

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
1

The Council Meeting of the Butler Mayor and Council was opened by Mayor Alviene 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 to the Flag and a Moment of Reflection

ROLL CALL

Present: Mayor Robert W. Alviene, Councilman Robert Fox, Councilman Sean McNear, Councilman Robert Meier, Councilman Stephen Regis and Councilman Verdonik

Absent: Council President Vath

Motion to excuse Council President Vath absence:

Moved: Meier

Second: McNear

All in favor.

ALSO PRESENT: J. Lampmann, Borough Administrator; R. Oostdyk, Borough Attorney, David Evans, Borough Auditor and M. O'Keefe, Borough Clerk.

Dignitaries in attendance for the Swearing-In Ceremony for Sergeant Colleen Pascale are Sheriff Rochford and Undersheriff Pascale, along with officers from various other Police Departments.

Sergeant Pascale's children held the Bible while the Clerk administered the oath of office.

Mayor Alviene noted that it is with pride that Sergeant Pascale took her oath of office in front of her fellow members of the Butler Police Department, the Borough is fortunate to have an outstanding police department.

Presentation of a Certificate of Appreciation to Chris Finelli for his years of service to the Butler Planning Board

Mayor Alviene invited the following members of the Planning Board to join Chris, Karen Becker, Secretary, James Nargiso, Chair and Jim Brown and John Donnelly, additionally Councilman Fox who is also a member of the planning board joined them.

The Mayor read the Certificate of Appreciation aloud and James Nargiso noted that Chris will be missed at the meetings of the Planning Board.

At this time, the regular order of business was suspended to allow for a hearing and passage of the 2015 Municipal Budget.

2015-1 Calendar Year 2015 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP bank

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
2

Councilman Fox opened the public hearing on 2015-1.

Bob Norman, 31 Cascade Way, noted that the budgetary items were introduced in an incorrect order.

Councilman Fox seeing no one else come forward closed the public portion of the meeting on this ordinance, seconded by Councilman Regis.

Moved: Fox

Second: McNear

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-42 Municipal Budget

Motion to open the Public Hearing on the 2015 Municipal Budget.

Moved: Fox

Second: McNear

Bob Norman, 31 Cascade Way had a couple of questions on the budget (1) Why is there an increase of 80% in Engineering services? Mr. Lampmann explained that there is no change in the budgeted amount, the projects from last year were capital projects so the expenditures would be from there. (2) Why is there an increase in the amount budgeted for trash and recycling pickup? Mr. Lampmann explained that we are in a new contract, the difference shown is the annual increase with the new contract. (3) Who is covered by employee health insurance on sheet 20 of the budget. Mr. Lampmann explained that the employees covered would be everyone other than the Electric Utility and the Water Utility. (4) Why is there an increase in the Sewer rates? Mr. Lampmann explained that there are a number of factors such as debt service; Two Bridges Sewerage Authority recently completed a \$30,000,000 upgrade on the plant. Additionally, there are new DEP requirements that must be met, so additional upgrades must be done. (5) How many people are employed by the Water department that are covered in the insurance costs? Mr. Lampmann explained that percentages of the employees who work in billing along with the CFO, Clerk and himself are included; the costs are split amongst the utilities. (6) Who is covered by the insurance costs for the Electric Department? Mr. Lampmann explained that the full time Electric employees are covered along with a portion from the billing office, and administrative staff. Mr. Lampmann explained that the Borough has one insurance policy but the premium costs are split up amongst the various departments. Additionally, the police are of the health insurance costs. Using the State Health Benefits Plan has saved the Borough a considerable amount of money.

Councilman Fox seeing no one else come forward closed the public portion of the meeting on Municipal Budget, seconded by Councilman McNear.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
3

Motion to adopt the 2015 Municipal Budget.

Moved: Fox

Second: McNear

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

R 2015-45 Amendment to the Capital Budget

Moved: Fox

Second: Meier

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

APPROVAL OF MINUTES:

March 3, 2015 Council Workshop Meeting

Moved: Regis

Second: Fox

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

MEETING OF PUBLIC AND INVITATION FOR DISCUSSION

Chris Finelli, 172 Kiel Avenue has a question on protocol is there an ordinance being introduced this evening regarding the Butler Fire Department and will there be an additional public comment period.

Seeing no one else come forward, motion to close this public portion of the meeting:

Moved: McNear

Second: Fox

All in favor.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Fox reporting on roads noted that an inspection of the roads has taken place; the 2015 road-repaving schedule will be available at the May meeting.

Councilman Regis Councilman Regis noted that the Public Safety Committee had met several times, for a number of reasons, including the promotion of Sergeant Pascale and the changes to the Fire Department ordinance being introduced tonight.

Councilman Verdonik regarding Water, clarified that he was absent from the March 17, Council Meeting so he could attend a ceremony honoring Keith Smith our Water Operator as Water Operator of the Year. Two of the four filters at the Water Plant have had the media

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
4

replaced, work to begin on the third one next week. Spring flushing has begun, the schedule is posted on the Borough of Butler website, flushing should be completed in approximately two weeks.

Councilman Meier Councilman Meier noted that crews would begin working on primary feeder upgrade projects. Tree trimming work continues where needed, in Kinnelon poles were set and service transferred in a number of areas, repairs were completed. In Butler a voltage complaint was addressed, upgraded service was installed. In Bloomingdale, poles were set and service transferred, a new transformer bank was built to accommodate the expansion of a convenience store, all repair work is completed. Riverdale and West Milford were quiet, all meters were read and recorded, delinquent accounts were addressed.

Councilman McNear reporting on the Board of Health noted that there is a child health screening on April 27. There is a blood pressure screening scheduled for May 18, details are on the website, and appointments need to be made for the screening. Reporting on the Economic Development Committee he wanted to thank Mr. Lampmann for having the Butler Business District signs installed, the signs look good and the Committee is very happy with the progress. Some of the events that will be taking place this summer are Art in the Park, dates are June 14 and September 20, various artists showing their wares, along with bringing more people to the downtown business area. There will also be concerts in the park, those dates are June 12, July 10, August 7 and September 18, concerts will be from 7:00 p.m. to 9:00 p.m. He hopes that everyone will come out and participate.

Mayor Alviene added that there are three new businesses opening up in town; he has been contacted to do a ribbon cutting ceremony.

Tax Collectors Report – March 2015 – \$239,436.95
Power & Light/Water & Sewer Dept. – March 2015 – \$2,716,391.45

Ms. O’Keefe informed the Mayor and Council that Peking House a local restaurant was found in violation of the Division of Alcoholic Beverage Controls rules and regulations and a 37 day suspension of licensing privileges was levied, however, the licensee may appeal and the state will conduct a hearing, the possibility exists that there will be a fine levied. Mr. Oostdyk explained that when the license is up for renewal we would ask the Licensee to appear before the Mayor and Council to detail what steps are being taken so this does not occur again.

APPROVAL OF VOUCHERS AND PAYROLLS

R 2015-38 Authorization for Payment of Bills and Vouchers

Moved: Fox

Second: Regis

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Aye with abstention on fire department bills by Meier

Voted Nay: None

Absent: Vath

R 2015-38 approved

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
5

PRESENTATION OF CORRESPONDENCE, PETITIONS

Proclaiming May as Senior Citizen Month in Butler

The Mayor and Council were in agreement; a proclamation will be prepared and forwarded to the Butler Senior Housing Development.

Resolution No. 34 of the Morris County Freeholders in Opposition to the Proposed Pilgrim Pipeline

In researching the pipeline location, it does not affect the Borough of Butler; the Borough is remaining neutral on this issue.

Correspondence from Assemblyman Robert J. Auth, 39th District requesting a Resolution of Support for A-4325 the Transparent Tax Act of 2015

Mr. Lampmann explained that this legislation contains a clause that allows municipalities to share the burden of a tax appeal refund by the State, County and School Board. Currently the municipality pays the entire amount refunded. A resolution in support will be added to the agenda and forwarded onto various state officials including our local legislators.

ORDINANCE(S) FOR INTRODUCTION

2015-2 Ordinance Amending Chapter 21 of the Revised General Ordinances of the Borough of Butler (Fire Department)

Public Hearing: May 19, 2015

Moved: Regis

Second: McNear

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Nay: None

Abstain: Meier

Absent: Vath

2015-3 Bond Ordinance Providing for the Acquisition of a New Aerial Bucket Truck for use by the Electric Utility and Appropriating \$200,000 for the Acquisition of the Same

Public Hearing: May 19, 2015

Moved: Fox

Second: Regis

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
6

2015-4 Bond Ordinance Providing for the Improvement of the Water Supply and Distribution System and Appropriating \$450,000 for said Improvements

Public Hearing: May 19, 2015

Moved: Fox

Second: Verdonik

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-5 Bond Ordinance Providing for the Acquisition of a New Dump Truck by the Borough of Butler and Appropriating \$75,000 for the Acquisition of the Same

Public Hearing: May 19, 2015

Moved: McNear

Second: Meier

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-6 An Ordinance Appropriating \$80,000 for Sewer System Improvements to Ogden Terrace from Community Development Block Grant Funding

Public Hearing: May 19, 2015

Moved: Fox

Second: Regis

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-7 An Ordinance Appropriating \$24,000 for the Acquisition of the Equipment for the Police Department

Public Hearing: May 19, 2015

Moved: Verdonik

Second: McNear

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-8 An Ordinance Appropriating \$25,000 for the Acquisition of Equipment for the Fire Department

Public Hearing: May 19, 2015

Moved: Regis

Second: Fox

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Nay: None

Abstain: Meier

Absent: Vath

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
7

2015-9 An Ordinance Appropriating \$5,000 for Improvements to the Butler Museum

Public Hearing: May 19, 2015

Moved: Fox

Second: Regis

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-10 An Ordinance Appropriating \$120,000 for the Purchase and Installation of a Generator for Butler Borough Hall

Public Hearing: May 19, 2015

Moved: Fox

Second: Meier

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

2015-11 An Ordinance Appropriating \$45,000 for the Purchase of a Utility Truck for the Department of Public Works

Public Hearing: May 19, 2015

Moved: Verdonik

Second: Meier

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

ORDINANCE(S) FOR ADOPTION

2015-1 Calendar Year 2015 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

Ordinance adopted earlier in the meeting.

RESOLUTION(S):

The Clerk noted that all items listed with an asterisk (*) are considered to be routine and non-controversial by the Borough Council and will be approved by one motion.

2015-39 Resolution Authorizing Passage of a Special Consent Agenda

Motion by: Meier

Second: McNear

Voted Aye: Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

Absent: Vath

* **2015-40 Resolution Authorizing Refunds, Overpayments or Cancellations in the Tax Office**

* **2015-41 Resolution Authorizing Refunds, Overpayments or Cancellations in Electric Department**

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
8

* **2015-43 Recycling Tonnage Grant**

* **2015-47 Resolution in Support of A-4325 the Transparent Tax Act of 2015**

2015-44 Granting Fireman Exemption to John Futcher, Jr. Butler Fire Department

Motion by: Verdonik

Second: Fox

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Nay: None

Abstain: Meier

Absent: Vath

UNFINISHED BUSINESS

Wyatt Mickens Application to become a member Butler Fire Department Kinney Hose

The Mayor and Council approved the application.

INVITATION FOR DISCUSSION FROM THE PUBLIC:

Mayor Alviene opened this portion of the meeting to the public to speak.

James Neill, 100 Kinnelon Road, Kinnelon addressed the Mayor and Council asking for a paper copy of the Fire Department Ordinance and would like to know who will address any questions they have and should they be submitted prior to the next Council meeting.

Mayor Alviene explained that as this is an ordinance the questions should be brought before the entire Council, Mr. Lampmann asked that they be given to him or the Clerk to forward onto Jack Alderton for clarification.

Bob Norman, 31 Cascade Way has a couple of questions regarding the ordinances introduced this evening. Mr. Norman inquired about purchasing vehicles; Mr. Lampmann explained that these are replacement vehicles. Regarding improvements to the Water Supply system Mr. Lampmann explained that this is Borough wide. Regarding equipment for the police department Mr. Lampmann explained this is various equipment, including service revolvers. 2015-8 What equipment is being replaced by the fire department, various including hoses, breathing apparatus. 2015-10 Authorizes the purchase of a generator for Borough Hall, Mr. Norman was surprised that one was not already in place, Mr. Lampmann explained that all the other facilities have been equipped this is the last municipal property to receive one. What is the recycling tonnage grant, Mr. Lampmann explained that any items that are recycled we receive funding from the State.

Councilman Fox seeing no one else come forward to speak closed this public portion of the meeting.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
APRIL 21, 2015
7:00 PM
9

Moved: Fox
All in favor.

Second: McNear

Motion to enter into closed session for a matter of Attorney-Client Privilege – Financial Disclosure Statements and Litigation – Tax Appeal Route 23 South Realty, LLC

Moved: Fox
All in favor.

Second: Regis

Motion to return to open session:

Moved: Fox
All in favor.

Second: Regis

Motion to accept the policy change regarding Failure to File Financial Disclosure Statements

Moved: McNear

Second: Meier

Voted Aye: Fox, McNear, Meier and Regis

Voted Nay: Verdonik

Absent: Vath

Motion to adjourn the meeting:

Moved: Fox
All in favor.

Second: Meier

Adjournment: 8:18 p.m.

Adopted: June 16, 2015

Robert W. Alviene, Mayor

Attest:

Mary A. O'Keefe, Municipal Clerk

Dated: June 16, 2015