recaps a five (5) year history of the Issuer's filings.
  - iii. The CD Report is separate from the filing confirmation sent to the Issuer when each filing is made by the Disclosure Agent on EMMA.
  - iv. The Issuer must carefully review said CD Report and relay to the Disclosure Agent within ten (10) calendar days, any error, discrepancy, omission, or concern relating to the accuracy or completeness of the CD Report. It is agreed hereby that after ten (10) calendar days, and absent notice from the Issuer, the CD Report is accepted by the Issuer as accurate and complete.
  - v. Prior to the publication of an offering document relating to municipal securities, the Disclosure Agent, if made aware of such offering, will prepare an interim CD Report, for the Issuer to review and acknowledge as complete and accurate.
  - vi. Such CD Report will provide the basis for certain disclosures in the offering document. The Disclosure Agent, bond counsel and other interested parties are entitled to rely on such acknowledgement.
  - vii. An accurate record relating to the 5-year timeframe is important to the Issuer when it prepares Official Statements since a misstatement in such a document could have serious legal consequences.

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**BOROUGH OF BUTLER  
RESOLUTION NO. 2021-12**

**RESOLUTION AFFIRMING THE BOROUGH OF BUTLER'S OPPOSITION TO  
DISCRIMINATION**

The Borough of Butler supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Borough of Butler to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Borough of Butler further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Borough Council of the Borough of Butler hereby approves the following resolution:

BE IT RESOLVED, that within available resources, the Borough of Butler will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Borough of Butler shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the Borough will at a minimum include, but not be limited to: (1) the publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) display of posters, flyers, and/or any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Adopted this 5th day of January 2021.



Ryan Martinez, Mayor



Mary A. O'Keefe, RMC

Dated: January 5, 2021

**Borough of Butler  
2021 Temporary Budget  
Resolution Number R 2021-13**

Whereas, the interest and debt redemption charges for the Fiscal Year 2021 are hereby determined as follows:

Department	Principal	Interest	Total
General Fund	580,000.00	24,050.00	604,050.00
Electric Utility Fund	740,000.00	73,780.00	813,780.00
Water Utility Fund	100,000.00	22,540.00	122,540.00
<b>Total</b>	<b>1,420,000.00</b>	<b>120,370.00</b>	<b>1,540,370.00</b>

Now, therefore, be it resolved by the Mayor and Council of the Borough of Butler in the County of Morris, New Jersey, that in accordance with the provision of R.S. 50:2-12 of the State of New Jersey, the following appropriation, interest and debt redemption charges for the Fiscal Year 2021 and the same are made as follows.

Department	Principal	Interest	Total
General Fund	580,000.00	24,050.00	604,050.00
Electric Utility Fund	740,000.00	73,780.00	813,780.00
Water Utility Fund	100,000.00	22,540.00	122,540.00
<b>Total</b>	<b>1,420,000.00</b>	<b>120,370.00</b>	<b>1,540,370.00</b>

Whereas, Title 40A:4-19 known as the Local Budget Law, provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2021 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided, and;

Whereas, the total appropriations in the 2020 budget, less appropriations made for the Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance) and Deferred Charges are as follows:

General Fund: \$11,256,694  
Electric Utility Fund: \$18,600,548  
Water Utility Fund: \$1,788,336

And,

Whereas, 25% of the total appropriations in the 2020 budget, less the appropriations made for Capital Improvement Fund, Debt Service, Relief of the Poor (Public Assistance), and Deferred Charges are as follows.

General Fund: \$2,814,174  
Electric Utility Fund: \$4,650,137  
Water Utility Fund: \$447,084


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Adopted: January 5, 2021

  
\_\_\_\_\_  
Ryan Martinez, Mayor

Attest:

  
\_\_\_\_\_  
Mary A. O'Keefe, RMC  
Borough Clerk

Dated: January 5, 2021

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**BOROUGH OF BUTLER  
RESOLUTION NO. 2021-14**

**RESOLUTION OF THE BOROUGH OF BUTLER AUTHORIZING AN AGREEMENT  
WITH AMERICAN ELECTRICAL TESTING CO., LLC**


**WHEREAS**, the Borough of Butler owns and operates Butler Power and Light an electric distribution system that services several municipalities; and

**WHEREAS**, the electric distribution system requires specialized testing and maintenance of the equipment that is used for distribution to several municipalities; and

**WHEREAS**, American Electrical Testing Co., LLC, has the expertise and the equipment that is required to test and perform maintenance on the electric distribution system.

**WHEREAS**, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Butler hereby enter into an agreement with American Electrical Testing Co., LLC, 25 Forbes Boulevard, Foxboro, MA 02035 for testing and maintenance of the electric distribution system equipment.

  
Ryan Martinez, Mayor

  
Mary A. O'Keefe, R.M.C.  
Borough Clerk

Adopted: January 5, 2021

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BOROUGH OF BUTLER  
RESOLUTION R 2021-15  
RESOLUTION PROVIDING FOR AN AGREEMENT  
WITH UTILITY ENGINEERS, PC

WHEREAS, the Borough of Butler has a need for an additional Engineering Firm for the Electric Utility as a consultant to provide all electrical engineering and incidental services necessary to perform the duties of an Electrical Engineering Services Consultant; and

WHEREAS, the CMFO has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Utility Engineers, PC has submitted a proposal dated December 3, 2021 for Electrical Engineering Consulting Services, pursuant to the terms and conditions of the proposal that is on file in the office of the Borough Clerk.

WHEREAS, Utility Engineers, PC. has completed and submitted a Business Entity Disclosure Certification that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the engineering firm from making any reportable contributions through the term of the contract; and

WHEREAS, the CMFO has certified that funds are available for this purpose; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Butler hereby authorizes the entry into a contract with Utility Engineers, PC described herein; and


BE IT FURTHER RESOLVED, that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

  
Ryan Martinez, Mayor

Attest:

  
Mary A. O'Keefe  
Borough Clerk

Dated: January 5, 2021