

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
1

The Council Meeting of the 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. This was followed by the Pledge to the Flag and a Moment of Reflection.

ROLL CALL

PRESENT: Mayor Robert W. Alviene, Council President Edwin Vath, Councilman Robert Fox, Councilman Stephen Regis, Councilman Raymond Verdonik, Councilman Robert Meier and Councilwoman Judith Woop.

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

APPROVAL OF MINUTES:

April 5, April 19, May 3, May 15 and June 6, 2011

Moved: Regis

Second: Vath

All in favor

Abstain Councilwoman Woop June 6, 2011 meeting.

MEETING OF PUBLIC AND INVITATION FOR DISCUSSION

Ken Montanye, 8 North Western Avenue, questioned the status of the missing signage on his block, he has previously appeared before the Mayor and Council on this issue. Mayor Alviene noted that the Council is adopting an ordinance this evening regarding street sign replacement throughout the Borough. Regarding the Michael Vick autograph signing on June 19, Mr. Montanye wanted to know the cost to the Borough with the amount of law enforcement personnel that were on site. Mayor Alviene stated that the safety of the residents was first and foremost, legally this is their right as taxpayers. Mr. Lampmann explained that the cost to the Borough was \$2,800.00. The storeowner had contracted with the Borough to hire two police officers to provide security, the additional officers from Kinnelon, Bloomingdale and Riverdale were not charged to Butler. The members of the Morris County Prosecutors Office and Sheriff's office also did not charge the Borough for services. Mr. Montanye wanted to know why Mr. Vick was allowed to appear in Butler, Mayor Alviene explained that we could not dictate who can and cannot appear, but the Borough must protect the safety of its citizens. Mr. Montanye asked if the Borough can have a car show of some sort on Main Street, the Mayor explained that Mr. Montanye would need to work out all the details and present it to the Council who would then forward the plan to the appropriate departments for approval.

Sherry Bednarz-Mosier, 62 Arch Street, noted that she has spoken with seven business owners who did little or no business because of Mr. Vicks appearance. She felt that all the police presence was overkill.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
2

Mayor Alviene reiterated that the Borough had no choice regarding the security of its citizens. Councilman Regis explained that problems had occurred at appearances by Mr. Vick in other locations and the safety of the residents of Butler was the major concern. The measures taken were to avoid problems, to maintain the safety of the citizens and to negate any legal issues that might have occurred if the security was not handled correctly. Approximately twenty of the protesters were Borough residents with the remainder from other locations.

Councilman Verdonik explained that the police presence was there for the protesters if Mr. Vick were non-controversial, the need for additional law enforcement personnel would not have been as great.

Mayor Alviene noted for the record that the protesters had prepared a card for the Police Officers wishing them a Happy Father's Day and thanking them for their work.

Seeing no one else come forward to speak this Public Portion of the Meeting was closed.
Moved: Fox Second: Vath

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Tax Collectors Report –May 2011 – \$2,958,308.50

Power & Light/Water & Sewer Department – May 2011 – \$2,557,820.75

Council President Vath reported on the following:

The new tax rate is not available, as the state had not yet issued their tax rate. The Borough's agreement with Lakeland Bank is expiring and Mr. Kozimor, the Borough's Chief Financial Officer is actively pursuing the best rates from other banks. The Board of Health had a women's health screening with the results sent to the participants, TDAP publicity and schedule of events; Sanofi-Pasteur has a new intradermal flu vaccine. The next Board of Health meeting is June 22, 2011.

Councilman Fox reported on the following:

The Kakeout Road Improvements project started drainage and utility work is currently being done, the project is scheduled to be completed prior to the start of the school year, and a lane will be open on each end of Kakeout Road for passage.

Councilman Regis reported on the following:

Regarding public safety the new fire truck had a burning smell, it was returned to the factory and all hoses were replaced, odor no longer detected.

Councilwoman Woop reported on the following:

Clean Communities Annual Clean Up was done on May 21. The Girl Scouts did the flower planting. The Methodist Church and the Department of Public Works did needed painting at Stony Brook.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
3

Councilman Meier reported on the following:

Work is still in progress for the new AMR system, and GIS mapping. Four accidents involving vehicles and utility poles occurred. Three poles were replaced on Lincoln Road off Route 23. Various voltage complaints were responded to and resolved. New electric service has been installed at the Vitamin Shoppe, while work continued on three phase installations. All meters read and recorded.

Councilman Verdonik reported on the following:

Regarding water and wastewater the first section of the Bartholdi Avenue Water main from Carey Avenue to Belleview Avenue is complete with the new piping, all bacteria testing has been conducted and successful. Estimated completion date for the entire project is July 9, 2011; the second phase of the project began today at the Butler High School section of Bartholdi Avenue. Inspections are to be performed on all waste and storm water piping on Bartholdi Avenue prior to paving, so repairs can be done before the area is paved. The Valley Road piping was tested; if this passes, it will go online thus completing the project. A grant was received for the Arch street cleaning project.

APPROVAL OF VOUCHERS AND PAYROLLS

R 2011-60 AUTHORIZATION FOR PAYMENT OF BILLS AND VOUCHERS

Moved: Vath

Second: Fox

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

Voted Aye with abstention on fire department bills by Vath and Meier

Voted Nay: None

R 2011-60 approved

PRESENTATION OF CORRESPONDENCE, PETITIONS

Resolution of Hardyston Township –Seeking State Intervention to Increase Safety and Public Awareness along State Highway Route 23

Resolution of Washington Township, Morris County in Support of a Modification of the Open Public Records Act

Resolution of the Borough of Lincoln Park Establishing Regulations Designed to Promote Public Health, Safety and General Welfare of Its Citizenry

Resolution of Mendham Township Supporting the Proposed Amendment to the Open Public Records Act to Preserve Its Original Intent

Resolutions in Support prepared and forwarded onto the respective municipalities.

R 2011-68 Resolution of the Borough of Butler Seeking State Intervention to Increase Safety and Public Awareness on State Highway Route 23

Moved: Fox

Second: Vath

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

Voted Nay: None

R 2011-68 approved.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
4

R 2011-69 Resolution Supporting the Proposed Amendment to the Open Public Records Act to Preserve Its Original Intent

Moved: Fox Second: Vath

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

Voted Nay: None

R 2011-69 approved.

R 2011-70 Resolution in Support of the Passaic River Flood Advisory Commission's 15 Point Plan to Mitigate the Impact of Floods in Morris, Passaic and Bergen Counties

Moved: Fox Second: Vath

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

Voted Nay: None

R 2011-70 approved.

ORDINANCES FOR INTRODUCTION

2011-14 BOND ORDINANCE FOR REPLACEMENT OF WATER MAINS

Moved: Fox Second: Regis

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

Voted Nay: None

Mr. Lampmann explained that this bonding addresses the alternates on Kakeout Road; and enable the replacement of the water lines on Struble Avenue.

Public hearing scheduled for July 19, 2011.

Supplemental debt statement is on file as of this date.

Moved: Fox Second: Verdonik

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

Voted Nay: None

Public hearing scheduled for June 21, 2011.

ORDINANCES FOR ADOPTION

2011-7 AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$25,000 FOR IMPROVEMENTS TO BUILDINGS AND GROUNDS FROM THE GENERAL CAPITAL , WATER UTILITY CAPITAL AND ELECTRIC UTILITY CAPITAL IMPROVEMENT FUNDS

Introduced: May 17, 2011

Advertised: May 22, 2011

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Fox Second: Regis

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

Voted Nay: None

Ordinance 2011-7 adopted.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
5

2011-8 AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$14,215 FOR THE ACQUISITION OF EQUIPMENT FOR THE POLICE DEPARTMENT FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

Introduced: May 17, 2011

Advertised: May 22, 2011

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Fox

Second: Regis

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

Voted Nay: None

Ordinance 2011-8 adopted.

2011-9 AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$22,000 FOR A STREET SIGN REPLACEMENT PROGRAM AND FOR IMPROVEMENTS TO STREETS AND ROADS EQUIPMENT FROM THE GENERAL CAPITAL – CAPITAL IMPROVEMENT FUND

Introduced: May 17, 2011

Advertised: May 22, 2011

Viktoria Presziosi, 54 Arch Street questioned the missing no parking signs on Arch Street and Manning Avenue. Mr. Lampmann explained that the purpose of this ordinance is to replace all the street signs as the requirements have changed or lettering on the signs.

Public hearing conducted, seeing no one else come forward to speak the public hearing was closed.

Moved: Fox

Second: Woop

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

Voted Nay: None

Ordinance 2011-9 adopted.

2011-10 AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF \$25,000 FOR THE PURCHASE OF WATER METERS FROM THE WATER UTILITY CAPITAL – CAPITAL IMPROVEMENT FUND

Introduced: May 17, 2011

Advertised: May 22, 2011

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Verdonik

Second: Vath

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

Voted Nay: None

Ordinance 2011-10 adopted.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
6

2011-11 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE CODE OF THE BOROUGH OF BUTLER BY ESTABLISHING THE POSITION OF PURCHASING AGENT

Introduced: May 17, 2011

Advertised: May 22, 2011

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Vath

Second: Fox

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

Voted Nay: None

Ordinance 2011-11 adopted.

2011-12 BOND ORDINANCE APPROPRIATING \$470,000 AND AUTHORIZING THE ISSUANCE OF \$470,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS ELECTRICAL SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES

Introduced: May 17, 2011

Advertised: May 22, 2011

Mr. Lampmann explained that this would result in increased savings for the Borough; the Electric Utility would pay this bond.

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Fox

Second: Meier

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

Voted Nay: None

Ordinance 2011-12 adopted.

2011-13 AMENDING AND SUPPLEMENTING CHAPTER 143, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER AMENDING THE PERMITTED SIGNS IN THE CENTRAL BUSINESS DISTRICT AND REDEVELOPMENT ZONE

Introduced: May 17, 2011

Advertised: May 22, 2011

Mr. Lampmann explained that this is a correction to the code regarding types of signage permitted.

Public hearing conducted, seeing no one come forth to speak the public hearing was closed.

Moved: Fox

Second: Regis

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

Voted Nay: None

Ordinance 2011-13 adopted.

RESOLUTIONS

R 2011-61 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE ELECTRIC DEPARTMENT

Moved: Vath

Second: Regis

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

Voted Nay: None

R 2011-61 approved.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
7

2011-62 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS
IN THE TAX OFFICE

Moved: Vath Second: Regis
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath
Voted Nay: None
R 2011-62 approved.

R 2011-63 APPROVING RENEWAL OF ALCOHOLIC BEVERAGE LICENSES FOR THE 2011-
2012 LICENSING TERM

Moved: Fox Second: Regis
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop
Voted Nay: None
R 2011-63 approved.

R 2011-64 APPROVING PLACEMENT OF A CLOTHING BIN

Discussion ensued regarding location and it was decided to carry to next agenda, and forward the application and supporting documentation to Zoning for inspection and input.

R 2011-65 AMENDING CAPITAL BUDGET – REPLACEMENT OF WATER MAINS

Moved: Fox Second: Meier
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath
Voted Nay: None
R 2011-65 approved.

R2011-66 RESOLUTION REQUESTING APPROVAL OF INSERTION OF ITEMS OF
REVENUE AND APPROPRIATION FOR THE BOROUGH'S SHARE OF THE
IMPROVEMENTS TO THE BUTLER MUSEUM

Moved: Vath Second: Fox
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop
Voted Nay: None
R 2011-66 approved.

Mr. Lampmann explained that this allows the insertion of the grant monies received for the improvements into the 2011 Budget, it also allows for expenditure of Borough funds for those improvements to the Museum.

R-2011-67 BID AWARD – AWARDING THE STRUCTURAL STABILIZATION BID FOR THE
BUTLER MUSEUM

Moved: Vath Second: Fox
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath
Voted Nay: None
R 2011-67 approved.

Mayor Alviene noted that this is the culmination of a long process; it is nice to see it coming to fruition.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
8

UNFINISHED BUSINESS

Mr. Lampmann explained that the Department of Public Works building requires work to repair the structure; he would like to close in the windows at the rear of the building and reshingle the roof. At this point, he would like Council approval to proceed, which enables him to release a check so that work may proceed.

Additionally, discussion ensued regarding the garbage that was collected as part of the clean up on Arch Street. Mr. Lampmann will speak with Karen Becker to expedite removal of the garbage.

INVITATION FOR DISCUSSION FROM PUBLIC

Megan Soules, 58 Arch Street, regarding the garbage collected from the clean up on Arch Street this she stated that it is an eyesore.

Sherry Bednarz-Mosier, 62 Arch Street, stated that the sign which is part of the garbage on Arch Street was put back up to show the location of the garbage, the sign should be taken down and removed with the rest of the garbage.

Peggy Spranzani, 32 Cleary Avenue in regards to liquor licenses asked if there is a distance requirement between two licensed premises; the Borough has no requirement for specific distances between licenses. Regarding the pre-construction meeting for the museum, please contact Mr. Lampmann as he is in the process of scheduling a meeting.

Ralph Ennis, 36 Arch Street inquired as to whether or not an agreement has been reached for the property transfer to the Passaic River Coalition. He also wanted to know if the residents should have been informed by mail. Additionally, he asked if this area is used as a recreation area with footpaths, would there be an increased police presence. Mr. Van Ness wants to preserve the land in its natural state.

Mayor Alviene noted that legally the Borough is not required to send individual letters. If increased patrols are warranted, they will be put into effect. Councilwoman Woop stated that this property is to be used for passive recreation, it can be used as a footpath for access to the river, regarding the trash from the Clean Communities cleanup, and the trash was brought to that location and should have been picked up. Mr. Lampmann was unsure as to whether or not public access was the intent of the land grant to the Passaic River Coalition.

Mr. Oostdyk stated for the record this as Green Acres property there are certain deed restrictions that must be maintained such as nothing can be built on this property. It must remain in its natural state; the Passaic River Coalition will keep the property clean and free of debris. A walking trail might not be an option as this is a flood zone.

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

COUNCIL MEETING
JUNE 21, 2011
7PM
9

Arthur Soules, 58 Arch Street informed that Council that he heard there would be a roadway, parking lot and sidewalk made of concrete. It was stated emphatically that no structures would be built on this land.

Sherry Bednarz-Mosier, 62 Arch Street stated that notices of encroachment went out to the residents; they were asked if they needed assistance in moving these encroachments. Ms. Bednarz-Mosier noted that her intent was to help clean up the encroachments and help the community. Mr. Lampmann noted that as Administrator he should be aware of any meetings regarding Borough property, to avoid any misinformation. Mayor Alviene and Councilman Fox concurred with Mr. Lampmann that the entire Council must be informed.

Ken Montanye, 8 North Western Avenue asked the Council what options are available to address the bottleneck and flooding on North Western Avenue. Additionally what would the cost be to repair those issues? He also noted that the same contractor who did the project on North Western is currently doing the Kakeout Road project. Will there be similar issues on Kakeout as the ones on North Western? Councilman Fox noted that the contractor has the plans, inspections will be performed on a regular basis on the Kakeout project; additionally regarding Northwestern Avenue, a tree that seems to be creating the bottleneck issue that should have been removed when the road was being worked on, however, at the time it was a healthy tree. Unfortunately, the tree since then has since rotted out and died, so the similar issues should not occur on Kakeout Road.

Debbie Sammons, 80 Summit Avenue a neighbor had a new driveway installed and the sidewalk adjacent to it has not been repaired to date, she would like the Borough to investigate. Mayor Alviene noted that he would have the area inspected.

Motion to adjourn
Moved: Fox
Yes all.

Second: Regis

Adjournment: 8:00 p.m.

Adopted:

MAYOR ROBERT W. ALVIENE

Attest:

Mary A. O'Keefe, Municipal Clerk

Dated: