REORGANIZATION MEETING JANUARY 3, 2023 6PM

The Re-Organization meeting of January 3, 2023 was opened by Councilman Raymond Verdonik 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 and on the Borough Website. He asked all in attendance to silence their cell phones. This was followed by the Pledge of Allegiance and a Moment of Reflection.

OATH OF OFFICE

Councilwoman Elect Britni Morley – The Honorable Walter Orcutt administered the Oath of Office with Britni's family holding the Bible.

Councilman Elect Alexander Calvi – Borough Attorney Robert Oostdyk administered the Oath of Office with Borough Clerk, Brandi Greco, holding the Bible.

Mayor Ryan Martinez – Borough Attorney Robert Oostdyk administered the Oath of Office with Ryan's family holding the Bible.

ROLL CALL

PRESENT: Mayor Ryan Martinez, Councilman Alexander Calvi, Councilman Robert Fox, Councilman Robert Meier, Councilwoman Britni Morley, Councilman Marc Piccirillo and Councilman Raymond Verdonik

Also present are Borough Administrator, James Lampmann; Borough Attorney, Robert Oostdyk and Borough Clerk, Brandi Greco.

Mayor Martinez welcomed and expressed his gratitude to the Borough Administrator, Borough Council, those present from Tri-Boro First Aid Squad and the Butler Fire Dept. as well as the public. He thanked them for their continued support and said he looks forward to working together to make Butler a great place to live, work and play.

Councilman Calvi addressed those present thanking everyone including all residents for their continued support. He and his wife are happy to continue being heavily involved in the schools and making this small community as great as it is.

Councilwoman Morley addressed those present stating she is extremely grateful for this opportunity. As a resident and business owner in Butler, she has a vested interest in seeing Butler succeed to be the best town it can be. She said it has been wonderful to have such strong support and will do right by everyone in town.

ELECTION OF COUNCIL PRESIDENT

The Borough Clerk asked for a nomination from the floor. Councilman Fox nominated Councilman Verdonik, Second by Councilman Calvi.

All in favor.

R 2023-01 Appointment of Brandi Smith Greco as Registered Municipal Clerk.

Moved: Verdonik

Second: Fox

All in favor

Council President Raymond Verdonik administered the Oath of Office with Brandi's husband and daughter holding the Bible.

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APPOINTMENTS

Borough Attorney One year Robert H. Oostdyk, Jr. Borough Engineer One year Thomas Boorady

Borough Auditor One year Valerie Dolan of Nisivoccia LLP.

Tax Search Officer One year Cora Ashley

Violations Clerk One year Brandi Smith-Greco and Pamela Krattiger

Assessment Search Officer One year Brandi Smith-Greco

Police Matron One year Leslie Usinowicz and Linda Daly

Americans with Disabilities Act Two year Rebecca Hammonds
Compliance Committee One year Liza Waer Dwyer

Economic Development Committee Two year Sandi Liss, Chris Ziegler, Lisa Martinez,

Marc Piccirillo, Ray Verdonik

REORGANIZATION MEETING

Councilman Fox made a motion to confirm the Appointments, second by Councilman Calvi

Voted Aye: Calvi, Fox, Meier, Morley, Piccirillo and Verdonik

Voted Nay: None Absent: None

R 2023-02 Appointment of Chris Finelli as Fire Chief for the Butler Fire Department

Moved: Fox Second: Verdonik

All in favor

Borough Clerk Brandi Greco administered the Oath of Office with Chris' family holding the Bible.

BUTLER FIRE DEPARTMENT

Assistant Chief Year 2 of 2-year term – William Dunlap

Battalion Chief
Captain 1
Captain 2
Lieutenant 1
Lieutenant 2
Lieutenant 3
Lieutenant 4

Dakota Sheehan
No Nomination
Brandon Kica
No Nomination

Mayor Martinez Administered the Oath of Office to those present with Brandi Greco holding the Bible.

FIRE POLICE – One-Year Term –Rich Dean, Chris Finelli, Joe Usinowicz, Robert Krill, John Futcher, Rob Farro, Peter Shepard, Dakota Sheehan

Fire Police Chief - Robert Krill

Mayor Martinez Administered the Oath of Office to those present with Brandi Greco holding the Bible.

R 2023-03 Appointing Scott T. Ricker as Municipal Emergency Management Coordinator

Moved: Fox Second: Calvi

All in favor

EMERGENCY MANAGEMENT COUNCIL - One-Year Term - Christopher Finelli,

Joe Costello, Chris Walthour, Dee Dunlap Dean, Brandi Smith-Greco, Peter Tabbot, Rebecca Hammonds,

James Lampmann, Brian Pumo, Joe Scapparo, Kyle Finelli, Ed Vath, Scott Sinopoli

Blood Bank One year Butler Fire Department.

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Veterans Service One year VFW Post 8096

Sr. Citizen Advisory One year Bill Landon, Donna Meizinger, JoAnn Rehfuss,

Isabelle Rimmer, Barbara Tavano, Pat Wotjecki,

Jeannette Shahenkari and Nancy Solomon.

Dial-A-Ride One year Brandi Smith-Greco

Museum Committee Three year Tom Fox, Maryanne Hanish, Katie Nafz

Public Agency Compliance Officer

One year James Lampmann

Pequannock River Basin Regional Sewer Authority

Five year Raymond Verdonik

Class III Planning Board

One year Robert Fox

Moved: Verdonik All in favor.

Second: Piccirillo

Mayor Martinez's Appointments to Planning Board

Four-Year Term Rob Donza, Mark Roche, Salvatore Veneziano, Jr.

Two-Year Term Duane Reger, James Hough

Class II Member One Year Term – Christopher Finelli

Library Board Five-Year Term Helene Donargo

Board of Health Five-Year Term Suzanne Finelli and Edwin Vath

Recreation Commission Five-Year Term Brittany Marion ad Dave Johnson

Butler Alliance Commission Three-Year Term Alex Calvi and Marc Piccirillo

Motion to confirm appointments:

Moved: Meier Second: Verdonik

All in favor

Any appointed officials in attendance were invited to step forward to receive the Oath of Office. None did.

Representatives to Joint Insurance Fund

One-year term - James Lampmann and James Kozimor

Representative to Public Power Association and New Jersey Public Power Authority One-year term - James Lampmann

Alternate Representative to Public Power Association and New Jersey Public Power Authority One-year term - James Kozimor

Liaison Member to Sr. Advisory Committee – Mayor Martinez

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Liaison Member to Board of Education - Councilman Calvi

Liaison Member to Community Development Revenue Sharing Committee – James Lampmann, James Kozimor and James Nargiso

Liaison Member to Clean Communities - Councilwoman Morley

Liaison to Board of Health - Councilwoman Morley

Representative to Morris Tomorrow - Councilman Meier

Liaison to Museum Committee - Councilman Meier

Representative to Morris County League of Municipalities - Mayor Martinez

Moved: Fox Second: Morley All in favor

STANDING COMMITTEES OF THE COUNCIL

FINANCIAL, ORDINANCE & RECREATION COMMITTEE

Council President Verdonik, Chairperson Councilman Calvi, Vice Chairperson Councilman Fox, Member

PUBLIC SAFETY COMMITTEE

Councilman Calvi, Chairperson Councilman Fox, Vice Chairperson Councilman Meier, Member

ELECTRIC LIGHT & PUBLIC LIGHTING COMMITTEE

Councilman Meier, Chairperson Councilman Piccirillo, Vice Chairperson Councilwoman Morley, Member

WATER AND WASTEWATER COMMITTEE

Councilman Piccirillo, Chairman Councilwoman Morley, Vice Chairman Council President Verdonik, Member

HEALTH, SANITATION AND COMMUNITY DEVELOPMENT COMMITTEE

Councilwoman Morley, Chairperson Councilman Meier, Vice Chairman Councilman Piccirillo, Member

ROADS AND BUILDINGS/GROUNDS COMMITTEE

Councilman Fox, Chairman
Council President Verdonik, Vice Chairman
Councilman Calvi, Member

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Moved: Verdonik

Second: Fox

All in favor

RESOLVED THAT THE OFFICIAL NEWSPAPERS FOR THE BOROUGH BE THE SUBURBAN TRENDS, HERALD NEWS, STAR LEDGER, DAILY RECORD AND BERGEN RECORD.

Moved: Fox

Second: Meier

*All in favor

RESOLVED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF BUTLER HEREBY DESIGNATE THE FOLLOWING BANKING INSTITUTIONS AS DEPOSITORIES FOR MONEY BELONGING TO THE BOROUGH OF BUTLER FOR THE YEAR 2023: PNC BANK, LAKELAND STATE BANK AND N.J. CASH MANAGEMENT

Moved: Fox

Second: Verdonik

*All in favor

RESOLVED THAT THE FOLLOWING OFFICIALS SHALL BE AUTHORIZED TO SIGN THE DISBURSEMENT CHECKS FOR THE VARIOUS ACCOUNTS: THE ADMINISTRATOR, THE FINANCE CHAIRMAN AND THE CHIEF FINANCIAL OFFICER. ALL ACCOUNTS REQUIRE TWO SIGNATURES, WITH THE EXCEPTION OF THE PAYROLL ACCOUNT WHICH REQUIRES ONLY THE CHIEF FINANCIAL OFFICERS SIGNATURE, THE HOSPITALIZATION ACCOUNT WHICH REQUIRES ONLY THE CHIEF FINANCIAL OFFICERS SIGNATURE, AND THE COURT ADMINISTRATORS ACCOUNT WHICH REQUIRES THE COURT ADMINISTRATORS SIGNATURE.

Moved: Fox All in favor.

Second: Piccirillo

RESOLVED THAT THE FOLLOWING SURETY BONDS BE SECURED AND THE BOROUGH PAY ALL CHARGES FOR THE BONDS REQUIRED BY BOROUGH OFFICIALS: Tax Collector/Utility Supervisor \$406,000; Clerk Typist/Tax Collectors Office \$110,000; Magistrate \$18,000; Chief Financial Officer \$90,000; Public Employees Blanket \$25,000 per occurrence (excluding Tax Collector/Utility Supervisor, Magistrate and Chief Financial Officer).

Moved: Meier Second: Verdonik

Voted Aye: Calvi, Fox, Meier, Morley, Piccirillo, Verdonik

Voted Nay: None Absent: None

RESOLVED THAT THE COLLECTOR OF TAXES FOR THE BOROUGH OF BUTLER IS HEREBY AUTHORIZED TO CONDUCT THE ANNUAL SALE OF DELINQUENT TAXES AND OTHER MUNICIPAL CHARGES DUE ON A GIVEN PROPERTY COVERING ANY NUMBER OF QUARTERS AND PERMITS A MAXIMUM FEE OF \$25 FOR MAKING OF NOTICE OF TAX SALE FOR EACH OF TWO WEEKS PRECEDING THE DATE OF THE TAX SALE.

Moved: Fox

Second: Verdonik

All in favor.

REORGANIZATION MEETING JANUARY 3, 2023 6PM 6

RESOLVED THAT THE GOVERNING BODY MAY FIX THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DATE THEY WOULD BECOME DELINQUENT, AND MAY PROVIDE THAT WITHIN THE TENTH CALENDAR DAY FOLLOWING THE DATE UPON WHICH THE SAME BECAME PAYABLE, THE RATE SO FIXED SHALL NOT EXCEED 18% PER ANNUM ON ANY AMOUNT IN EXCESS OF \$1,500 TO BE CALCULATED FROM THE DATE THE TAX WAS PAYABLE, UNTIL THE DATE OF THE ACTUAL PAYMENT. THE INTEREST TO BE CHARGED A DELINQUENT TAXPAYER FOR NON-PAYMENT OF REAL PROPERTY TAXES SHALL BE AN ADDITIONAL PENALTY OF 6% IF THE AMOUNT OF DELINQUENCY IS IN EXCESS OF \$10,000 AT THE END OF A CALENDAR YEAR

Moved: Meier

Second: Piccirillo

All in favor.

RESOLVED THAT THERE IS HEREBY IMPOSED A SERVICE CHARGE OF \$20.00 PER CHECK OR OTHER WRITTEN INSTRUMENT WHICH SHALL BE ADDED TO ANY ACCOUNT OWING TO THE BOROUGH IF PAYMENT TENDERED ON THE ACCOUNT WAS BY A CHECK OR OTHER WRITTEN INSTRUMENT WHICH WAS RETURNED TO THE BOROUGH FOR INSUFFICIENT FUNDS. THE SERVICE CHARGE AUTHORIZED BY THIS RESOLUTION SHALL BE COLLECTED IN THE SAME MANNER PRESCRIBED BY LAW FOR THE COLLECTION OF THE ACCOUNT FOR WHICH THE CHECK OR OTHER WRITTEN INSTRUMENT WAS TENDERED.

Moved: Fox

Second: Verdonik

All in favor.

RESOLVED, THAT THE TAX COLLECTOR IS PERMITTED TO PROCESS CANCELLATIONS OF PROPERTY TAX REFUNDS OR DELINQUENCIES OF LESS THAN \$10.00 WITHOUT FURTHER ACTION OF THE GOVERNING BODY IN ACCORDANCE WITH CHAPTER 82, PUBLIC LAW OF 1987, KNOWN AS N.J.S.A. 40A:5-017.1.

Moved: Meier

Second: Piccirillo

All in favor.

RESOLVED, THAT THE SALARIES OF THE BOROUGH EMPLOYEES AND PAID OFFICIALS OF THE BOROUGH BE PAID EVERY TWO WEEKS FOR THE YEAR 2023 AND THAT THE CHIEF FINANCIAL OFFICER BE AUTHORIZED TO SIGN PAYROLLS ON BEHALF OF THE MAYOR AND COUNCIL AND HE BE AUTHORIZED TO ISSUE THE NECESSARY CHECKS.

Moved: Verdonik

Second: Morley

All in favor.

RESOLVED THAT THE REGULAR MEETINGS OF THE COUNCIL BE HELD ON: January 17, February 21, March 21, April 18, May 16, June 20, July 18, August 15, September 19, October 17, November 6 and December 19, 2023. BE IT FURTHER RESOLVED, THAT THE FOLLOWING ORDER OF BUSINESS SHALL BE ALLOWED AT THE MEETINGS: 1. ROLL CALL; 2. APPROVAL OF MINUTES; 3. GREETING OF PUBLIC AND INVITATION FOR DISCUSSION; 4. REPORTS OF COMMITTEES AND DEPARTMENT HEADS; 5. APPROVAL OF VOUCHERS AND PAYROLLS; 6. PRESENTATION OF CORRESPONDENCE, PETITIONS; 7. PUBLIC HEARINGS; 8. ORDINANCES FOR INTRODUCTION; 9. ORDINANCES FOR ADOPTION; 10. RESOLUTIONS; 11. UNFINISHED BUSINESS/NEW BUSINESS; 12. INVITATION FOR DISCUSSION FROM PUBLIC; 13. ADJOURNMENT

Moved: Calvi

Second: Fox

All in favor.

Moved: Fox All in favor

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Second: Calvi

R 2023-4	RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH AUDITOR
R 2023-5	RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ENGINEER
R 2023-6	RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ATTORNEY
R 2023-7	RESOLUTION PROVIDING FOR AN AGREEMENT WITH BOND COUNSEL
R 2023-8	RESOLUTION PROVIDING FOR AN AGREEMENT WITH DMC
R 2023-9	RESOLUTION PROVIDING FOR AN AGREEMENT WITH MCNEES WALLACE & NURICK, LLC
R 2023-10	RESOLUTION PROVIDING FOR AN AGREEMENT WITH ANDERSON & DENZLER
R 2023-11	RESOLUTION PROVIDING FOR AN AGREEMENT WITH SPECIAL LABOR COUNSEL DORSEY AND SEMRAU
R 2023-12	RESOLUTION AUTHORIZING AN AGREEMENT WITH PHOENIX ADVISORS, LLC FOR MUNICIPAL BOND RELATED ISSUES
R 2023-13	RESOLUTION CERTIFYING THAT THE BOROUGH OF BUTLER IS IN COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
R 2023-14	RESOLUTION AUTHORIZING A CONTRACT WITH AMERICAN ELECTRICAL TESTING
R 2023-15	TEMPORARY BUDGET for 2023
R 2023-16	RESOLUTION AUTHORIZING THE EXECUTION OF MASTER POWER PURCHASE AND SALE AGREEMENTS AND CONFIRMATION TRANSACTIONS THEREUNDER WITH VARIOUS SUPPLIERS
R 2023-17	RESOLUTION OF THE BOROUGH OF BUTLER COUNCIL APPOINTING RAYMOND VERDONIK TO THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

REORGANIZATION MEETING JANUARY 3, 2023 6PM 8

OPEN PUBLIC DISCUSSION

Mayor Martinez welcomed and acknowledged Sheriff James Gannon, Municipal Chair Laura Ali and Assemblywoman Aura Dunn who congratulated the newly elected council members. The Mayor then opened the meeting to the public for discussion.

Seeing no one come forward the public portion of the meeting was closed.

Moved: Fox Second: Verdonik

All in favor.

Motion to adjourn the reorganization meeting of 2023.

Moved: Fox Second: Morley

All in favor.

Adjournment: 6:29 p.m.

Adopted: February 7, 2023

Ryan Martinez, Mayor

Brandi Smith-Greco, RMC

Municipal Clerk

BOROUGH OF BUTLER RESOLUTION NO. 2023-01

RESOLUTION APPOINTING BRANDI SMITH-GRECO AS BOROUGH CLERK OF THE BOROUGH OF BUTLER

WHEREAS, N.J.S.A. 40A:9-133 provides that "in every municipality there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality," and also provides that "no person shall be appointed or reappointed as a municipal clerk unless that person holds a Registered Municipal Clerk certificate issued pursuant to section 3 or section 4 of P.L.1985;" and

WHEREAS, N.J.S.A. 40A:9-133 provides that "the term of a municipal clerk shall be deemed to have begun as of the actual date upon which a person serving as municipal clerk is appointed;" and

WHEREAS, there is a vacancy in the office of municipal clerk of the Borough of Butler; and

WHEREAS, Brandi Smith-Greco has been in the role of Acting Borough Clerk since January 1, 2022; and

WHEREAS, Brandi Smith-Greco has successfully completed the Municipal Clerk program at Rutgers University and has passed the RMC State Exam; and

WHEREAS, the Borough Council desires to appoint Brandi Smith-Greco, a Registered Municipal Clerk, as Borough Clerk to commence on January 1, 2023, and end on December 31, 2024; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that Brandi L. Smith-Greco is hereby appointed Borough Clerk of the Borough of Butler commencing on January 1, 2023 and ending December 31, 2025.

Adopted: January 3, 2023

James Lampinann, Borough Administrator

Ryan Wartinez, Wayor

BOROUGH OF BUTLER RESOLUTION NO. 2023 -02

RESOLUTION AUTHORIZING THE APPOINTMENT OF CHRIS FINELLI AS DEPARTMENT CHIEF OF THE BUTLER FIRE DEPARTMENT

WHEREAS, Revised General Ordinance 21-3 provides, in subsection E, that each Chief of the Board of Chiefs will serve a term of two years at each rank; and

WHEREAS, Chris Finelli has served a two year term and stayed on as Chief of the Department for an additional two one-year terms; and

WHEREAS, under the progression contained in Section 21-3, the Deputy Chief would have become the Department Chief beginning on January 1, 2023; and

WHEREAS, Section 21-3 provides the qualifications for a Chief in the Butler Fire Department; and

WHEREAS, there are two current officers in the Butler Fire Department who meet the qualifications for Chief, however, only one is willing to serve as Department Chief, Chris Finelli; and

WHEREAS, it is therefore necessary to deviate from the progression for Department Chief and to appoint the only willing member of the Board of Chiefs as Chief of the Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that Chris Finelli is hereby appointed Chief of the Butler Fire Department for an additional term of one year and that upon expiration of his term the order of progression contained in Chapter 21-3 shall be restored.

Adopted: January 3, 2023

Brandi Smith-Greco, RMC

Ryan Martinez, Mayor

BOROUGH OF BUTLER RESOLUTION NO. 2023-03

RESOLUTION APPOINTING SCOTT T. RICKER AS MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR FOR THE BOROUGH OF BUTLER

WHEREAS, the Borough of Butler is required by statute to have an Emergency Management Coordinator; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Butler, County of Morris, does hereby appoint Scott T. Ricker to the position of Emergency Management Coordinator for a three year term ending December 31, 2025 and

NOW, THEREFORE BE IT RESOLVED, that a copy of this resolution be transmitted to Jeffrey Paul, Morris County Office of Emergency Management

Adopted: January 3, 2023

Ryan Martinez, Mayor

Attest:

BOROUGH OF BUTLER RESOLUTION R 2023-4 RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH AUDITOR

WHEREAS, the Borough of Butler has a need to acquire auditing services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by a purchase order on an as needed basis in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, Nisivoccia & Company, has submitted a proposal dated December 1, 2022 indicating that they will provide the auditing services as follows:

Classification	Rate
Partner (Discounted Rate)	\$185
Manager	155
Supervisor	155
Senior Accountant	145
Staff Accountant	125

WHEREAS, Nisivoccia and Company has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the auditor from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Nisivoccia and Co, as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler

Approved:

Ryan Martinez, Mayor

Attest:

BOROUGH OF BUTLER RESOLUTION R 2023-5 RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ENGINEER

WHEREAS, the Borough of Butler has a need to acquire engineering services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-20.5 and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with NJAC 5:30-5.4; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Certified Municipal Finance Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, Darmofalski Engineering Associates, Inc. has submitted a proposal dated December 6, 2022 indicating they will provide the engineering services as follows:

Professional Engineer \$135/hr Design/Drafting 85/hr Field Inspector 85/hr

Outside Contractor Cost plus 15% Adm Fee

WHEREAS, Darmofalski Engineering Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the engineer from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Darmofalski Engineering Associates, Inc. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

Attest:

Dated: January 3, 2023

Ryan Martinez, Mayor

BOROUGH OF BUTLER RESOLUTION R 2023-6

RESOLUTION PROVIDING FOR AN AGREEMENT WITH THE BOROUGH ATTORNEY

WHEREAS, the Borough of Butler has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44-A-20.5 or 20.5 as appropriate; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert H. Oostdyk, Jr. has submitted a proposal dated November 10, 2022 indicating they will provide the legal services for an annual retainer of \$40,000 and matters of litigation at a rate of \$150 per hour; and

WHEREAS, Robert H. Oostdyk has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the attorney from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Finance Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Acting Borough Clerk to enter into a contract with Robert H. Oostdyk, Jr. as described herein; and

BE IT FURTHER RESOLVED that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect upon publication in the Suburban Trends.

Approved:

Ryan Martinez, Mayor

Attest:

Brandi Smith-Greco, R

BOROUGH OF BUTLER RESOLUTION R 2023-7 RESOLUTION PROVIDING FOR AN AGREEMENT WITH BOND COUNSEL

WHEREAS, the Borough of Butler has a need to acquire specialized legal services in connection with the authorization and the issuance of bonds or notes of the Borough of Butler in the County of Morris, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 44A-20.5; and

WHEREAS, the Certified Municipal Finance Officer has determined and certified in writing that the value of the acquisition may exceed \$17,400; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert Beinfield, Esq. has submitted a proposal dated December 2, 2022 indicating they will provide the legal services for the terms in the proposal on file in the office of the Borough Clerk; and

WHEREAS, Robert Beinfield, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit Robert Beinfield, Hawkins Delafield & Woods from making any reportable contributions through the term of the contract; and

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with Hawkins, Delafield and Woods as described herein; and

BE IT FURTHER RESOLVED that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved:

Attest:

Brandi Smith-Gr

BOROUGH OF BUTLER RESOLUTION R 2023-8 RESOLUTION PROVIDING FOR AN AGREEMENT WITH DMC ASSOCIATES, INC.

WHEREAS, the Borough of Butler has a need to acquire surveying services as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-2.5; and; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Robert Cigol has submitted a proposal dated December 12, 2022, for surveying and tax map services indicating they will provide the surveying service with the following:

Professional Land Surveyor (PLS)	\$125.00 per hour
Senior Survey Analyst	90.00 per hour
Field Crew	185.00 per hour
AutoCAD Tech	85.00 per hour
Planning Board/Board of Adjustment Applications Review	125.00 per hour
GIS Maintenance/Updates	90.00 per hour

Professional Services:

- Update the Tax Assessment Map as may be required by actions reflective of Planning Board, Zoning Board and governing body actions.
- Revise and update Zoning Map when required.
- Provide assistance to the Tax Assessor's office and staff on related questions concerning the tax map.
- Review of each title transfer deed provided by the borough for proper tax lot designation, description and mathematical
 closure.
- (2) complete sets (24" x 36") Tax maps for the Borough of Butler
- (2) complete sets (11" x 17") Tax maps for the Borough of Butler
- (1) CD Rom containing PDF Tax map

Lump sum fee for above professional services \$5,500.00

WHEREAS, Robert Cigol has completed and submitted a Business Entity Disclosure Certification that he has not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the surveyor; from making any reportable contributions through the term of the contract; and

WHEREAS, the CMFO has certified that funds are available for this purpose; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Butler authorized the Mayor and Borough Clerk to enter into a contract with DMC Associates, Inc. as described herein; and

BE IT FURTHER RESOLVED, that the Business and Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved: January 3, 2023

Ryan Martinez, Mayo

Attest:

Brandi Smith-Greco, RMC

BOROUGH OF BUTLER RESOLUTION R 2023-9 RESOLUTION PROVIDING FOR AN AGREEMENT WITH MCNEES WALLACE & NURICK, LLC

WHEREAS, the Borough of Butler has a need to acquire legal services in power supply matters and with legal services provided to the Public Power Association as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with NJAC 5:30-5.4; and

WHEREAS, McNees Wallace & Nurick, LLC has submitted a proposal dated December 14, 2022 indicating they will provide the services as follows:

Partners Of Counsel \$540 an hour

395 an hour

WHEREAS, McNees, Wallace & Nurick, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit the attorney from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Borough Clerk to enter into a contract with McNees Wallace & Nurick, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved: January 3, 2023

Ryan Martinez, Mayor

Attest:

Brandi Smith-Green, RM

BOROUGH OF BUTLER RESOLUTION R 2023-10 RESOLUTION PROVIDING FOR AN AGREEMENT WITH ANDERSON & DENZLER ASSOCIATES, INC.

WHEREAS, the Borough of Butler has a need to acquire engineering services in the water utility as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the CMFO has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, the Treasurer has certified that funds are available for this purpose and the funds will be encumbered by purchase order on an as needed basis in accordance with N.J.A.C. 5:30-5.4; and

WHEREAS, Anderson & Denzler has submitted a proposal dated November 1, 2022 indicating they will provide the engineering services as follows:

Principal Engineer	\$196.60 per hour
Professional Engineer	180.40 per hour
Engineer	127.50 per hour
Sr. Designer	136.80 per hour
Land Surveyor	146.10 per hour
Design Draftsman	108.60 per hour
Inspector	103.50 per hour
Draftsman	78.10 per hour
2-man field crew	205.80 per hour
3-man field crew	242.50 per hour
T1	

Travel costs @ \$0.60 per mile

WHEREAS, Anderson & Denzler Associates has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Butler in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Butler authorizes the Mayor and Acting Borough Clerk to enter into a contract with Anderson & Denzler as described and that the Business Disclosure entity Certification and the Determination of Value be placed on file with this resolution and that a notice of this action shall be printed one in the legal newspaper of the Borough of Butler

Approved: January 3, 2023

Ryan Martinez, Mayor

Attest:

Brandi/Smith-Greco, KMC

BOROUGH OF BUTLER RESOLUTION R 2023-11

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES (LEGAL SERVICES)

WHEREAS, the Borough of Butler has a need to obtain Special Labor Counsel services and has determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough of Butler has determined and certified in writing that the value of the service may exceed \$17,500; and

WHEREAS, the term of this contract is one year; and

WHEREAS, Fred Semrau, Esq. of the firm Dorsey and Semrau, LLC has submitted a proposal dated December 5, 2022 indicating that his firm will provide the special labor counsel services at a rate of \$145.00 per hour; and

WHEREAS, Fred Semrau, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Fred Semrau, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Butler for the previous one year, and that the contract will prohibit Fred Semrau from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that the Borough of Butler authorizes the entry of a contract with Fred Semrau, Esq. of the firm Dorsey and Semrau, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Borough of Butler.

Approved: January 3, 2023

Ryan Martinez, Mayor

Attest:

BOROUGH OF BUTLER RESOLUTION NO. 2023-12

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PHOENIX ADVISORS, LLC

WHEREAS, the Borough of Butler as part of the process of issuing bonds is required to execute Continuing Disclosure Agreements to provide certain financial and other information and notices within specified timeframes, in a manner prescribed by regulators of the underwriter that purchased said bond issues; and

WHEREAS, it is beneficial for the Borough to retain assistance of experts in the field of municipal bond finance, who have knowledge and experience in these matters, to assist in a compliance survey and in the on-going filing of required information and notices and Phoenix Advisors, LLC provides such services; and

WHEREAS, the Borough Auditor and Chief Financial Officer have reviewed the agreement and recommend that the contract be awarded to Phoenix Advisors, LLC 4 West Park Street, Bordentown, New Jersey 08505 for a total price not to exceed \$1,600.00; and

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified to the availability of funds available for this purpose.

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

- (1) The Borough of Butler hereby awards the agreement and authorizes the Chief Financial Officer to execute the agreement with Phoenix Advisors, LLC 625 Farnsworth Avenue, Bordentown, New Jersey 08505
- (2) A copy of the agreement is on file in the office of the Borough Clerk.

Adopted: 1 3 2023

Brandi Smith-Greco, RMC

BOROUGH OF BUTLER RESOLUTION NO. 2023-13

RESOLUTION AFFIRMING THE BOROUGH OF BUTLER'S OPPOSITION TO DISCRIMINATION

The Borough of Butler supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Borough of Butler to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Borough of Butler further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Borough Council of the Borough of Butler hereby approves the following resolution:

BE IT RESOLVED, that within available resources, the Borough of Butler will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Borough of Butler shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the Borough will at a minimum include, but not be limited to: (1) the publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) display of posters, flyers, and/or any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Adopted this 3rd day of January 2023.

Brandi Smith-Greco/RMC

BOROUGH OF BUTLER RESOLUTION NO. 2023-14

RESOLUTION OF THE BOROUGH OF BUTLER AUTHORIZING AN AGREEMENT WITH AMERICAN ELECTRICAL TESTING CO., LLC

WHEREAS, the Borough of Butler owns and operates Butler Power and Light an electric distribution system that services several municipalities; and

WHEREAS, the electric distribution system requires specialized testing and maintenance of the equipment that is used for distribution to several municipalities; and

WHEREAS, American Electrical Testing Co., LLC, has the expertise and the equipment that is required to test and perform maintenance on the electric distribution system.

WHEREAS, the Chief Financial Officer of the Borough of Butler has certified that funds are available for these services.

NOW THEREFORE BE IT RESOLVED that the Borough of Butler hereby enter into an agreement with American Electrical Testing Co., LLC, 25 Forbes Boulevard, Foxboro, MA 02035 for testing and maintenance of the electric distribution system equipment.

Ryan Martinez, Mayor

Brandi Smith-Greco, RMC

Adopted: January 3, 2023

Borough of Butler 2023 Temporary Budget Resolution Number R 2023-15

Whereas, the interest and debt redemption charges for the Fiscal Year 2023 are hereby determined as follows:

Department	Principal	Interest	Total
General Fund	465,000.00	4,650.00	469,650.00
Electric Utility Fund	400,000.00	28,030.00	428,030.00
Water Utility Fund	115,000.00	18,190.00	133,190.00
Total	980,000.00	50,870.00	1,030,870.00

Now, therefore, be it resolved by the Mayor and Council of the Borough of Butler in the County of Morris, New Jersey, that in accordance with the provision of R.S. 50:2-12 of the State of New Jersey, the following appropriation, interest and debt redemption charges for the Fiscal Year 2022 and the same are made as follows.

Department	Principal	Interest	Total
General Fund	465,000.00	4,650.00	469,650.00
Electric Utility Fund	400,000.00	28,030.00	428,030.00
Water Utility Fund	115,000.00	18,190.00	133,190.00
Total	980,000.00	50,870.00	1,030,870.00

Whereas, Title 40A:4-19 known as the Local Budget Law, provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided, and;

Whereas, the total appropriations in the 2022 budget, less appropriations made for the Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance) and Deferred Charges are as follows:

General Fund:	\$12,300,503
Electric Utility Fund:	\$18,019,981
Water Utility Fund:	\$1,983,541

And,

Whereas, 25% of the total appropriations in the 2022 budget, less the appropriations made for Capital Improvement Fund, Debt Service, Relief of the Poor (Public Assistance), and Deferred Charges are as follows.

General Fund:	\$3,075,126
Electric Utility Fund:	\$4,504,995
Water Utility Fund:	\$495,885

Adopted: January 3, 2023

Brandi L. Smith-Greco, RMC Dated: January 3, 2023 Ryan Martinez, Mayor

BOROUGH OF BUTLER RESOLUTION 2023-16

RESOLUTION 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 LLC¹, October 4, 2011

Talen Energy Marketing LLC² 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 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;

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Butler in the County of Morris, State of New Jersey, that the Council affirms the above-described Master Power Purchase and Sale Agreements with Exelon Generation Company, LLC; Talen Energy Marketing LLC; NextEra Energy Power Marketing, Inc.; PSEG Energy Resources & Trade LLC; Noble Americas Gas & Power Corp.; DTE Energy Trading, Inc.; BP Energy Company; the Membership Agreement with PJM Interconnection, LLC 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

January 3, 2023

Ryan Martinez, Mayor

Aftest:

Brandi Smith-Greco, RMC

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.

²On June 1, 2015, PPL EnergyPlus LLC changed its name to Talen Energy Marketing LLC.

BOROUGH OF BUTLER RESOLUTION NO. 2023-17

RESOLUTION OF THE BOROUGH COUNCIL OF BUTLER APPOINTING RAYMOND VERDONIK TO THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

WHEREAS, the Sewerage Authorities Law, more specifically at <u>N.J.S.A.</u> 40:14A-4(b), provides for the appointment of municipal members to a sewerage authority for a term commencing on February 1, and expiring on February 1 in the fifth year after such year; and

WHEREAS, the Borough of Butler is a municipal member of the Pequannock River Basin Regional Sewerage Authority ("PRBRSA") and therefore must provide for such appointment of a municipal representative; and

WHEREAS, N.J.S.A. 40:14A-4(b) further provides that the member representatives of each municipality shall be appointment by resolution of the governing body; and

WHEREAS, the Borough of Butler wishes to confirm the appointment of Raymond Verdonik as its member of PRBRSA to serve for a period of five years commencing February 1, 2023; and

WHEREAS, N.J.S.A. 40:14A-4(e) thereafter provides that a copy of each such resolution appointing any member of a sewerage authority, duly certified by the appropriate office of the local unit, shall be filed in the office of the New Jersey State Department of Treasury, Division of Revenue.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Butler in the County of Morris and State of New Jersey on this 3rd day of January 2023, as follows:

- 1. Raymond Verdonik is hereby appointed to represent the Borough of Butler as aforesaid commencing on February 1, 2023 and ending January 31, 2028.
- 2. This Resolution shall take effect immediately and a certified copy hereof shall be filed in the office of the New Jersey State Department of Treasury, Division of Revenue, as well as in the offices of the Borough of Butler Municipal Clerk and the Office of the Pequannock River Basin Regional Sewerage Authority.

Ryan Martinez, Mayor

Brandi Smith-Greco, RMC