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WORKSHOP MEETING
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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 Alviene, Councilman Fox, Councilman McNear, Councilman Meier, Councilman Regis, Councilman Verdonik and Council President Vath

ALSO PRESENT: J. Lampmann, Borough Administrator, C. Woods, from the Office of the Borough Attorney and M. O'Keefe, Borough Clerk

CORRESPONDENCE:

LETTER FROM SUE GARDNER – WAIVER OF BUILDING FEES

Ms. Gardner is requesting waiver of building permit fees for a handicapped access ramp for her father a World War II Veteran and a resident of Butler for more than 40 years. Ms. O'Keefe explained the Borough is unable to do this on a case-by-case basis it must be across the board, with an ordinance being required. Mr. Woods explained that the ordinance must include categories for fee waiver. Discussion ensued with the decision being that anonymous donations would cover the permit fees and the Borough Clerk will notify Ms. Gardner.

APPLICATION FOR USE OF BOROUGH FACILITY – MANNING AVENUE AND ARCH AND THIRD STREET – AUGUST 17, 2013

The application has been amended and no public lands will be used, the event will be held in the Church Parking Lot.

LETTER FROM THE TAXPAYERS AND RESIDENTS OF CHARLES A. HABER, Jr. COURT REGARDING PAVING OF CHARLES A. HABER

Mayor Alviene and Mr. Lampmann noted that they were in receipt of the above noted correspondence; Mr. Lampmann reported he explained to the residents that roads are rated and there are limited funds, and this road did not make the list for repairs this year. This road will remain on the list and possibly move up for next year.

DISCUSSION:

S-2823 CONCERN PROCEDURES FOR PUBLIC COMMENT ABOUT MATTERS BEFORE PLANNING AND ZONING BOARDS

The purpose of this legislation would be to allow submission of written comments in either support or objection at planning and zoning board meetings. The procedure would be as follows: written comments must be submitted no later than (7) seven days prior to application hearing, copies then forwarded to applicant and Board members, written response by applicant must be provided to Board members no later than two days prior to hearing. After discussion, it was determined that a resolution in opposition to S-2823 be prepared for passage at the August 20, 2013 Regular Council meeting.

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RESOLUTIONS:

R 2013-70 RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

Moved: Verdonik

Second: Vath

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

Voted Nay: None

R 2013-70 approved

Mr. Lampmann explained the Borough has been a member for over twenty years, and have seen considerable savings resulting from membership.

R 2013-71 INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGHS OF BUTLER AND RIVERDALE FOR TAX ASSESSOR SERVICES

Mr. Lampmann explained that this agreement had been previously discussed; this is the finalized version, which is being passed at the Borough of Riverdale Council Meeting this evening.

Moved: Vath

Second: Fox

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

Voted Nay: None

R 2013-71 approved

R 2013-72 RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT (WATER)

R 2013-73 RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT (SEWER)

R 2013-74 RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT (ELECTRIC)

Mr. Lampmann explained that all three resolutions pertain to the same State of New Jersey Department of Transportation "DOT" project, which is currently in the engineering stages of bridge replacement for the High Crest Bridge, located just beyond the Maple Lake Road overpass, this project will have an effect on our water, sewer and electric services. These agreements allow the Borough to be reimbursed for any surveying, engineering or general construction work that may be needed to identify the location of the utilities including any relocation site work expenses. If any of the utilities require relocation, the Borough would be reimbursed as part of a new set of agreements. Mr. Lampmann proceeded to explain that the road will be reconfigured during construction with only three lanes, two southbound and one northbound in the morning, switching to two northbound and one southbound in the evening.

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All three resolutions were approved by one vote.

Moved: Verdonik

Second: Vath

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

Voted Nay: None

R 2013-72, 73 and 74 were approved

R 2013-75 AUTHORIZATION TO PURCHASE A POLICE VEHICLE UNDER STATE CONTRACT

Moved: McNear

Second: Regis

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

Voted Nay: None

R 2013-75 approved

R 2013-76 RESOLUTION IN SUPPORT OF WOODLAND RESOLUTION R 2013-61 REQUIRING VERIZON TO FULFILL ITS OBLIGATIONS TO NEW JERSEY TAXPAYERS AND THE BOARD OF PUBLIC UTILITIES TO ESTABLISH HIGH SPEED INTERNET CONNECTIVITY FOR ALL MUNICIPALITIES THROUGHOUT THE STATE

Moved: Fox

Second: Meier

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

Voted Nay: None

R 2013-76 approved

Update on S-2511 and S-2512 (Changes to the Open Public Meetings Act and the Open Public Records Act)

Ms. O'Keefe provided an update on a meeting hosted by Senator Pennacchio that she attended along with representatives of other municipalities in the 26th Legislative District; also in attendance were members of the office of Legislative service and a representative of Senator Weinberg's office sponsor of the legislation. Senator Pennacchio reviewed the legislation with those in attendance he appeared open to suggestions regarding changes to the legislation as currently written. Additionally, he instructed the representative from Senator Weinberg's office to note and research some of the proposed changes to the legislation to alleviate the concerns expressed by the various representatives.

Additionally, a poll of the Council regarding changing the route of September 11, Candlelight Walk was discussed and the Council had no objection to beginning the walk at Butler Park and concluding with the dedication of a memorial at Sloan Park, Bloomingdale.

OPEN PUBLIC DISCUSSION

Mayor Alviene opened the meeting to the public at this time.

Seeing no one come forward to speak a motion was made to close the public portion of the meeting.

Moved: Fox

Second: Meier

All in favor.

Councilman McNear would like to discuss the recent article on the Business Improvement District currently in operation in Pompton Lakes being considered for Main Street. While he is aware that that the River Place development was similar, he would like to look at options to continue to improve the downtown area here in Butler. He suggested the Borough offer incentives to the downtown business owners; he also inquired as to whether or not there is funding available to hire a consultant to explore this issue. The Mayor and Council discussed this issue, Councilman Fox noted as a business owner in

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Pompton Lakes he can provide an insight into how this works in that community, as most of the business owners live and work in the community. Additionally, he noted that property taxes increased for all the property owners in all three phases of the BID. Previously in Butler, the size of Main Street, along with lack of parking and the lack of participation by business owners and property owners alike contributed to the failure of a downtown business association. The Mayor and Council would like to see a revitalization of Main Street; however, the responses have not been encouraging regarding improvements to Main Street. Councilman Regis noted research is complete and plans are ready for the next phase of the redevelopment. The consensus of the Mayor and Council is that while they are open to redevelopment, property owner participation needs to be forthcoming. Councilman Fox additionally noted that the Master Plan is under review at this time and ideas should be directed to the Planning Board.

Motion to adjourn the meeting:

Moved: Verdonik

Second: Vath

All in favor.

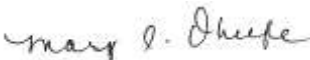
ADJOURNMENT: 7:50 p.m.

Adopted: September 17, 2013



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

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**BOROUGH OF BUTLER
RESOLUTION NO. 2013-70**

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the **Borough of Butler** is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership.

NOW, THEREFORE BE IT RESOLVED as follows:

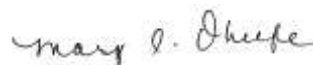
1. The **Borough of Butler** agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This Resolution adopted this 5th day of August, 2013 by a vote of:

Affirmative: Fox, McNear, Meier, Regis, Verdonik and Vath Negative: None



MAYOR



ATTEST

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**BOROUGH OF BUTLER
RESOLUTION NO. 2013-71**

**INTERLOCAL SERVICE AGREEMENT FOR TAX ASSESSOR SERVICES BETWEEN
THE BOROUGH OF BUTLER AND THE BOROUGH OF RIVERDALE**

WHEREAS, the Borough of Riverdale has a need for a part-time Tax Assessor and the Borough of Butler currently employs a part-time Tax Assessor having negotiated the terms and conditions of this agreement would serve as the provider for these services while having responsibility and control over the Tax Assessor; and

WHEREAS, upon execution of this agreement the Borough of Riverdale shall name Shawn Hopkins, CTA to be the Borough of Riverdale Tax Assessor, effective August 1, 2013 for a one year term at a public meeting of the Riverdale Governing Body.

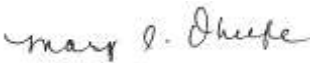
NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the interlocal service agreement between the Borough of Butler and the Borough of Riverdale for Tax Assessor services for the Borough of Riverdale subject to the terms and conditions of the agreement on file in the office of the Borough Clerk.

Adopted: August 5, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

Dated: August 5, 2013

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**RESOLUTION NO. 2013-72
BOROUGH OF BUTLER**

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY COMMISSIONER OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT

WHEREAS, the State of New Jersey hereinafter called "State" is about to undertake the design and construction of Route 23 over Pequannock, Hamburg Turnpike and NYS & W Railroad Bridge Replacement located n Kinnelon and West Milford Boroughs, Morris and Passaic Counties, hereinafter called the "Project;" and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing Water system which is owned and operated by the Utility; and

WHEREAS, the Utility's legal right to occupy the public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

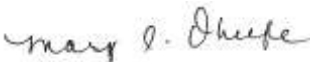
NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Butler hereby authorizes the Mayor and Borough Clerk to execute the contract which is on file in the office of the Borough Clerk.

Adopted: August 5, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

Dated: August 5, 2013

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**RESOLUTION NO. 2013-73
BOROUGH OF BUTLER**

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY COMMISSIONER OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT

WHEREAS, the State of New Jersey hereinafter called "State" is about to undertake the design and construction of Route 23 over Pequannock, Hamburg Turnpike and NYS & W Railroad Bridge Replacement located n Kinnelon and West Milford Boroughs, Morris and Passaic Counties, hereinafter called the "Project;" and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing Sewer system which is owned and operated by the Utility; and

WHEREAS, the Utility's legal right to occupy the public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

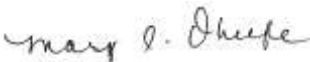
NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Butler hereby authorizes the Mayor and Borough Clerk to execute the contract which is on file in the office of the Borough Clerk.

Adopted: August 5, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

Dated: August 5, 2013

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**RESOLUTION NO. 2013-74
BOROUGH OF BUTLER**

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY COMMISSIONER OF TRANSPORTATION AND THE BOROUGH OF BUTLER FOR DESIGN AND CONSTRUCTION OF ROUTE 23 OVER PEQUANNOCK, HAMBURG TURNPIKE AND NYS & W RAILROAD BRIDGE REPLACEMENT

WHEREAS, the State of New Jersey hereinafter called "State" is about to undertake the design and construction of Route 23 over Pequannock, Hamburg Turnpike and NYS & W Railroad Bridge Replacement located n Kinnelon and West Milford Boroughs, Morris and Passaic Counties, hereinafter called the "Project;" and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing Electric system which is owned and operated by the Utility; and

WHEREAS, the Utility's legal right to occupy the public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

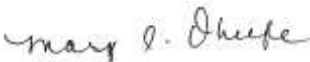
NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Butler hereby authorizes the Mayor and Borough Clerk to execute the contract which is on file in the office of the Borough Clerk.

Adopted: August 5, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

Dated: August 5, 2013

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**BOROUGH OF BUTLER
RESOLUTION R2013-75**

**AUTHORIZATION TO PURCHASE A POLICE VEHICLE
UNDER THE STATE CONTRACT**

WHEREAS, in the past, the Borough of Butler has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, it is desirable from time-to-time to obtain materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS, the Borough of Butler desires to purchase a 2014 Ford Police Utility Interceptor under State Contract #82925 awarded to Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034.

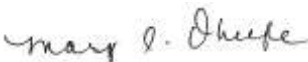
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Butler, County of Morris and State of New Jersey, that the purchase by the Borough of Butler, a 2014 Ford Police Utility Interceptor in the amount of \$30,660 under a contract for such purpose entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury is hereby approved.

Adopted: August 5, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

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**BOROUGH OF BUTLER
RESOLUTION NO. 2013-76**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BUTLER IN
SUPPORT OF THE TOWNSHIP OF WOODLAND RESOLUTION NO 2013-61 REQUIRING
VERIZON TO FULFILL ITS OBLIGATIONS TO NEW JERSEY TAXPAYERS AND THE
BOARD OF PUBLIC UTILITIES TO ESTABLISH FULL HIGH SPEED INTERNET
CONNECTIVITY FOR ALL MUNICIPALITIES THROUGHOUT THE STATE**

WHEREAS, the Borough of Butler received Resolution No. 2013-61 from the Township of Woodland, regarding installation of high-speed internet connectivity by Verizon for all municipalities throughout the State of New Jersey; and

WHEREAS, the Borough of Butler requests that Verizon fulfill its' obligation to provide high speed internet access throughout the entire State thus allowing all New Jersey residents the option to purchase high speed internet service, which the Board acknowledged was a worthwhile and necessary goal that was in the best interest of the state's taxpayers, and as a matter of public policy; and

WHEREAS, as of July 24, 2013, Verizon has failed to uphold their obligations under that agreement; and

WHEREAS, the infrastructure to establish high-speed internet connectivity does not exist in several rural communities, along with other selected areas for no legitimate reason other than the expense of establishing that infrastructure throughout the entire State of New Jersey, contrary to the established obligations of Verizon and to the public policy goals of the State, and notwithstanding that neighboring municipalities and even neighboring streets already have that infrastructure in place; and

WHEREAS, in today's world access to high-speed internet service has become an economic and educational necessity, as such the Borough of Butler joins with the Township of Woodland to urge the government of the State of New Jersey to compel Verizon to fulfill its legal and policy obligations to New Jersey taxpayers.

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

1. Verizon immediately fulfill its obligations to provide the infrastructure for high-speed internet connectivity to the Township of Woodland and to all other municipalities throughout the State of New Jersey, as a matter of Verizon's stated agreement to do so with the New Jersey Board of Public Utilities, which dates back to 1992.
2. A copy of this resolution be sent to the Township of Woodland and to Governor Christie with the request that his administration assist the Township of Woodland to in their goal to have Verizon fulfill their obligation to the citizens of the State of New Jersey

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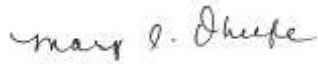
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Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

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