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WORKSHOP MEETING  
DECEMBER 6, 2011  
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The Workshop Meeting of the Borough of 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.

**ROLL CALL**

PRESENT: Mayor Robert W. Alviene, Council President Edwin Vath, Councilman Robert Fox, Councilman Robert Meier, Councilman Stephen Regis, Councilman Raymond Verdonik and Councilwoman Judith Woop

ALSO PRESENT: J. Lampmann, Borough Administrator; R. Oostdyk, from the Office of the Borough Attorney; S. Hopkins, Borough Tax Assessor and M. O'Keefe, Borough Clerk

Shawn Hopkins spoke regarding upcoming assessments and or possible tax appeals. Since it has been nine years since the last revaluation, we are coming up to the time when a new revaluation would be required, as an alternative a compliance plan may be implemented for one section of the Borough. A compliance plan allows you to adjust a segment of the town without doing a whole revaluation. This allows the Borough to receive a break on the County equalization tax. With a revaluation or reassessment, the County tax rate is based on the current value. The compliance plan will not alleviate the need for a revaluation it will aid the Borough in delaying a revaluation, and can possibly mitigate some tax appeals.

Mr. Hopkins provided information on the purchase and utilization of two new software programs that would assist in projecting assessments that will better reflect actual values. The cost of the software is \$4,000.00. Additionally, Mr. Hopkins presented two alternatives regarding the cost of his services for doing the compliance plan either a onetime stipend of \$10,000.00 or a permanent pay increase of \$4,000.00.

Mr. Fox asked if the \$4000.00 for the software would be a onetime expenditure; additionally would the pay raise be for one year or ongoing, Mr. Hopkins explained that the cost is an annual licensing expenditure. Mayor Alviene questioned receiving this information in the twelfth hour also in the current climate of fiscal austerity; a pay raise would be something that the Council will need to discuss. Ms. Woop questioned what other municipalities are using the software and what benefit will the Borough gain from using this software. Mr. Hopkins explained that Lincoln Park, Jefferson Township, Sussex County, Essex County are currently using the software; Bergen County is purchasing the program for their assessors.

A motion to go into closed session for matters of attorney/client privilege (resolution attached).

Moved: Vath

Second: Regis

All in favor.

Motion to return to public meeting.

Moved: Vath

Second: Fox

All in favor.

It was the decision of the Mayor and Council to authorize the purchase of the assessing software only and to proceed with the compliance plan.

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**DISCUSSION: REGARDING 2012 SALARY RANGES FOR NON UNION BOROUGH EMPLOYEES**

Mr. Lampmann asked the Council for direction regarding 2012 Salary Ranges for Non-Union Borough Employees. The Mayor and Council asked that he prepare and present the information to the Council at the next meeting.

**CODIFICATION OF THE BOROUGH CODE**

Two quotes were received and forwarded to the Borough Council Mr. Lampmann explained that in the 2011 budget funds are allocated to bring the codebook up to 2006, however, if we do not plan on maintaining the code then we should not expend funds for this update. The land use portion of the code is to be included in the new Codebook. The consensus of the Council was to move forward with the project to bring the code up to date, available in print, and online.

**LETTER FROM AMY COOK RE: TRI-BORO FIRST AID SQUAD**

Ms. O'Keefe asked the Council for guidance in reference to a letter from Amy Cook regarding an ambulance call on November 5, 2011. The Council agreed that Tri-Boro Ambulance Squad should be contacted and asked to provide their account of the events of that ambulance call.

**OPEN PUBLIC DISCUSSION**

Council President Vath opened the meeting to the Public to speak on any subject.

**Sherry Bednarz-Mosier, 62 Arch Street** asked for clarification regarding the transfer of the property on Arch Street to the Passaic River Coalition. Mayor Alviene explained that he and Mr. Lampmann attended a meeting that he felt did not go well. Additionally, the Mayor noted that a letter was received today from Ella Fillipone regarding the transfer and the terms to complete the property transfer. Mr. Lampmann explained the procedure to be followed: Mr. Cigol, DMC Associates is donating his time to create the descriptions required for the easements; Legal Counsel for the Passaic River Coalition will draw up the deeds, review to be done by Mr. Oostdyk upon completion and Council approval, attorneys for Passaic River Coalition will file the deeds with Morris County. The easements will cover the existing encroachments, once these encroachments are gone, they cannot be rebuilt or replaced. Mr. Oostdyk noted for the record that the granting of these easements require Council approval. He will research if this must be done by either ordinance or if a resolution will suffice. Mr. Lampmann further noted that these are minor encroachments and have probably existed for fifty years. It was further noted that the homeowners need to agree to the easements as they could claim that the encroachments are a part of their property.

**Arthur Soules, 58 Arch Street** asked if all the property owners that abut the river would have the rights to the property. Mr. Soules felt that the people who obeyed the law are being penalized, whereas, the people who encroached are being allowed to use the land without any consequences. Mayor Alviene explained that whatever structure is on the encroachment would not be rebuilt. Mr. Fox explained that if the river washes away any of the structures they may only be rebuilt on lands that are part of the property owners plot.

The Council decided to wait for the sizes of the encroachments noting that they will be part of the description in the easements.

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**Michael Soriero, Butler Foreign Car, 159 Glenwild Avenue, Bloomingdale** wanted to take this opportunity to introduce himself to the Mayor and Borough Council as a new business owner. The Mayor and Council welcomed him and wished him luck.

Motion to close the public portion of the meeting and adjourn the meeting.

Motion: Regis

Second: Fox

All in favor.

ADJOURNMENT: 7:35 p.m.

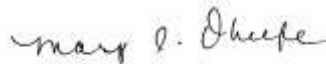
Adopted: 12/20/2011



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Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: 12/20/2011

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R 2011-115  
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 6<sup>th</sup> day of December 2011, that:

1. Prior to conclusion of the business meeting, the Borough Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, subsection (s):
  - ( ) B. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) B. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) B. (3) A matter the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) B. (4) A collective bargaining agreement including negotiations.
  - ( ) B. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) B. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure would impact such protection. Investigation of violations of the law.
  - (X) B. (7) Pending or anticipated litigation or contract negotiations other than in Subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) B. (8) Personnel matters.
  - ( ) B. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Moved: Vath

Second: Regis