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COUNCIL MEETING  
JULY 19, 2011  
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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 Robert Meier and Councilwoman Judith Woop.  
ABSENT: Councilman Raymond Verdonik

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

#### APPROVAL OF MINUTES:

June 21 and July 5, 2011

Moved: Fox

Second: Regis

All in favor

#### MEETING OF PUBLIC AND INVITATION FOR DISCUSSION

Motion by: Fox

Second: Regis

Seeing no one come forth to speak this public portion of the meeting was closed.

Moved: Fox

Second: Regis

All in favor.

#### REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Councilwoman Woop had no report.

Councilman Meier reported on the following:

The Electric Utility is prepared for any outages caused by the increased demand due to the record high temperatures. The Electric Utility responded and resolved voltage complaints. Transformers were added, power loads were split, riser pole installation at the substation was completed today. Repairs were performed to correct a leakage in an underground transformer; two trees were removed at the Stony Brook recreation area for the installation of a new water line. All meters read and recorded.

Councilman Regis reported on the following:

There have been no issues with the Police department; the new fire truck was repaired. The problem of water leakage into an electrical panel on the new fire truck had engineers from the manufacturer inspecting the vehicle and trying to determine if the repair can be done on site or if the vehicle needs to be returned to the factory. The problem might be a design flaw, while it has not effected usage of the vehicle the issue still needs to be addressed.

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Councilman Fox reported on the following:

The Kakeout Road Improvements project is continuing most of the curbing and drainage has been installed, although several boulders needed to be removed, the project is still on schedule for completion prior to the start of the school year. Road repair has continued.

Council President Vath reported on the following:

The sanitarian is continuing with inspections. Examinations were performed on six children on June 20. The seasonal flu vaccination will be scheduled for the fall, preference to be given to those 55 or older and those younger than 55 with chronic conditions. Regarding the audit, he was happy to report that there are only two issues that need to be addressed in the audit. Mr. Kozimor CFO has examined all proposals received for the banking of the Borough and Lakeland Bank continues to provide the best value for the Borough. Tax bills will be mailed shortly, the delay is a result of late state aid increases to schools. The next Board of Health meeting will be in September.

Tax Collectors Report –June 2011 – \$175,180.90

Power & Light/Water & Sewer Department – June 2011 – \$2,329,285.05

#### APPROVAL OF VOUCHERS AND PAYROLLS

#### R 2011-73 AUTHORIZATION FOR PAYMENT OF BILLS AND VOUCHERS

Moved: Vath

Second: Regis

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

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

Voted Nay: None

Absent: Verdonik

R 2011-73 approved

#### PRESENTATION OF CORRESPONDENCE, PETITIONS

Resolution of the Township of Randolph Urging Swift Passage of S-2762/A-4084

Resolution 2011-79 Urging Swift Passage of S-2762/A-4084

The purpose of these bills would allow a municipality to pay commercial and industrial property tax refunds for the years 2010 and 2011 over three subsequent local budget years.

Moved: Fox

Second: Vath

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

Voted Nay: None

Absent: Verdonik

R 2011-79 approved.

#### ORDINANCES FOR INTRODUCTION

None

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ORDINANCES FOR ADOPTION

2011-14 BOND ORDINANCE FOR REPLACEMENT OF WATER MAINS

Introduced: June 21, 2011

Advertised: June 26, 2011

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

Moved: Fox

Second: Regis

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

Voted Nay: None

Absent: Verdonik

Ordinance 2011-14 adopted.

RESOLUTIONS

R 2011-74 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR  
CANCELLATIONS IN THE ELECTRIC DEPARTMENT

Moved: Vath

Second: Fox

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

Voted Nay: None

Absent: Verdonik

R 2011-74 approved.

2011-75 APPROVING THE RENEWAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR THE  
2011-2012 LICENSING TERM

Moved: Regis

Second: Fox

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

Voted Nay: None

Absent: Verdonik

R 2011-75 approved.

R 2011-76 RESOLUTION FOR THE ACCEPTANCE OF THE 2010 BOROUGH AUDIT

Moved: Fox

Second: Regis

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

Voted Nay: None

Absent: Verdonik

R 2011-76 approved.

R 2011-77 RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SIGN THE  
APPLICATION FOR MEMBERSHIP IN PJM INTERCONNECTIONS, LLC

Mr. Lampmann explained that being a member allows the Borough to find the best possible pricing for purchasing power.

Moved: Fox

Second: Meier

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

Voted Nay: None

Absent: Verdonik

R 2011-77 approved.

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R 2011-78 RESOLUTION EXTENDING PAYMENT DATE FOR THIRD QUARTER PROPERTY TAX BILLS

Moved: Vath

Second: Regis

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

Voted Nay: None

Absent: Verdonik

R 2011-78 approved.

UNFINISHED BUSINESS

Mr. Lampmann noted that the meeting of the joint Borough and School Board Ad Hoc committee scheduled for next week needs to be rescheduled; the new date is August 17, 2011. Additionally, Mr. Lampmann is working on power contracts; he is looking into procuring power for 2014 and beyond, which would allow the Borough to take advantage of the current low rates. Councilman Fox inquired about the legislation that would have allowed the Borough to join with ten other towns to purchase power, Mr. Lampmann explained that the bill was not adopted and would be looked at again in November.

It was determined at this point that due to various other commitments by members of the Governing Body the August 1, 2011 Workshop meeting be cancelled.

INVITATION FOR DISCUSSION FROM PUBLIC

Ken Montanye, 8 North Western Avenue noted that he had received the documents for use of Borough Property in a timely fashion, when he contacted a promotional company that held an event here several years prior, they felt the event was a flop, even vendors for the farmers market cancelled. Regarding the Michael Vick autograph signing, the cost to Morris County per Captain Paul of the Morris County Prosecutors Office, was \$4,251.58. Additionally, he spoke with several business owners who had complaints about the effect that Mr. Vicks appearance had on their business. The owners of the sushi restaurant were asked if they had, a permit to sell solicit when they attempted to sell water to the people on line. He asked when the museum stabilization work would begin. Additionally he requested an additional no parking sign put up on North Western Avenue.

Mayor Alviene stated that we would welcome events in the downtown area, the farmers market was restricted to the organic and renewable type products, which limited the vendors. The law regarding canvassers and solicitors is clear they must be licensed, some business owners were not happy; however, we cannot restrict someone from appearing. The Mayor reiterated that the Borough would not put a price on safety.

Councilman Meier and Mr. Lampmann noted that they had spoken with the owner of the Butler Family Restaurant and he informed them that he had a good day.

Councilman Fox noted that his business is located in Pompton Lakes and it is a ghost town, with 15 empty stores, every town has empty stores. The area in Pompton Lakes where the farmers market is held has two gigantic parking lots allowing a greater amount of vendors; additionally the vendors are not limited to green or renewable products.

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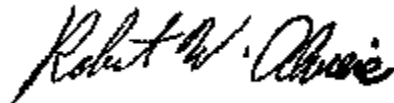
Mr. Lampmann noted that the bid process for the Museum was lengthy because of its historical value; work should be completed by the end of the year.

Motion to adjourn  
Moved: Fox  
Yes all.

Second: Regis

Adjournment: 8:00 p.m.

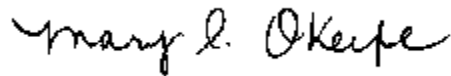
Adopted: August 16, 2011



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MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, Municipal Clerk

Dated: August 16, 2011

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BOROUGH OF BUTLER  
RESOLUTION R 2011-73

AUTHORIZATION FOR PAYMENT OF BILLS

RESOLUTION THAT THE BILLS AS ATTACHED AND PRESENTED BY THE FINANCE OFFICER AND APPROVED BY THE FINANCE COMMITTEE BE AUTHORIZED FOR PAYMENT

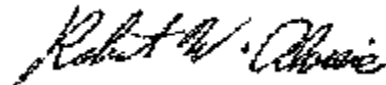
MOVED: Vath

SECOND: Regis

VOTED AYE: Vath, Fox, Regis, Meier and Woop  
(Vath and Meier abstained on Fire Department bills)

VOTED NAY: None

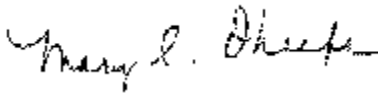
Absent: Verdonik



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MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, RMC  
Borough Clerk

Dated: July 19, 2011

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**BOROUGH OF BUTLER  
RESOLUTION R 2011-79**

**Resolution Urging the Swift Passage of S-2762/A-4084**

**WHEREAS**, Senator Buono and Assemblyman Coutinho have introduced S-2762 and A-4084, respectively, which permits a municipality to pay commercial and industrial property tax refunds for tax year 2010 and 2011 over subsequent three local budget years; and

**WHEREAS**, municipalities do rely and encourage business development in their community for economic growth; and

**WHEREAS**, unlike a residential tax appeal, commercial and industrial property owners must submit an income statement when filing their appeal as net income generated by property that has a direct bearing on the ability to market the property and therefore its value; and

**WHEREAS**, successful tax appeals shift the burden of the appeal to the rest of the taxpayers within the community; and

**WHEREAS**, S-2762 and A-4084 will provide municipalities with a temporary tool to assist in planning and controlling their financial budgets during this influx of appeals; and

**WHEREAS**, the governing body of the Borough of Butler supports the need for legislation to address property tax refunds for commercial and industrial properties and firmly believes that by allowing phased refunds on successful commercial and industrial property tax appeals, these bills will provide substantial relief for many residential taxpayers; and

**WHEREAS**, the League of Municipalities recently conducted a survey that measured the extent to which property owners filed and won tax appeals in 2010, in which 150 municipalities, representing a cross section of the state, participated; and

**WHEREAS**, those participating in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

**WHEREAS**, while a municipality will often experience an increase in tax appeals because they have conducted a revaluation, only 5 of the 150 municipalities, who participated in the survey, indicated that their 2010 appeals resulted from revaluations compared to the 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

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**WHEREAS**, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of property owners, all around our Garden State; and

**WHEREAS**, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011 and beyond, since the reductions, which were granted by the County Tax Boards will have a multiplier effect; and

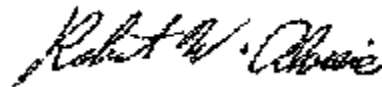
**WHEREAS**, while New Jersey and this nation struggle to recover from one of the worst economic crisis since the Great Depression, municipalities must be given the tools to prevent increasing property taxes on already strained tax payers; and

**WHEREAS**, successful tax appeals impact fund balances and place additional pressures on the local budget; and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Butler urge for the swift passage of S-2762 and A-4084 to provide municipalities with an additional tool to prevent increasing property taxes on already strained taxpayers; and

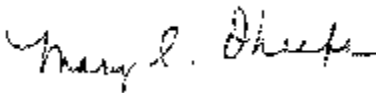
**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, Senator Joseph Pennacchio, Assemblymen Alex DeCroce and Jay Webber, to all Municipal Clerks in the County of Morris and to the New Jersey League of Municipalities.

Adopted: July 19, 2011



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC  
Borough Clerk



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**BOROUGH OF BUTLER  
RESOLUTION R2011-74**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR  
CANCELLATIONS IN THE ELECTRIC DEPARTMENT**

WHEREAS, there appears on the utility records overpayments or credits as shown below; and

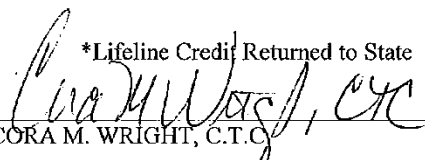
WHEREAS, the adjustments were created by the reasons indicated below, and the Supervisor of Accounts recommends the refund of such overpayments and cancellation of credit balances as indicated;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Butler that the proper officers be, and they are hereby authorized and directed to issue checks refunding such overpayments as hereafter shown below:

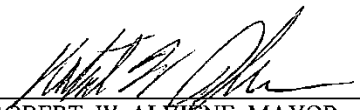
**CODE OF REASONS**

- |   |                                   |
|---|-----------------------------------|
| 1. Overpayment-Refund                   | 3. Cancellation of Debit Balance  |
| 2. Cancellation of Uncollectible Amount | 4. Cancellation of Credit Balance |

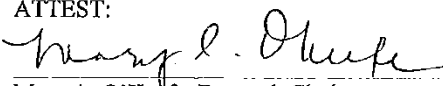
ACCT #	Name	Location	Amount	Year	Reason
8606-800	Cofield, Lynda Lee	47 Stockton Dr	\$86.05	2011	1
7576-2	Kerwin, Thomas	37 Orchard St	\$10.28	2011	1

\*Lifeline Credit Returned to State  
  
CORAM. WRIGHT, C.T.C.

ADOPTED: 7/19/11

  
ROBERT W. ALVIENE, MAYOR

ATTEST:

  
Mary A. O'Keefe, Borough Clerk  
Date:

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BOROUGH OF BUTLER

RESOLUTION NO. 2011-75

RESOLUTION OF THE BOROUGH OF BUTLER APPROVING ALCOHOLIC BEVERAGE LICENSE RENEWAL FOR THE 2011-2012 LICENSING TERM

**WHEREAS**, an application for renewal for the licensing term, July 1, 2011 through June 30, 2012 has been filed by the following Retail Liquor Licensee, and

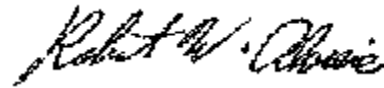
**WHEREAS**, the application form is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

**WHEREAS**, pursuant to the special ruling of the Director of the Division of Alcoholic Beverage Control special condition is hereby imposed on this license that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2012, except if good cause for reconsideration is shown.

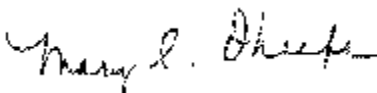
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Butler, in the County of Morris, and State of New Jersey, that the following Retail Liquor License be renewed for the licensing term, July 1, 2011 through June 30, 2012:

1403-44-008-006      River Place at Butler LLC for premises located at 419 Main Street, Butler, New Jersey

Adopted: July 19, 2011



Robert W. Alviene, Mayor



Mary A. O'Keefe, Borough Clerk

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BOROUGH OF BUTLER  
RESOLUTION R2011-76

WHEREAS, N.J.S.A.40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations": and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

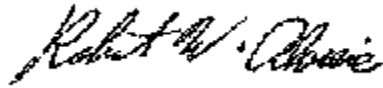
R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director) Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit this office.

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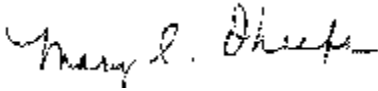
NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Butler, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON: July 19, 2011



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Robert W. Alviene, Mayor



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Mary A. O'Keefe, RMC  
Borough Clerk

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**BOROUGH OF BUTLER  
RESOLUTION R2011-77**

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SIGN THE  
APPLICATION FOR MEMBERSHIP IN PJM INTERCONNECTION, LLC.**

WHEREAS, the Borough of Butler desires to apply for membership in PJM Interconnection, LLC; and

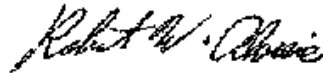
WHEREAS, PJM Interconnection is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia.; and

WHEREAS, PJM Interconnection is the RTO that covers New Jersey Power Utilities; and

WHEREAS, the fee for membership will be \$2,083.33 for the balance of 2011,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Butler, County of Morris and State of New Jersey, that James Lampmann is hereby authorized to sign the PJM Application on behalf of the Borough of Butler.

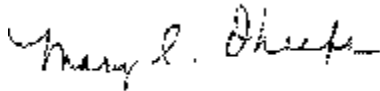
Adopted: 7/19/2011



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Robert W. Alviene, Mayor

Attest:



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Mary O'Keefe, Borough Clerk

Dated: July 19, 2011

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**BOROUGH OF BUTLER  
RESOLUTION R2011-78**

**RESOLUTION EXTENDING THE DATE  
THIRD QUARTER TAX BILLS ARE DUE**

WHEREAS, the year 2011 tax rate for the Borough of Butler will not be certified by Morris County until approximately July 26, 2011; and

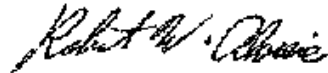
WHEREAS, the Borough of Butler will have a delay in the sending of their tax bills due to the delay in certification; and

WHEREAS, the tax bills for the Final 2011/Preliminary 2012 will not be mailed until after receipt of the certified tax rate; and

WHEREAS, the third quarter bill is normally due on August 1<sup>st</sup> with a 10 day grace period;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council extend the due date including the 10 day grace period for the payment of third quarter 2011 taxes to 25 days after the mailing of the new tax bills as certified by the Borough of Butler Tax Collector.

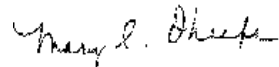
Adopted: 7/19/11



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Robert W. Alviene, Mayor

ATTEST:



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Mary A. O'Keefe  
Borough Clerk

Dated: July 19, 2011