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WORKSHOP MEETING
SEPTEMBER 1, 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 Meier, Councilman Regis (arrived 7:05 p.m.), Councilman Verdonik and Council President Vath

ABSENT: Councilman McNear

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

Motion to excuse the absence of Councilman McNear

Moved: Meier

Second: Fox

All in favor.

DISCUSSION:

Chapter 21, Fire Department

Chief Soules of the Butler Fire Department is here this evening to ask for an extension of time for the required training. The Fire Department is having scheduling problems with instructors. After discussion it was decided to postpone the training requirement until June 30, 2016, if additional time is required at that time, the Fire Department will let the Mayor and Council know and the matter will be revisited.

Potential Purchase or Easement of Property to Shri Sai Shakti, LLC for a section of Outlook Street

Dr. Maheta, is present this evening to ask that the Mayor and Council consider his company be allowed to purchase or be granted an easement for a portion of Outlook Street behind his business. Currently, he is experiencing difficulty in renting the minimart portion of his recently built gas station; he feels that it would be easier with additional parking spots. The current configuration does not allow for enough parking spaces for the minimart, he wants to either purchase or lease the property to add additional parking spots by shifting the fence back by approximately five feet. Discussion ensued and it was determined that the title needs to be researched, to determine who owns the property. The Mayor and Council would like to inspect the property and have the Planning Board review the proposal as the site plans would need to be amended. If this is, Municipal property the Borough has various options on how to proceed.

Bob Norman, 31 Cascade Way questioned where this property was located; the location is behind the newly constructed gas station on Route 23 Southbound.

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Resolution(s):

2015-78 Purchase of Ford F-550 Dump Truck for the Department of Public Works

Moved: Vath

Second: Regis

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

Voted Nay: None

Absent: McNear

2015-79 Resolution Authorizing Execution of Master Power Purchase and Sale Agreements and Confirmation Transactions Thereunder Between the Borough of Butler and Various Suppliers

Mr. Lampmann explained that this authorizes the Borough to bid for power at lower rates, with the addition of new vendors; it allows the Borough additional choices and the best rates available.

Moved: Meier

Second: Fox

Voted Aye: Fox, Meier, Regis and Vath

Voted Nay: None

Absent: McNear

Recuse: Verdonik

Correspondence

Request from the Valerie Fund for a Proclamation proclaiming September 2015 as National Sickle Cell Awareness Month

The Mayor and the Council concurred proclamation will be signed.

Mayor Alviene asked that the Council consider the purchase of a parcel of vacant property to create a memorial space for the 911 Artifact to be displayed. Mr. Lampmann will check with Mr. Darmofalski as to whether or not this is a feasible use for the property, regarding the property's proximity to the stream.

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

Bob Norman, 31 Cascade Way

Mr. Norman asked if Mr. Darmofalski had been contacted regarding the McDonald's traffic situation. Mr. Darmofalski suggested that allow the construction to be complete, and then the issue will be dealt with. Mr. Lampmann concurred with Mr. Norman that perhaps additional signage is required. Mr. Norman wanted to inform the Mayor and Council that the property behind McDonald's he stated is wetlands and that the area in question has been filled in, with the landscaper dumping grass clippings in this area. The Borough will check into this and let him know, Mr. Norman may come into review the site plans at his leisure.

Brittany Morley, 179 Boonton Avenue asked that when Boonton Avenue is repaved, can the parking spaces be delineated, if a person parks haphazardly this lessens the amount of available parking spaces. Mayor Alviene will address this issue with Morris County.

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

**Closed Session – Potential Litigation/Contract Negotiations – Riverdale Capacity Transfer
Sequestration Principle**

Motion to go into Closed Session:
Moved: Verdonik
All in favor.

Second: Regis

Motion to return to Open Session:
Moved: Verdonik

Second: Regis

Motion to adjourn
Moved: Verdonik
All in favor.

Second: Regis

ADJOURNMENT: 7:43 p.m.

Adopted: October 20, 2015



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

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BOROUGH OF BUTLER
RESOLUTION R 2015-78

AUTHORIZATION TO PURCHASE A DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC
WORKS FROM THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL

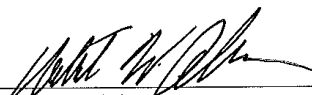
WHEREAS, in the past, the Borough of Butler has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the Morris County Cooperative Pricing Council pursuant to N.J.S.A. 40A:11-10; and

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

WHEREAS, the Borough of Butler Department of Public Works (DPW) desires to purchase a 2016 Ford F-550 Dump Truck (Contract #15F. Item #2), under such contract entered into on behalf of the Morris County Cooperative Pricing Council by said Council for contract period 11/1/2014 – 10/31/2015.

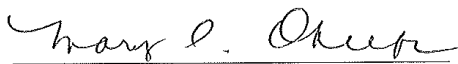
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Butler, County of Morris and State of New Jersey, that the purchase of a 2016 Ford F-550 Dump Truck for the DPW shall be purchased at a cost not to exceed \$74,957.27 under a contract for such service entered into on behalf of the Morris County Cooperative Pricing Council with Route 23 Automall, LLC.

Approved:



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe
Borough Clerk

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RESOLUTION 2015 - 79
OF THE BOROUGH OF THE BOROUGH OF BUTLER
AUTHORIZING EXECUTION OF MASTER POWER PURCHASE AND SALE
AGREEMENTS AND CONFIRMATION TRANSACTIONS THEREUNDER BETWEEN
THE BOROUGH AND VARIOUS SUPPLIERS

WHEREAS, pursuant to prior Council resolution(s) the Borough entered into Master Power Purchase and Sale Agreements with the following suppliers on the dates indicated:

Exelon Generation Company LLC ¹ ,	October 4, 2011
PPL EnergyPlus LLC	October 4, 2011
NextEra Energy Power Marketing, Inc.	October 4, 2011
PSEG Energy Resources & Trade LLC	October 28, 2011
Noble Americas Gas & Power Corp.	October 20, 2011
DTE Energy Trading, Inc.	October 4, 2011
BP Energy Company	February 3, 2015

WHEREAS, the Borough Administrator has recommended that the Council enter into a Master Power Purchase and Sale Agreement with Tenaska Power Services Company, and

WHEREAS, the Borough desires to extend to its authorized representatives the duty and obligation to execute Transaction Confirmations that secure specific quantities of energy for delivery to the Borough for specific delivery periods at a fixed price, and

WHEREAS, pursuant to prior Council authorization, and to facilitate the purchase of wholesale electricity, the Borough entered into the Membership Agreement with PJM Interconnection, LLC August 25, 2011 and the Master Energy Supply Agreement with American PowerNet Management, Inc. September 27, 2011,

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Butler in the County of Morris, that the Borough Administrator is authorized to enter into various other Master Power Purchase and Sale Agreements as may be prepared and approved by Betts & Holt LLP, special counsel to the Borough of Butler; and

¹ An agreement was entered into with Constellation Energy Commodities Group, Inc. as well. However, Exelon Corporation, the parent company of Exelon Generation Company LLC, acquired Constellation Energy Group, the parent company of Constellation Energy Commodities Group, Inc. and assumed all the Constellation obligations.

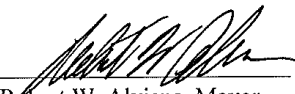
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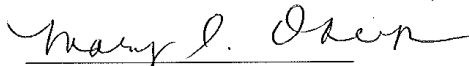
BE IT FURTHER RESOLVED THAT the Council affirms the above-described Master Power Purchase and Sale Agreements with Exelon Generation Company, LLC; PPL EnergyPlus LLC; NextEra Energy Power Marketing, Inc.; PSEG Energy Resources & Trade LLC; Noble Americas Gas & Power Corp.; DTE Energy Trading, Inc.; BP Energy Company; Tenaska Power Services Company; the Membership Agreement with PJM Interconnection, LLC; and the Master Energy Supply Agreement with American PowerNet and authorizes the continuation of these agreements; and

BE IT FURTHER RESOLVED THAT the Council authorizes the Borough Administrator and Municipal Finance Officer to enter into binding Transaction Confirmations securing specific blocks of energy at specific delivery periods and prices pursuant to the Master Power Purchase and Sale Agreements.

ADOPTED AND APPROVED
September 1, 2015


Robert W. Alviene, Mayor

Attest:


Mary A. O'Keefe, Borough Clerk

R 2015-79
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 1st day of September 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: Verdonik

Second: Regis