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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, Councilman Raymond Verdonik and Council President Vath

**ALSO PRESENT:** J. Lampmann, Borough Administrator; R. Oostdyk, Borough Attorney, and M. O’Keefe, Borough Clerk.

Present this evening is Harry Del Gado of the New Jersey State Association of Chiefs of Police Accreditation Manager. He is here this evening to present the Federal and State Re-Accreditation to the Borough of Butler Police Department their representatives present this evening to accept the designation are Chief Chimento, Lieutenants Moeller and Ricker and Brian Bistromowitz.

Mr. DelGado explained that accreditation is not an easy task; however, the Butler Police Department has fulfilled all the requirements necessary to maintain this standard.

Chief Chimento recognized those individuals who made this possible Lieutenants Mike Moeller and Scott Ricker, Brian Bistromowitz, Accreditation Manager who without his input, dedication and hard work this would not have been possible. He has worked tirelessly for the past three years to achieve this.

Mayor Alviene wanted to thank the Police Department for the fine work that is done daily and all the hard work that went into the accreditation.

**APPROVAL OF MINUTES:**

March 17, 2015 Regular Council Meeting

Moved: Fox

Second: Regis

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

Voted Nay: None

Abstain: Verdonik

**MEETING OF PUBLIC AND INVITATION FOR DISCUSSION**

**Bob Norman, 31 Cascade Way** thought the road projects were already approved, so none of the spending has taken place. He also noted for the record that someone was ticketed for making an illegal left hand turn onto Route 23 from Kiel Avenue. Mr. Norman questioned why there are no cameras on the light at that intersection as there are at other locations. Mr. Lampmann explained that the devices at the lights are not cameras but sensors, so that the traffic signal changes to

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accommodate traffic, additionally some of these signals are for emergency service vehicles. Mayor Alviene also informed Mr. Norman that the Red Light Camera Project has been cancelled in New Jersey.

**Jim Neill, 100 Kinnelon Road** Councilman McNear asked that the Mayor and Council be provided with a list of certifications for the members of the Butler Fire Department, Chief Neill had previously provided the list of Chiefs first, however, according to Chief Neill; the list is not current, although this is the information provided by the State. He will check this over, make corrections and get the corrected list back to the Mayor and Council. He informed the Mayor and Council that the first classes are scheduled for the members; the course has been advertised to attract members from other municipalities, thus sharing in the cost. He is currently working on a more efficient way to proceed, as there seems to be difficulty in scheduling the courses. Upon receipt of more information, he will provide it to the Mayor and Council.

**Janet Perrault, 3 Holly Court** has heard a rumor that the Recreation Commission will use funding for the installation of new basketball courts behind the Richard Butler School. She would like to see Stony Brook be a priority for funding this year so it can be built on and she would like to see a pavilion built for the summer camp, similar to the one up at Silas Condit Park. Currently in inclement weather, the campers must go into the classrooms at the Richard Butler School; a pavilion would provide them with protection at Stony Brook. The other priority should be the kitchen or the snack stand at Stony Brook it needs to be upgraded, looked after and provided with a little TLC, including better restroom facilities for the handicapped. She would like to see the monies spent on a pavilion, as she feels that would be a better use of the funds. She would like to see more communication with the members, regarding meetings, and or requests for suggestions.

Mr. Lampmann explained that a bid has been issued for the removal and professional cleaning and repairs where necessary of the snack stand. He is not aware what the full extent of the project is as the Recreation Commission is an autonomous body, therefore they are not required to report to the Mayor and Council regarding projects. Regarding the construction of a pavilion, the engineer inspected the area for that purpose, as Stony Brook is within 100 feet of a C1 waterway, which is a protected waterway in the State of New Jersey. This is a trout producing waterway, as a result of this there is no location at Stony Brook to put a pavilion, or any kind of solid surface, stones or even woodchips within 300 feet of the waterway, permission was sought and denied to do that. To remain in compliance with these regulations any structure would need to be located on Grace Valley Road or beyond Borough property on the parking lot side. Extensive research was conducted; however, the State will not allow a permanent structure there. The Recreation Center is no longer available, the staffing required and size of the structure does not allow for use in inclement weather. Inspection of the kitchen will be conducted by the Borough Health Department and will not be able to open without approval by them.

Mr. Oostdyk explained that under New Jersey State Statute, in the Borough of Butler form of government the Recreation Commission is independent. They are accountable with Open Public meetings being required like the Mayor and Borough Council, they are required to have time

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allocated for the public to address them, minutes must be prepared and published, as such, they function like a fully accountable public body, but they are not directly accountable to the Mayor and Council. They are not required to request expenditures for purchases from the Council.

Mr. Lampmann explained that the Recreation Commission meetings take place the third Tuesday of the month, the same as the Mayor and Council meetings. Ms. O'Keefe explained that the meetings are held during the year are held either in the Municipal Building or at Stony Brook. Ms. Perrault feels that the Recreation Commission should be more accountable to the Mayor and Council, while she does not object to expenditures by the Recreation Commission she feels that more attention should be paid to Stony Brook. Councilman McNear questioned how does the Recreation Commission get their funding, to which Mr. Lampmann explained that they do receive funding from the Borough however, they generate their own from a special Recreation fund which comes from the fees generated through the various programs. Mr. Lampmann and Mr. Oostdyk explained that the information regarding their budget, meetings and expenditures is available a person just needs to follow up on it. Council President Vath is the liaison but there is a conflict with the Regular Council meetings. Councilman Meier suggested that perhaps their meetings could be changed so the Council can attend. Mayor Alviene noted that he recently made new appointments; perhaps these new appointments will alleviate some of Ms. Perrault's concerns.

**Bob Norman, 31 Cascade Way** had an additional question regarding the condition of Boonton Avenue and the status of repaving of the road. Mr. Lampmann explained that is a County road, however, there is currently a sewer project going on from the Pequannock River Basin Regional Sewerage Authority (PRBRSA), that must be complete prior to paving or the new road would need to be excavated. The County of Morris and the PRBRSA are coordinating the projects, currently there is a two-month delay on the project.

Seeing no one else come forward, motion to close this public portion of the meeting:  
Moved: Fox  
All in favor.

Second: McNear

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

**Council President Vath** noted that there is not much to report on Finance, revenues and expenses are as projected, the 2014 audit fieldwork is complete, the audit should be provided to the Mayor and Council within a few weeks.

**Councilman Fox** reporting on roads noted that ordinance for the 2015 Road Resurfacing projects is on the agenda for introduction this evening. The roads scheduled for paving are as follows: Gormley Lane, Walnut Lane, Tintle Road, Terrace Avenue, Cleary Avenue and a short section of Myrtle Avenue. Once the bid is released, I hope all roads will be done prior to the beginning of school, work has begun on Carey Avenue and it should be completed prior to the beginning of school.

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**Councilman Regis** Councilman Regis noted that the Public Safety Committee has been working on changes to the fire department section of the Butler Code Book, ordinance No. 2015-2 is on the agenda for adoption this evening, at this time the ordinance requires additional changes, so he would like to table the ordinance at this time. In regards to the Butler Police department the officers are receiving various training.

**Councilman Verdonik** regarding on Water noted that the media is being changed on the fourth and final filter; work should be complete by the end of the week. Flushing was completed earlier this month.

**Councilman Meier** Councilman Meier noted that scrap copper wire has been recycled and returned approximately \$2200.00 to the utility. All electric utility vehicles have been tested and had preventive maintenance inspections. Repair work was completed on a damaged three-phase switch; installation of bollards to protect equipment on Decker Road was completed. In Kinnelon, a primary feeder upgrade project has begun. Tree removal and trimming was done in Kinnelon. The establishment of temporary service as part of the renovation to the Kinnelon DPW building. In Bloomingdale, installation of upgrades to service is complete. Riverdale and West Milford were quiet, all meters were read and recorded, delinquent accounts were addressed.

**Councilman McNear** Mayor Alviene requested that he follow up on the status of the Food Stand at Stony Brook with the Health Department. A child health conference was held there were five registrations, all of which attended. The Board passed a resolution in support of legislation clarifying exemptions for mandatory immunizations for students. In addition, the Health Department is offering a blood screening on June 12, 9:00 to 10:00 a.m. at the Municipal Building, open to residents by appointment only, the cost is \$21.00. Free adult vaccinations are available please contact the Health Department at 973-838-7200 x. 237. There is a blood pressure screening scheduled for June 15 10:00 to 11:00 a.m. Councilman McNear in response to a question about the contract for Health Services with Rockaway Township noted that he would make sure that the appropriate parties receive copies of the contract. Reporting on the Economic Development Committee, he wanted to ask the Mayor and Council for permission to have a banner erected for the event dates occurring this summer. The banner would have the sponsors listed on it, and he is concerned as the banner will be up for the majority of the summer. The Mayor and Council agreed that the banner could be put up and stay up for the duration of the events.

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 – April 2015 – \$1,945,290.18

Power & Light/Water & Sewer Dept. – April 2015 – \$1,929,285.64

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**APPROVAL OF VOUCHERS AND PAYROLLS**

**R 2015-49 Authorization for Payment of Bills and Vouchers**

Moved: Vath Second: Fox

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Aye with abstention on fire department bills by Meier and Vath

Voted Nay: None

R 2015-49 approved

**PRESENTATION OF CORRESPONDENCE, PETITIONS**

None

**ORDINANCE(S) FOR INTRODUCTION**

**2015-12 Ordinance Amending Chapter 143 of the Revised General Ordinances of the Borough of Butler (Land Development Ordinance)**

Public Hearing: June 16, 2015

Moved: Fox Second: Regis

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

Voted Nay: None

**2015-13 Bond Ordinance Providing for the Improvements of Various Road and Appropriating \$300,000 for said Improvements (Gormley Lane, Walnut Lane, Tintle Road, Terrace Avenue and a portion of Myrtle Avenue)**

Public Hearing: June 1, 2015

Moved: Fox Second: Regis

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

Voted Nay: None

**ORDINANCE(S) FOR ADOPTION**

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

*Motion to table the ordinance.*

**Moved: Regis Second: Fox**

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Nay: None

Abstain Meier and Vath

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**2015-3 Bond Ordinance Providing for the Acquisition of a New Aerial Bucket Truck for use by the Electric Utility and Appropriating \$200,00 for the Acquisition of the Same**

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman McNear

All in favor

Moved: Meier

Second: Fox

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

Voted Nay: None

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

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman Verdonik

All in favor

Moved: Fox

Second: Vath

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

Voted Nay: None

**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**

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman Vath

All in favor

Moved: Fox

Second: Vath

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

Voted Nay: None

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

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman McNear

All in favor

Moved: Fox

Second: Vath

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

Voted Nay: None

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

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman McNear

All in favor

Moved: Fox

Second: Regis

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

Voted Nay: None

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

Introduced: April 21, 2015

Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman McNear

All in favor

Moved: Fox

Second: Vath

Voted Aye: Fox, McNear, Regis and Verdonik

Voted Nay: None

Abstain: Meier and Vath

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

Introduced: April 21, 2015  
Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman Regis  
All in favor

Moved: Fox  
Voted Aye: Fox, McNear, Meier, Regis, Verdonik and Vath  
Voted Nay: None

Second: Vath

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

Introduced: April 21, 2015  
Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman Vath  
All in favor

Moved: Fox  
Voted Aye: Fox, McNear, Meier, Regis, Verdonik and Vath  
Voted Nay: None

Second: Vath

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

Introduced: April 21, 2015  
Advertised: April 29, 2015

Mayor Alviene opened the meeting to the public on this ordinance and this ordinance only.

Councilman Fox seeing no one come forward made a motion to closed this public portion of the meeting, second by Councilman Regis  
All in favor

Moved: Fox

Second: Regis

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Voted Aye: Fox, McNear, Meier, Regis, Verdonik and Vath  
Voted Nay: None

**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.

**2015-50 Resolution Authorizing Passage of a Special Consent Agenda**

Motion by: Fox Second: Verdonik

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

Voted Nay: None

- \* **2015-51 Resolution Authorizing Refunds, Overpayments or Cancellations in the Tax Office**
- \* **2015-52 Resolution Authorizing Refunds, Overpayments or Cancellations in Water/Sewer Department**

**UNFINISHED BUSINESS**

Correspondence from Peggy Spranzani regarding members of the Butler Museum no longer living in Butler and residents who expressed interest in joining the museum. The correspondence will be forwarded to Mayor Alviene.

Application from Ryan Hall to become a member of the Butler Fire Department Kiel Hook and Ladder

Application from Anthony Xochipa to become a member of the Butler Fire Department Pequannock Engine and Hose

Application from Steven J. DePascale to become a member of the Butler Fire Department Kinney Hose Company No. 1

The Mayor and Council approved the applications.

**INVITATION FOR DISCUSSION FROM THE PUBLIC:**

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

**Bob Norman, 31 Cascade Way** noted he is not adverse to spending money for road repair, however, does this funding also include pothole repair, as he is especially concerned about Gifford Street and its current condition. Councilman Fox noted that pothole repair comes out of a separate budget; there has been tremendous progress on the repair work and it is an ongoing process. Mr. Lampmann explained that he had applied for and received a grant for the water main replacement on Gifford Street, repaving will take place next year, work should begin by the

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end of the summer contingent upon the funds being released. If the funds are released by the end of the summer then work will begin, however, if funds are released in late fall work will begin next spring. Patching will take place on the road, a larger patch will be installed to somewhat alleviate the road conditions.

**Sandi Liss, 409 Main Street** inquired about the status of the Gazebo, Mr. Lampmann noted that he is in the process of getting additional information and finding funding for any repairs. He noted that everything depends on the extent of work required as that determines how long the repairs will take, however, he does not anticipate the gazebo being ready for the first event.

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

Moved: Fox  
All in favor.

Second: McNear

Motion to enter into closed session for a matter of Litigation – Struble v. the Borough of Butler

Moved: Regis

Second: Fox

Councilman Verdonik recused himself and left the room for this discussion.

All in favor.

Motion to return to open session:

Moved: Fox  
All in favor.

Second: Vath

Councilman Verdonik returned to the meeting.

Motion to adjourn the meeting:

Moved: Regis  
All in favor.

Second: McNear

Adjournment: 8:10 p.m.

Adopted: July 21, 2015

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Robert W. Alviene, Mayor

Attest:

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Mary A. O'Keefe, Municipal Clerk

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