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WORKSHOP MEETING  
JULY 7, 2015  
7:00 P.M.  
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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 is 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, R. Oostdyk, Borough Attorney; W. Budesheim, Zoning Officer and M. O'Keefe, Borough Clerk,

### **DISCUSSION:**

#### **Letter from Suzanne Finelli, Acting President and Treasurer of Tri-Boro Animal Welfare Shelter Requesting the Use of Borough Lands for a Dog Park for the Shelter Animals**

Currently they are using one of the Borough Buildings, which they are thankful for, it is a very small narrow hallway with four dog runs and a small cat room approximately a 5' x 8' cat room. On occasion, they have dogs that are very active and require more room to run than is currently available. Therefore, they are here this evening to request an area to put up a fence and room to roam and get additional exercise. The area in question is behind the Harmon Parking Lot on Boonton Avenue, they are asking for permission to erect a fence, Tri-Boro will clear the area out and they will provide the fence and maintain the property. Councilman Verdonik expressed concern as to whether or not the dogs would be unattended, to which Ms. Finelli explained that a shelter staffer or volunteer would be with the dogs at all times. Additionally there would be a locked gate with shelter and that the town would have access to. Councilman McNear questioned the size of the fence to be erected. Ms. Finelli does not have the exact dimensions, however it is roughly a 30' x 60' foot area which would have a roughly 25' setback. She did not want to presume anything prior to the meeting. Councilman Fox wanted to know about parking, hours of use. The shelter workers would walk the dogs over, the majority of the time spent would be during the day. The lot would be used during adoption days; it would be a good way to showcase the dogs. Mr. Oostdyk explained that the property should be leased to the Tri-Boro Animal Welfare Shelter for a nominal amount and be maintained by them. An amendment to the current lease can be made to include this property with the same insurance terms and conditions. The Mayor and Council are amenable to this; however, they want assurances that the property will be maintained. Councilman Regis wanted the buffer to be maintained so the neighbors are not adversely affected by this. The consensus of the Mayor and Council is that this is a great use of the property; an amendment to the current lease will be on for adoption at the July 21, 2015 meeting. Ms. Finelli will contact Mr. Lampmann with plans when they are finalized and she thanked the Mayor and Council for their help.

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Tri-Boro Animal Welfare  
PO Box 171  
Butler, NJ 07405

June 15, 2015

Mr. James Lampmann  
Borough Administrator  
Borough Hall  
One Ace Road  
Butler, NJ 07405

Dear Mr. Lampmann:

As its treasurer, I am writing to you on behalf of Triboro Animal Welfare. We have been searching for an area that we can use for our shelter dogs that would enable them to get additional exercise and some "free-run, off-leash" time. Some breeds require more exercise and we have fabulous volunteers of varying ages but not all of them can "run" with the dogs on a leash. We believe it would make a major difference in their contentment, as well as their demeanor during adoption sessions to have an area to be able to run and play, fetch a tennis ball or Frisbee.

It would, obviously, prompt frequent use to have this kind of facility in close proximity to the shelter. And in that vein, there is a piece of town-owned property behind the municipal parking lot on Boonton Avenue at the Carey Avenue intersection. We would love to be able to use it as a run. With your assistance, once we get approval from the town, we could then move forward with our vision. We would like to clear out a section of the property and fence in that area. We could then put down wood chips, since it would be difficult to maintain grass there. We thought we could solicit local business, like Lowes, to see if they would be willing to donate fencing and chips. Our volunteers are instructed to pick up after the dogs, so it would not be an issue to continue that clean-up practice when having the dogs play in the run. There can be hours set for use, so we would not be disturbing any nearby neighbors. Also, we currently have liability insurance for the shelter. We can contact our carrier and add this as a location, if necessary.

Thank you in advance for your assistance, Mr. Lampmann.

If you have any questions, please feel free to me a [REDACTED]

Sincerely,

Suzanne Finelli

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**R 2015-61 Bid Award for a Standby Generator for Borough Hall**

Mr. Lampmann explained that approximately eight bids were received; the low bidder submitted a proposal that after review by the engineer was non-compliant as the generator did not meet the specifications. As a result, the recommendation of the engineer was to accept the second lowest bid. There was an additional issue with the low bidder having a New Jersey business registration that expired in 2014.

Moved: Fox

Second: Vath

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

Voted Nay: None

**DISCUSSION**

**Property Maintenance**

Mr. Lampmann noted that we receive notifications from the public or even see when we are out properties that are in disrepair. These properties may be in foreclosure or abandoned, although an ordinance was passed several years ago regarding hiring a company to do the work and then filing a lien, however, the costs incurred with filing the lien are not cost effective. Mr. Oostdyk came up with a different approach in dealing with these issues. The Mayor and Council must approve the filing of the lien and the owners must be notified prior to any work that is needed. Mr. Lampmann asked for direction as to how to go about getting quotes and enforcing the liens. Mr. Oostdyk explained that the majority of the time these are absentee owners or foreclosures. Councilman Fox was concerned about elderly residents and their inability to perform these tasks or to pay someone to do them. This could be done by utilizing a tax lien on the property, however, that would be collected upon the payment of taxes, however, if the taxes were not paid the lien would be outstanding.

**Elena Moran, 22 Morse Avenue** is concerned about the property located at 24 Morse Avenue, there is a swimming pool that is approximately twelve feet deep in sections and the cover has collapsed into it; her concern is that someone may become injured because of the state of the property. The driveway and retaining wall is in total disrepair, the sidewalk is no longer usable and she has seen kids on the property, she was going to call the police but they left the property. A code violation was issued in March what is the status of the violation. Ms. Moran is concerned that someone will be injured. Ms. Moran just wanted to let the Mayor and Council know that her main concern is that no one gets hurt.

Mr. Budesheim asked what sort of work would be covered by this ordinance. Mr. Oostdyk explained that each case would require review, as you can make a property safe but you cannot do a major repair such as a retaining wall. Mr. Budesheim explained that he has revised the violation notice removing the fines from the first notice; if the violation is not corrected then a second notice goes out with the fine amounts. If the case goes to court it is usually settled as part of a plea bargain, with the fine being doubled.

Councilman Meier wanted to increase enforcement, send out notices and look at each case.

Councilman McNear would like to find a solution, as he feels that the neighbors should not suffer if the property is not maintained. If the individual is unable due age or other

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circumstances or cannot afford to a lawn service, then perhaps the Borough can see about getting volunteer agencies involved.

Mr. Lampmann explained that he has received notification from our insurer that these jobs must be done by outside contractors. Mr. Lampmann suggested that there be a general penalty ordinance. Regarding the prior violation issued, the Board of Health

Mr. Budesheim questioned issuing a summons to a bank in Missouri; however, the Mayor and Council feel that for the good of the residents of the town the summons be issued, as they are our first concern. He also noted that some of the worst properties are owner occupied properties. Mr. Budesheim noted that he had inspected this property approximately three to four years ago. Mr. Budesheim will go onto the neighbor's property to take photos of the conditions for use as evidence and they are subject to disclosure. Most people prefer to remain anonymous as the complainant. Mr. Budesheim asked for additional clarification on the height of grass and could he have an escalation clause on the fine and or cost of abating the violation if it is not rectified by a certain date.

The Mayor and Council want the enforcement procedure to be strict, and to begin immediately to deal with the problems before the end of the summer.

Ms. O'Keefe to contact the Morris County Mosquito Commission regarding the spraying, she will then notify Ms. Moran as to the status.

Mr. Oostdyk explained that if the property is occupied the landscaper should have a copy of the notice sent so that the police are aware that they are there legally at the Borough's request. Additionally, if the Construction Official declares the building unsafe then a company would be brought in to tear down the building.

### **2015-15 Ordinance Amending Chapter 234 of the Revised General Ordinances of the Borough of Butler and Establishing Water Rates**

Public Hearing: July 21, 2015

Councilman Verdonik explained the reasoning behind the increase, noting the adoption of new regulations from the state and funding is required to implement the regulations. An explanatory letter will be included in the water bills when they are mailed later this month.

Moved: Regis

Second: Fox

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

Voted Nay: None

### **Letters from Doug Connell, Michael Cooper and Robin Struble announcing their intentions to retire effective January 1, 2016**

The Mayor and Council noted that these are long time employees and a search has begun for replacements.

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

Councilman Fox seeing no one come forward moved that the public portion be closed, seconded by Councilman McNear.  
All in favor.

Councilman Verdonik invited the Mayor and Council to join him and Mr. Lampmann for a tour of the Two Bridges Sewerage Authority Plant on July 17, 2015 at 1:00 p.m., the plan is to meet here at Borough Hall at approximately 12:30 p.m. and leave from here.

Council President Vath requested he be excused from the July 21, 2015 Council meeting for business travel.

Motion to enter into Closed Session for a matter of potential litigation by Council McNear, seconded by Councilman Regis  
All in favor.

Motion to return to Open Session by Council President Vath, seconded by Councilman Fox  
All in favor

Motion to adjourn  
Moved: Fox  
All in favor.

Second: McNear

ADJOURNMENT: 8:05 p.m.

Adopted: September 15, 2015



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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Municipal Clerk

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**BOROUGH OF BUTLER**

**RESOLUTION NO. 2015-61**

**RESOLUTION AWARDING A CONTRACT FOR AN EMERGENCY GENERATOR FOR  
BOROUGH HALL**

**WHEREAS**, eight bids were received for a proposed standby generator for the Butler Municipal Building on June 24, 2015; and

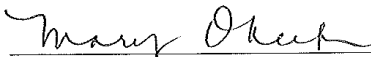
**WHEREAS**, the apparent low bidder Falak Construction, Inc. is proposing an alternate generator to the unit described in the bid specifications, upon review by the consulting engineer the proposed unit does not meet the minimum standards of performance and service of the specified equipment, and

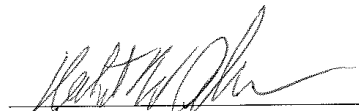
**WHEREAS**, the Borough Administrator and the Consulting Engineer have reviewed the bid submitted by Falak Construction Inc. and have advised the Council that, in their opinion, they recommend that this bid be rejected as non-compliant with the bid specifications; and

**WHEREAS**, the second lowest bid was received from TSUJ Corporation in the amount of \$89,700.00 and is in compliance with the bid specifications.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, that the bid for a proposed standby generator for the Municipal Building by Falak Construction Inc. is hereby rejected as non-compliant with the bid specifications and the bid submitted by TSUJ Corporation in the amount of \$89,700.00 is hereby accepted and the contract is awarded to TSUJ Corporation.

Adopted:

  
Mary O'Keefe, Borough Clerk

  
Robert W. Alviene, Mayor

Dated: July 7, 2015

R 2015-62  
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 7<sup>th</sup> day of July 2015, 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, sub-section (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: McNear

Second: Regis