

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

WORKSHOP MEETING
OCTOBER 2, 2012
7:00 P.M.
1

The Workshop Meeting of the Borough of Butler Mayor and Council was opened by Mayor Alviene who indicated that the meeting was being held in compliance with the Open Public Meetings Act having been duly advertised and posted in Borough Hall.

ROLL CALL

PRESENT: Mayor Robert W. Alviene, Councilman Stephen Regis, Councilman Robert Fox, Councilman Sean McNear (arrived 7:03 p.m.), Councilman Robert Meier, Councilman Raymond Verdonik and Council President Edwin Vath

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

DISCUSSION:

AMENDING BOROUGH OF BUTLER CODE TO ALLOW FOR RENTAL UNITS IN ARGONNE WOODS – MOUNIR BADAAN

Mounir Badaan, CEO, and Brandon Badaan of Badanco Holding LLC, are appearing before the Mayor and Council this evening to ask about the possibility of a zoning overlay for the Argonne Woods Development. The project has not sold as many units as anticipated and they would like to complete the remainder of the condominium units in Phase II. They would like Phase III to be rental units that would require a zoning overlay as the current zoning is for single-family town houses. These rental units would be less square footage than thus increasing total amount of units while still maintaining the original footprint. After discussion by the Mayor and Council, it was decided that Councilman Fox liaison to the Planning Board would bring this issue up at the next Planning Board Workshop meeting.

R 2012-83 RESOLUTION IN SUPPORT OF S-180 AND S-640 WHICH REQUIRES TIER CLASSIFICATION PRIOR TO RELEASE FOR MEGAN'S LAW OFFENDERS

Chief Card forwarded the information on this legislation, requesting the Mayor and Council to adopt a resolution in support of the legislation as a matter of public safety.

Moved: Fox

Second: Regis

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

Voted Nay: None

R 2012-83 adopted.

ORDINANCE NO. 2012-15 DELETING CHAPTER 54 SOLID WASTE MANAGEMENT AUTHORITY

Correspondence was received from Mark Madaio, requesting the "Lakeland Solid Regional Waste Management Authority" (hereinafter, the Authority") be dissolved. The Authority has never conducted any business nor will in the future, passage of an ordinance is required to dissolve the Authority.

Public Hearing November 5, 2012

Moved: Fox

Second: Verdonik

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

Voted Nay: None

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

WORKSHOP MEETING
OCTOBER 2, 2012
7:00 P.M.
2

DISCUSSION:

BEST PRACTICE INVENTORY PROGRAM

This is an annual report prepared by J. Kozimor, Chief Financial Officer, which determines the percentage of the total aid a municipality, receives based on the answers given. Any questions please forward them to Mr. Kozimor.

TOWNSHIP OF MONTVILLE RESOLUTION “FLOOD MITIGATION INITIATIVES FOR THE PASSAIC RIVER BASIN COMMUNITIES”

Discussion ensued, it was decided that Butler would maintain their right to make the final decision regarding lowering reservoirs, as a means of flood control, based on the consequences should the storm not occur.

Mayor Alviene had two items he wanted to bring to the attention of the Council:

A letter from a citizen commending Captain Ciro Chimento for assistance he provided.

A request from Marge Cooper for handicapped parking in front of the Butler Post Office. Discussion ensued and a study will be done to determine the feasibility of moving one of the current spaces.

OPEN PUBLIC DISCUSSION

Seeing no one come forward to speak a motion was made to close the public portion of the meeting.

Moved: Fox

Second: Vath

All in favor.

Motion was made to adjourn the meeting:

Moved: Fox

Second: Vath

All in favor.

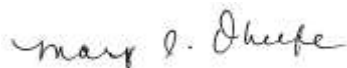
ADJOURNMENT: 7:30 p.m.

Adopted: October 16, 2012



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

Dated: October 16, 2012

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

WORKSHOP MEETING
OCTOBER 2, 2012
7:00 P.M.
3

RESOLUTION NO. 2012-83

**RESOLUTION OF THE BOROUGH OF BUTLER, COUNTY OF MORRIS
SUPPORTING PASSAGE OF S-180 AND A-640 BY WHICH REQUIRES COUNTY
PROSECUTORS TO DO TIER CLASSIFICATION FOR THAT MEGAN'S LAW
OFFENDERS PRIOR TO RELEASE**

WHEREAS, Senate Bill 180 and Assembly Bill 640, were introduced to the legislature in 2012 to amend Megan's Law to require that County Prosecutors determine the risk of re-offense of sex offenders under Megan's Law prior to release from incarceration; and

WHEREAS, currently, many sex offenders are not tiered until they have been released into the community; and

WHEREAS, the Mayor and Borough Council of the Borough of Butler believe it is in the best interests of the citizens of the Butler and the State of New Jersey to require the Prosecutor's Office determine a sex offender's risk of re-offense prior to release.

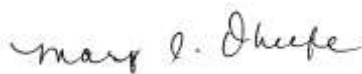
NOW, THERE FORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Butler, County of Morris, State of New Jersey hereby supports the passage of Senate Bill 180 and Assembly Bill 640 which amends Megan's Law by requiring the County Prosecutors to determine a sex offender's risk of re-offense prior to release from incarceration and urges the swift enactment of this legislation.

Adopted: October 2, 2012



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe, Borough Clerk

Dated: October 2, 2012

**BOROUGH OF BUTLER
ORDINANCE NO. 2012 - 15**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER, CHAPTER 54 (SOLID WASTE MANAGEMENT AUTHORITY)

WHEREAS, in May 1977 the municipalities of Bloomingdale, Butler, Kinnelon, Pequannock, Pompton Lakes and Ringwood joined together to form the “Lakeland Regional Solid Waste Management Authority” (hereinafter, the “Authority”); and

WHEREAS, each of the member municipalities contributed to the Authority in the following percentages of the initial budgeting requirements:

Bloomingdale	13.1%	Pequannock	22.8%
Butler	12.6%	Pompton Lakes	17.7%
Kinnelon	12.9%	Ringwood	20.9%; and

WHEREAS, while the Authority was formed and moved forward toward hiring professionals, it never actually operated for its intended purpose, and for over 30 years has continued to exist without taking any actions or operating in any fashion; and

WHEREAS, Kinnelon has control of an open bank account for the benefit of the Authority and since the Authority has never conducted any business – and will not do so in the future – Butler believes that it is sensible to disband the Authority and to disburse funds back to the member municipalities in the same percentages as their original contributions.

WHEREAS, pursuant to N.J.S.A. 40:66A-64, the governing bodies which have created a solid waste management authority may dissolve the authority upon the condition that:

- “...a. the members of the authority have not been appointed, the authority by resolution duly adopted consents to such dissolution or the governing body desires to join in the creation of another authority under this or another law and
- b. the solid waste management authority has no debts or obligations outstanding or all creditors or obliges of the authority have consented to its dissolution.”

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

WORKSHOP MEETING
OCTOBER 2, 2012
7:00 P.M.
5

WHEREAS, members have not been appointed to the Authority; the Authority is not in operation; and the Authority has no debts or obligations outstanding, the adoption of parallel ordinances is the appropriate way to proceed to finalize the dissolution of the Authority.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Butler, County of Morris, State of New Jersey, that the Lakeland Regional Solid Waste Management Authority be and hereby is dissolved.

Certified Copies of the Dissolution Ordinances are to be filed with the Secretary of State and upon proof of such filing, the authority shall be dissolved.

SEVERABILITY. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

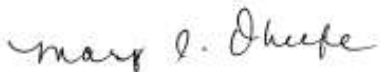
INCONSISTENT ORDINANCES. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect immediately after final passage, approval and publication in the manner provided by law.

Introduced this 2nd day of
October 2012.



Robert W. Alviene, Mayor



Mary O'Keefe, Borough Clerk