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WORKSHOP MEETING
FEBRUARY 6, 2018
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 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 Calvi, Councilman Fox, Councilman Meier, Councilman Travers and Council President Verdonik

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

Motion to Excuse the absence of Councilman Regis:

Moved: Meier

Second: Fox

All in favor.

Discussion – Private Property Ordinance Regarding Alcoholic Beverages

Chief Chimento is present this evening regarding creation and adoption of an ordinance regarding the consumption of Alcoholic Beverages on private property by underage individuals. He noted that there have been many legal challenges brought forth by the American Civil Liberties Union, and all of the challenges have been amended to include that Police officers may enter private premises as part of a community care request as opposed to a criminal charge for the consumption of alcoholic beverages by an underage individual. Unless there is a local ordinance a Police Officer may not file charges against an under aged individual who is on private property consuming alcoholic beverages. Chief Chimento provided statistics for the past few years, noting that it is not a huge problem. He views this ordinance favorably in most instances the Police Officer does use discretion, usually they will bring the juvenile to the Police Station and have their parents pick them up or if needed take them to the hospital if there is suspected alcohol poisoning and the parents will be asked to meet them at the hospital. There have been occasions where the juvenile has behaved in a belligerent manner, knowing the police officer has no recourse. Mayor Alviene asked if an adult in the home could be charged, Chief Chimento explained that if they are supplying the juveniles with alcohol yes they may be charged under New Jersey State Law, however, if they are a guest in the home they could not be charged. Chief Chimento gave a variety of scenarios where underage drinking occurs and what outcomes can occur. Councilman Calvi questioned what would prompt the Police to investigate the location. The Police can either go as a result of being called or if the officer is on patrol and sees an underage individual with an alcoholic beverage in their hand; they may stop and begin a discussion with the individual, at which point the officer may determine that a summons be issued in accordance with the local ordinance. Council President Verdonik presented a scenario where he is away on vacation, his underage child opens alcoholic beverages that are in the home, and the child throws a party, could charges be filed against the parents. The child may be charged the parents would not as chances are they are not aware that the party is going on. Councilman Travers had a question regarding the possible legalization of marijuana what effect would this ordinance have on it. Chief Chimento noted that when that legislation is enacted the ordinance might be revisited at that time. The Mayor and Council were in agreement regarding the Borough Attorney drafting an ordinance for Chief Chimento to review prior to introduction at the February 20, meeting.

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Discussion – Changes to the Towing Ordinance

Ms. O’Keefe explained that she had received a phone call from Rick Malanga from the Malanga’s Towing requesting that the Borough adopt the Maximum NJ State Police Rates. Chief Chimento felt that the state rates are much more significant than other municipalities; he also noted that the State rates apply to interstates or the parkway so that would justify the higher rates. Mr. Lampmann questioned how and who makes the determination as to what a light, medium or heavy-duty tow is, as the Borough needs to verify that these are the correct charges. Mayor Alviene polled the Council regarding adopting the full State Police rates the consensus of the majority of the Mayor and Council was to leave the rates as they currently are.

Discussion – Cellular Tower Lease – Mr. Oostdyk explained that he had reached out to Bloomingdale’s attorney regarding the lease. Mr. Lampmann explained that the current owner would like to extend the lease for an additional period, as there is another carrier that would like to utilize the cellular tower. This item is carried until the next agenda.

Discussion – Request for Consent Resolution for the Proposed Northeast Water Quality Management Plan Amendment for the Kinnelon Shelter and Community Center

Mr. Lampmann explained that this construction would require an exception to the Highlands Act. In order to service the property it would require sewer and water, this property according to their map is not in a sewer service area as such this is a modification to their water quality management plan. In order for them to gain access to the water and sewer systems, they would need to gain access through Walnut Lane, which would be beneficial to our residents. The Mayor and Council agreed, as this will be beneficial to our residents.

R 2018-24 - A Resolution Consenting to the Proposed Northeast Water Quality Management (WQM) Plan Amendment

Moved: Fox

Second: Meier

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

R 2018-24 approved.

RESOLUTION(S):

R 2018-25 Municipal Alliance Funding

Moved: Verdonik

Second: Fox

Voted Aye: Calvi, Fox, Meier, Travers and Verdonik

Voted Nay: None

Absent: Regis

R 2018-25 approved.

Mayor Alviene wanted to discuss the request for additional library funding of \$35,000. He noted that the budgeted amount is approximately 333,000 for 2018; the amount budgeted is set by the State of New Jersey and is based on assessed valuations. The Library is not charged rent; they pay for all other services, as does every other department. Mayor Alviene also noted that there is funding that was donated many years ago that must be used for specific purposes in this case it would be for the

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purchase of books so the Mayor suggested that the amount budgeted for books be used for another purpose and use a portion of the donation to purchase books.

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
All in favor.

Second: Verdonik

Closed Session – Contract Negotiations – Pequannock River Basin Regional Sewerage

Authority

Motion to go into Closed Session:

Moved: Verdonik
All in favor.

Second: Fox

Motion to return to open session:

Moved: Fox
All in favor.

Second: Meier

Motion to adjourn

Moved: Fox
All in favor.

Second: Verdonik

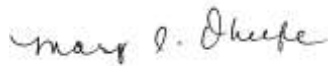
ADJOURNMENT: 7:48 p.m.

Adopted: March 20, 2018



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

Dated: March 20, 2018

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BOROUGH OF BUTLER
RESOLUTION NO. 2018-24

A RESOLUTION CONSENTING TO THE PROPOSED NORTHEAST WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Borough of Kinnelon desires to provide for the orderly development of the Kinnelon Shelter and Community Center within the Borough of Kinnelon; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

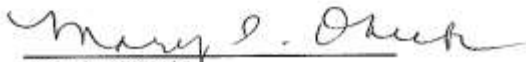
WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on February 5, 2018 for the Kinnelon Shelter and Community Center has been prepared by Crew Engineers, Inc., on behalf of the Borough of Kinnelon.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of February 2018, by the governing body of the Borough of Butler that:

1. The Borough of Butler hereby consents to the site-specific amendment to the Northeast WQM Plan for the Kinnelon Shelter and Community Center, and publicly noticed on February 5, 2018, prepared by Crew Engineers, Inc., for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

I do hereby certify that the foregoing is a true copy of a Resolution passed by the Borough Council of the Borough of Butler at a meeting duly held on February 6, 2018.


Robert W. Alviene, Mayor


Mary A. O'Keefe

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

FORM 1B

BOROUGH OF BUTLER
RESOLUTION NO. 2018-25

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough of Butler, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough of Butler Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Butler Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Butler, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough of Butler Council does hereby authorize submission of a strategic plan for the Butler Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 9475.00
Cash Match	\$ 2368.75
In-Kind	\$ 7106.25

2. The Borough of Butler Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____

Robert W. Alvione
Robert W. Alvione, Mayor

CERTIFICATION

I, Mary O'Keefe, Municipal Clerk of the Borough of Butler, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 6th day of February, 2018.

Mary O'Keefe
Mary O'Keefe, Municipal Clerk

R 2018-26
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 6th day of February 2018, 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: *Fox*