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COUNCIL MEETING
AUGUST 16, 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 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:

July 19, 2011

Moved: Regis

Second: Vath

All in favor

MEETING OF PUBLIC AND INVITATION FOR DISCUSSION

Motion by: Fox

Second: Regis

Ken Montanye, 8 North Western Avenue inquired about additional signage, additional police presence and the painting of the curb yellow to denote no parking on North Western Avenue. It is his feeling that if an emergency occurs emergency responder vehicles would be unable to gain access. Additionally, we have a new business opening on Main Street, Lila's fruit and he requested an update on the status of the museum renovations, as he has not seen any progress.

Councilman Fox noted that additional signage would be erected. Mayor Alviene noted that the Borough is no longer painting the curbs, as the upkeep is costly. Councilman Regis noted that there would be additional police presence once the sign is erected. Mr. Lampmann explained that the railroad had stopped the renovations, as each subcontractor is required to have a right of entry permit issued by the railroad. Mr. Lampmann negotiated with railroad and the outcome is that the railroad will issue one permit to the Borough and the general contractor will provide proof of insurance to the railroad for approval, if all documents are in order work should begin again by the end of the week. Mr. Lampmann also noted that the railroad has requested that work begin on the platform as opposed to the foundation due to various events that scheduled for the fall and early winter.

Karen and Robert Simpson, 5 Lundy Terrace residents of Lundy Terrace asked that their road be repaved; Mr. Simpson a resident of forty years has never seen the road repaved. Ms. Simpson asked for clarification on the repaving of Kakeout Road.

Mayor Alviene explained that the Borough has a five year plan for road repair, however financial constraints limit what roads are repaired. Mayor Alviene deferred to Councilman Fox for an explanation of the road-repaving schedule. Councilman Fox explained that we are approximately ten years back, since the worst roads are repaired first, we may now concentrate on the smaller roads when funds are available, however, potholes will be repaired as necessary. Mr. Lampmann explained that there are drainage issues that need to be addressed prior to Lundy Terrace being repaved, some have already been

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addressed, additional storm drains need to be installed. Regarding Kakeout Road, Mr. Lampmann explained that minor changes are being made that will affect traffic, including increasing the size of the triangle which allocates more room to make a left turn.

Frank Kerr, 17 Manning Avenue, noted during the summer months he has to wear earplugs to sleep, as the music from Trackside Bar and Grill has been so loud, it is affecting his ability to sleep. Additionally, people park on the sidewalk in front of the establishment that blocks handicap access. Mr. Kerr stated he has to walk in the street when he passes due to vehicles and or motorcycles blocking the sidewalk. He would like the noise ordinance enforced, as his residence is not that located that close to Trackside and he can hear the music clearly.

Mayor Alviene noted that he would notify the police; Councilman Regis noted that he would speak with the Police Chief regarding these issues.

Motion to close this public portion of the meeting:

Moved: Fox

Second: Regis

All in favor.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Council President Vath noted that during the summer months the health department does not meet. The CFO has worked out a favorable rate as far as bonds are concerned it is less than .02 percent difference, which is outstanding today.

Councilman Fox noted that Kakeout Road is just about near completion, approximately one day left of work. Paving should be completed by August 26, 2011. Application for state aid is due for soon, Mr. Lampmann to prepare an application for state aid in the form of a transportation trust fund grant to include Bartholdi Avenue from Hasbrouck Avenue up to Route 23 including the side streets. Grants of this type are more readily available when the streets or roads connect to a state road. Mayor Alviene noted that paving the complete road is the proper way to do road rehabilitation rather than piecemeal. Hearing no objections from the Council, Mr. Lampmann will proceed on the state aid applications.

Councilman Regis noted that National Night Out was a success; the manufacturer of the fire truck has addressed the recent problems. He received a request from the Fire Department to move their monument from the front of the Carey Avenue Firehouse to the small park on Robert Street, additionally, they would like to apply for a piece of steel from the World Trade Center to be put on display. The Council concurred that this would be appropriate and the Fire Company can move forward with this.

Councilman Verdonik reported that the water main replacement on Bartholdi Avenue is proceeding nicely; the transfer of services is complete, service transfer to occur shortly on Hasbrouck Avenue.

Councilman Meier reported the electric utility dealt with the recent heat wave admirably. On July 22, JCP& L had a power problem, which created problems here in Butler; however, the electric utility rectified the situation in a timely manner. Sussex Rural Electric requested and was received assistance they would be billed for the services. Electric issues were dealt with throughout the service area. Meters were read and recorded. Mayor Alviene noted that it is a good thing that our Borough goes out to help other communities.

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Councilwoman Woop noted that volunteers are needed for the Pequannock River Annual clean up all tools will be provided. The Annual Townwide Garage Sale is September 10, with a rain date of September 11. The Candlelight Walk commemorating the tenth anniversary of the Attack on America is scheduled to begin at 7:00 p.m. in the Bloomingdale Municipal Building Parking Lot.

Tax Collectors Report – July 2011 – \$246,803.49
Power & Light/Water & Sewer Dept. – July 2011 – \$2,670,612.78

APPROVAL OF VOUCHERS AND PAYROLLS

R 2011-80 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 2011-80 approved

PRESENTATION OF CORRESPONDENCE, PETITIONS

Correspondence from Mark Madaio regarding Lakeland Regional Solid Waste Management Authority.

Mr. Lampmann explained that this Authority was formed but never came to fruition and no business has ever been conducted. The Mayor and Council concurred, Mr. Madaio to be notified in writing that the Council is in agreement with dissolution of the Authority and the return of any funds currently being held on behalf of the Borough.

ORDINANCES FOR INTRODUCTION

2011-15 AMENDING CHAPTER 119, SECTION 2 FEES FOR PHOTOCOPIES OF PUBLIC RECORDS

Public Hearing September 20, 2011

ORDINANCES FOR ADOPTION

None

RESOLUTIONS

R 2011-81 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE

Moved: Fox Second: Vath

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

Voted Nay: None

R 2011-81 approved.

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R 2011-82 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE ELECTRIC DEPARTMENT

Moved: Fox Second: Vath
Voted Aye: Woop, Meier, Verdonik, Regis Fox and Vath
Voted Nay: None
R 2011-82 approved.

R 2011-83 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE WATER/SEWER DEPARTMENT

Moved: Fox Second: Vath
Voted Aye: Woop, Meier, Verdonik, Regis Fox and Vath
Voted Nay: None
R 2011-83 approved.

R 2011-84 RESOLUTION AUTHORIZING TRANSFER OF LIQUOR LICENSE 1403-44-008-006 RIVER PLACE AT BUTLER LLC TO PADMA AND SONS LLC

Moved: Fox Second: Regis
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop
Voted Nay: None
R 2011-84 approved.

R 2011-85 RESOLUTION AUTHORIZING SUBMISSION OF THE BUTLER MUNICIPAL ALLIANCE GRANT

Moved: Meier Second: Regis
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath
Voted Nay: None
R 2011-85 approved.

R 2011-86 RESOLUTION AUTHORIZING THE ISSUANCE OF A NEW LIMOUSINE LICENSE TO HAPPY RIDE, LLC

Moved: Meier Second: Fox
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop
Voted Nay: None
R 2011-86 approved.

R 2011-87 RESOLUTION AUTHORIZING THE ISSUANCE BOND ANTICIPATION NOTES NOT TO EXCEED \$8,926,349

Mr. Lampmann explained that this is not an authorization for any new bonding, but to combine all outstanding bonds into one note at a lesser interest rate. Mayor Alviene noted that in comparison to other municipalities this is a fabulous rate.

Moved: Vath Second: Fox
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath
Voted Nay: None
R 2011-87 approved.

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R 2011-88 RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SIGN A CONTRACT WITH AMERICAN POWERNET MANAGEMENT, L.P.

Mr. Lampmann explained that this would assign a broker that is used by other municipal utilities within the State; the broker will try to procure power at the best possible rate.

Moved: Meier

Second: Fox

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

Abstain: Verdonik

Voted Nay: None

R 2011-88 approved.

UNFINISHED BUSINESS

Councilman Regis requested that the Council look into increasing the height of the retaining walls, as the grade is very steep, since volunteers from various youth groups maintain and beautify the area yearly he would like to see the wall raised in the interest of safety.

Mayor Alviene polled the Council and items raised were safety issues, also, cost was taken into account. The Mayor asked that the Council inspect the area in question and discuss the issue at the Workshop meeting of September 6, 2011.

Ms. O'Keefe asked for direction regarding inclement weather for the Candlelight Walk on September 11, 2011. It was the consensus of the Mayor and Council that in the event of torrential down pour the event be cancelled, however, a light drizzle would not cancel the event.

INVITATION FOR DISCUSSION FROM PUBLIC

Ken Montanye, 8 North Western Avenue

Mr. Montanye requested that speed limit signs be erected, detailing that the speed limit is 25 mph. Additionally, he indicated the fire hydrant at the corner of Spring Street and Kiel Avenue has been out of order for quite some time. Mr. Lampmann noted that this is the legal speed limit; as such, signs are not erected. Regarding the fire hydrant, it will probably be relocated, as there are issues with this hydrant. Mayor Alviene remarked that although this is a great idea the cost would be prohibitive in today's economic climate.

Diana Boyd, Garage Sale Treasures, 103 Arch Street

Wants to address the temporary signage ordinance, she feels that she should be able to post temporary signage to advertise her business, she would remove these signs after the weekend. Ms. Boyd noted that she formerly had a business in Pompton Lakes and she had to close down, as Pompton Lakes became a "ghost town." Additionally, some of her signs were vandalized when they were erected; the question arose as to why realtors are allowed to post temporary signage and she cannot. Mayor Alviene advised that signage is not permitted on public lands such as Butler Park, the Butler Museum Parking lot and the First Aid squad; this is a business as opposed to a garage sale held by an individual or a group. The Mayor asked that the Borough Attorney address Ms. Boyd's concerns with the sign ordinance, Mr. Oostdyk explained that there is an ordinance in effect and Ms.

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Boyd is aware and would like to make some changes to the ordinance. Ms. Boyd to provide suggestions to the Borough Council for discussion at the September Workshop Meeting; Councilman Fox would like to examine the issue as this has the potential to create major issues in the Borough. Mayor Alviene feels that this issue needs to be discussed at a Workshop meeting. Mr. Lampmann noted that in the past business owners had written a narrative regarding changes that are requested. Ms. Boyd to provide documentation prior to the Workshop meeting in September.

Chief Jim Neill, Butler Fire Department

Chief Neill wanted to express his gratitude to the Mayor and Council for approving the relocation of the monument. The Fire Department will provide upkeep to the park and the monument in its new home.

Motion to close this public portion of the meeting

Moved: Fox
All in Favor.

Second: Regis

Motion to go into closed session for the purposes of discussing litigation

Moved: Fox
Yes all.

Second: Regis

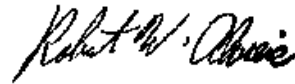
Motion to adjourn

Moved: Fox

Second: Regis

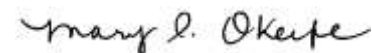
Adjournment: 8:00 p.m.

Adopted: September 20, 2011



MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, Municipal Clerk

Dated: September 20, 2011

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BOROUGH OF BUTLER
RESOLUTION R 2011-80

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

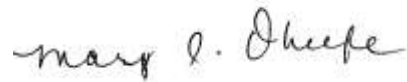
VOTED AYE Vath, Fox, Regis, Verdonik, Meier and Woop
(Vath and Meier abstained on Fire Department Bills)

VOTED NAY: None



MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, RMC
Borough Clerk

Dated: August 16, 2011

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**BOROUGH OF BUTLER
RESOLUTION R-2011-81**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR
CANCELLATIONS IN THE TAX OFFICE**

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

WHEREAS, the adjustments were created by the reasons indicated below, and the Collector of Taxes 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

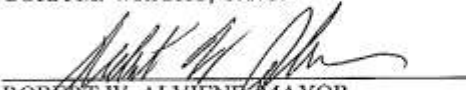
- | | |
|-----------------------------------|----------------------------------|
| 1. Overpayment-Refund | 5. Cancellation of Debit Balance |
| 2. Vets, SR Citizen Refund/Allow | 6. Cancellation of Taxes |
| 3. Cancellation of Credit Balance | 7. Tax Title Lien Redemption |
| 4. Tax Appeal | 8. Municipal Lien Redemption |

BLK/LOT/SUB	NAME	AMOUNT	YEAR	REASON
201/2.06	Covello Group Inc	\$17,629.99	2010	4

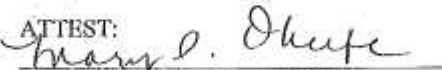


CORAM. WRIGHT, C.T.C.

ADOPTED: 8/16/11



ROBERT W. ALVIENE, MAYOR

ATTEST:


Mary A. O'Keefe, Borough Clerk
Date: 8/16/11

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**BOROUGH OF BUTLER
RESOLUTION R2011-82**

**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
7438-2	Henry, Edward	8 Poplar St, 1 st Fl	\$54.74	2011	1
71-11	Hoppel, William	38B Lincoln Rd 2 nd fl	\$24.17	2011	1
1806-0	DePol, Richard	2 Stony Hill Rd	\$113.68	2011	1

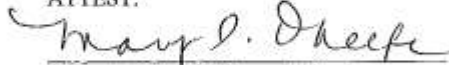
*Lifeline Credit Returned to State

CORAM. WRIGHT, C.T.C.

ADOPTED: 8-16-11


ROBERT W. ALVIENE, MAYOR

ATTEST:


Mary A. O'Keefe, Borough Clerk
Date: 8/16/11

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**BOROUGH OF BUTLER
RESOLUTION R2011-83**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR
CANCELLATIONS IN THE WATER/SEWER 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
- 2. Cancellation of Uncollectible Amount
- 3. Cancellation of Debit Balance
- 4. Cancellation of Credit Balance

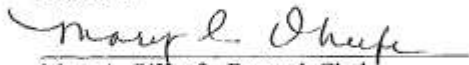
ACCOUNT #	Name	Location	Amount	Year	Reason
1806-0	De Pol, Richard	2 Stony Hill Rd	\$173.45	2011	1


CORAM. WRIGHT, C.T.C.

ADOPTED: 8/16/11


ROBERT W. ALVIENE, MAYOR

ATTEST:


Mary A. O'Keefe, Borough Clerk
Date: 8/16/11

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**BOROUGH OF BUTLER
RESOLUTION R 2011-84**

**RESOLUTION AUTHORIZING A PERSON-TO-PERSON, PLACE-TO-PLACE
TRANSFER OF A LIQUOR LICENSE**

WHEREAS, application has been filed for a Person-to-Person, Place-to-Place transfer of Plenary Retail Distribution License 1403-44-008-006, heretofore issued to River Place at Butler, LLC (Inactive) for premises located at 419 Main Street, Butler New Jersey N.J. 07405; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business, and all additional financing obtained in connection with the licensed business; now therefore

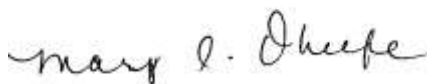
NOW, THERE FORE BE IT RESOLVED that the Borough Council of the Borough of Butler, Morris County, does hereby approve, effective August 23, 2011, the person-to-person, place-to-place transfer of the aforesaid Plenary Retail Distribution License to Padma and Sons, LLC, d/b/a River Place Food Store, 303 Main Street, Butler, N.J. 07405 for a term ending June 30, 2012, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

Adopted: August 16, 2011



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Borough Clerk

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**BOROUGH OF BUTLER
R 2011-85**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR
MUNICIPAL ALLIANCE GRANT**

WHEREAS, the Borough Council of the Borough of Butler, County of Morris, State of New Jersey recognizes that the abuse of alcohol and other drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough 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 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 Council of the Borough of Butler, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Butler Municipal Alliance grant for the calendar year 2012 in the amount of \$9,057.00.
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

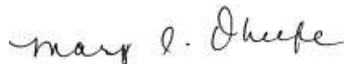
Adopted:



ROBERT W. ALVIENE, MAYOR

CERTIFICATION:

I, Mary A. 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 16, day of August, 2011.



Municipal Clerk

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BOROUGH OF BUTLER

RESOLUTION NO. 2011-86

RESOLUTION AUTHORIZING THE ISSUANCE OF A NEW LIMOUSINE LICENSE TO
HAPPY RIDE, LLC

WHEREAS, an application for a new limousine service in the Borough of Butler was received, reviewed, and approved by the Borough Attorney.

BE IT RESOLVED by the Borough Council of the Borough of Butler that the following new Limousine Owner's License be issued for the year 2011:

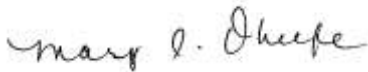
**Happy Ride LLC
45 Carey Avenue, Suite 214
Butler, NJ 07405**

Adopted: August 16, 2011



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, Borough Clerk

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**BOROUGH OF BUTLER
RESOLUTION NO. 2011-87**

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$8,926,349 BOND ANTICIPATION NOTES OF THE BOROUGH OF BUTLER, IN THE
COUNTY OF MORRIS, NEW JERSEY.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
BUTLER, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Borough of Butler, in the County of Morris (herein called "local unit"), entitled: "Bond ordinance appropriating \$375,000 and authorizing the issuance of \$375,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey, and relating to the Electrical Supply and Distribution System of the Borough", finally adopted on April 15, 2003 (#2003-6), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$304,771 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,200,000 and authorizing the issuance of \$1,140,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey", finally adopted on June 17, 2003 (#2003-17), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$720,030 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section

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3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for improvements to the electric supply and distribution system by the Borough of Butler, in the County of Morris, New Jersey, appropriating \$150,000 therefor and authorizing the issuance of \$150,000 bonds or notes of the Borough for financing such appropriation", finally adopted on March 15, 2005 (#2005-3), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$137,750 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of new and additional vehicular equipment for use by the Electric Utility of the Borough of Butler, in the County of Morris, New Jersey, appropriating \$85,000 therefor and authorizing the issuance of \$85,000 bonds or notes of the Borough for financing such appropriation", finally adopted on June 21, 2005 (#2005-16), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$47,265 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the improvement of various roads in and by the Borough of Butler, in the County of Morris, New Jersey, appropriating \$400,000 therefor and authorizing the issuance of \$380,000 bonds or notes of the Borough for financing such appropriation", finally adopted on July 5, 2005 (#2005-

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17), Bond Anticipation Notes of the local unit in a principal amount of not exceeding \$160,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of Decker Road in and by the Borough of Butler, in the County of Morris, New Jersey, appropriating \$1,000,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 18, 2006 (#2006-8), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$661,250 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$370,000, and authorizing the issuance of \$370,000 bonds or notes of the Borough, for various electrical supply and distribution system improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on July 18, 2006 (#2006-9), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$320,375 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance making a supplemental appropriation of \$1,000,000 for the improvement of the Downtown Area in and by the Borough heretofore authorized to be undertaken by the Borough of Butler, in the County of

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Morris, New Jersey, and authorizing the issuance of \$950,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on July 18, 2006 (#2006-10), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$653,750 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance providing for the acquisition of new and additional vehicular equipment for use by the Electric Utility of the Borough of Butler, in the County of Morris, New Jersey, appropriating \$245,000 therefor and authorizing the issuance of \$145,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 17, 2007 (#2007-17), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$113,889 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system in and by the Borough of Butler, in the County of Morris, New Jersey, appropriating \$200,000 therefor and authorizing the issuance of \$200,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 17, 2007 (#2007-18), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$194,936 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance,

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including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance providing for the acquisition of new and additional vehicular equipment by the Borough of Butler, in the County of Morris, New Jersey, appropriating \$80,000 therefor and authorizing the issuance of \$50,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 17, 2007 (#2007-19), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$38,888 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance providing for the acquisition of new and additional vehicular equipment for use by the Water Utility of the Borough of Butler, in the County of Morris, New Jersey, appropriating \$80,000 therefor and authorizing the issuance of \$50,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 17, 2007 (#2007-20) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$38,888 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$500,000 and authorizing the issuance of \$451,959 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on September 18, 2007 (#2007-26) Bond

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Anticipation Notes of the local unit in a principal amount not exceeding \$451,959 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance appropriating \$750,000 and authorizing the issuance of \$722,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey", finally adopted on December 18, 2007 (#2007-30) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$671,723 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for the acquisition of a new aerial bucket truck for use by the electric utility of the Borough of Butler, in the County of Morris, New Jersey, appropriating \$140,000 therefor and authorizing the issuance of \$140,000 bonds or notes of the Borough for financing such appropriation", finally adopted on August 19, 2008 (#2008-08) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$140,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for the improvement of the water supply and distribution system in and by the

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Borough of Butler, in the County of Morris, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$500,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 16, 2008 (#2008-11) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$500,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$800,000 and authorizing the issuance of \$769,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on September 16, 2008 (#2008-12) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$677,875 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$895,000 and authorizing the issuance of \$697,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on July 21, 2009 (#2009-04) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$697,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

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Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$2,100,000 and authorizing the issuance of \$1,999,000 bonds or notes of the Borough for various electrical supply and distribution system improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on July 21, 2009 (#2009-6) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,999,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$50,000 and authorizing the issuance of \$47,000 bonds or notes of the Borough for various water supply and distribution system improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on July 21, 2009 (#2009-5) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$47,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$350,000 and authorizing the issuance of \$350,000 bonds or notes of the Borough for various water supply and distribution system improvements or purposes authorized to be undertaken by the Borough of Butler, in the County of Morris, New Jersey”, finally adopted on May 17, 2011 (#2011-3) Bond Anticipation Notes of the local unit in a principal amount not exceeding \$350,000 shall be issued for the purpose of temporarily financing the improvement or

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purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 through 21 described, shall be combined into a single and combined issue of bonds in the principal amount of \$8,926,349.

The following matters in connection with said Bond Anticipation Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the local unit, provided that no note issued pursuant to Sections 1 through 21 hereof shall mature later than (i) one year from the date of the first note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the

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local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution

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and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

Upon motion of Council President Vath, seconded by Mr. Verdonik, the foregoing resolution was adopted by the following vote:

AYES: Woop, Meier, Verdonik, Regis, Fox and Vath

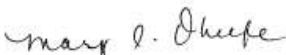
NOES: None

Adopted: 8/16/11



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, Borough Clerk

Dated: 8/16/11

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**BOROUGH OF BUTLER
RESOLUTION NO. R 2011-88**

RESOLUTION OF THE BOROUGH OF BUTLER AUTHORIZING THE BUSINESS ADMINISTRATOR TO SIGN AN AGREEMENT WITH AMERICAN POWERNET MANAGEMENT, L.P. FOR WHOLESALE PROCUREMENT OF POWER

WHEREAS, the Business Administrator has is currently negotiating power purchases for 2014 and beyond at the most advantageous rate for the Electric Utility customers; and

WHEREAS, American PowerNet Management, L.P. provides for wholesale electric procurement services for its customers and would be able to negotiate with electric purveyors who provide electric services at wholesale rates that are beneficial to the customers of the power utility; and

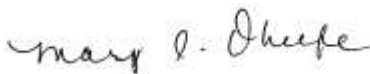
NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Butler that the Business Administrator is hereby authorized to sign the agreement with American PowerNet Management, L.P. and a copy of the agreement will be on file in the office of the Borough Clerk.

Adopted: August 16, 2011



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, Borough Clerk

Dated: August 16, 2011