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WORKSHOP MEETING  
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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 Robert Fox, Councilman Robert Meier, Councilman Stephen Regis, Councilman Raymond Verdonik and Council President Edwin Vath

ABSENT: Councilman Sean McNear

A motion was made by Councilman Fox, seconded by Council President Vath to excuse the absence of Councilman McNear.  
All in favor.

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

**DISCUSSION:**

**ORDINANCE NO. 2012-16 ORDINANCE AMENDING CHAPTER 122 (FIRE PREVENTION)**

Mr. Westdyk, Fire Prevention Official requested these changes to the recently adopted ordinance to clarify expiration dates and license renewal dates.

Public Hearing December 18, 2012

Moved: Fox

Second: Vath

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

Voted Nay: None

Absent: McNear

**ORDINANCE NO. 2012-17 SALARY ORDINANCE FOR ALL NON-UNION EMPLOYEES OF THE BOROUGH OF BUTLER**

Mr. Lampmann explained that this ordinance establishes pay ranges; it does not set wages for any employee.

Public Hearing December 18, 2012

Moved: Regis

Second: Vath

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

Voted Nay: None

Absent: McNear

**R 2012-93 RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE 2013 MUNICIPAL ALLIANCE GRANT**

Robin Lavorato of the Butler Municipal Alliance needs this resolution to complete the application for 2013 funding. Councilman Regis noted that the application had been previously approved.

Moved: Fox

Second: Meier

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

Voted Nay: None

Absent: McNear

R 2012-93 adopted.

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**R 2012-94 RESOLUTION IN SUPPORT OF LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT**

Mr. Lampmann explained that this would clarify the ambiguity that currently exists in this law and allow the continued collection of telecommunications tax by municipalities, thus lessening the burden on the taxpayer.

Moved: Verdonik

Second: Vath

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

Voted Nay: None

Absent: McNear

R 2012-94 adopted.

**DISCUSSION:**

**CORRESPONDENCE FROM ARGONNE WOODS REGARDING ZONING OVERLAY**

Correspondence from Gary L. Hillen of Argonne Woods, informing the Mayor and Council that they would not be going forward with a request for a zoning overlay.

**BUTLER MUSEUM AND HISTORICAL COMMITTEE**

Peggy Spranzani and Charlie Emering of the Butler Museum and Historical Committee attended the meeting and asked for direction from the Borough Council and the Borough Attorney (see attached letter detailing topics). Mr. Oostdyk noted that if the Friends of the Butler Museum were a separate organization from the museum and doing active fund raising, that was not going directly into the museum budget, then they would have to apply for non-profit status, however, recent changes have made obtaining non-profit status a lengthy process. At this time it would be easier to allow individuals to become members of the Friends of the Butler Museum as established by the Museum committee, although it would be a separate entity; the museum committee would be involved with recruiting members. The members of the group would be nonvoting and have no direct affiliation with the Borough nor covered by the Borough insurance. Regarding members less than 18 supervision is required; as far as insurance coverage Butler Public School students receive insurance coverage under the school policy, supervision would still be required. Councilman Verdonik noted that he would begin attending meetings, as the scheduling conflict has been resolved.

**2013 APPOINTMENTS** Regarding vacancies the Mayor stated that he would begin to make appointments, however, all appointments may not be completed at the reorganization meeting.

**POTENTIAL CDBG PROJECTS**

Mr. Lampmann provided the Council with a listing of six suggested projects for the 2013 CDBG application, after discussion the projects chosen to apply for were:

Combine the Woodland and DeBow pump stations into a single project, rehabilitate the controls in both stations, and add connections for an external generator during power outages.

Water Main replacement on Carey Avenue from Bartholdi to John Street or further depending on available funding.

Library Roof

Mr. Lampmann will prepare applications for all of the above named projects and a hearing will be held prior to submission of the application.

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**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.

**R 2012-95 RESOLUTION ENTERING INTO CLOSED SESSION FOR PURPOSES OF CONTRACT DISCUSSION**

Motion to enter into closed session for the purposes of contract discussions:

Moved: Vath

Second: Fox

All in favor.

Motion was made to adjourn closed session and reopen the meeting to the public:

Moved: Vath

Second: Fox

All in favor.

**R 2012-96 RESOLUTION AUTHORIZING 2013 SALARIES FOR NON-UNION EMPLOYEES**

Discussion ensued on salaries for non-union employees for the year 2013, it was determined that the non-union employees would receive the same percentage increase as the unionized employees. Mayor and Council will receive an increase in salaries for the first time since approximately 1991.

Moved: Vath

Second: Regis

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

Voted Nay: None

Absent: McNear

R 2012-96 adopted.

Motion was made to adjourn the meeting:

Moved: Vath

Second: Regis

All in favor.

ADJOURNMENT: 7:30 p.m.

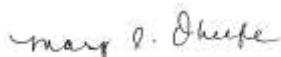
Adopted: December 18, 2012



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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: December 18, 2012

**BOROUGH OF BUTLER  
ORDINANCE NO. 2012 - 16**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF BUTLER, CHAPTER 122 (FIRE PREVENTION)**

**BE IT ORDAINED** by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

1. Chapter 122-of the Revised General Ordinances of the Borough of Butler, entitled shall be amended by the following amendment to Subsection 122-4, entitled “Permit Fee; Expiration Date ” which shall read in its entirety as follows:

All permits required by the Fire Prevention Code shall expire on December 31 and shall be renewable on or before January 31 of each year in the following amounts:

(a)	Type 1	\$ 42.00
(b)	Type 2	\$166.00
(c)	Type 3	\$331.00
(d)	Type 4	\$497.00
(e)	Type 5	\$1,380.00

2. Chapter 122 of the Revised General Ordinances of the Borough of Butler shall be amended by the following amendment to Subsection 122-16, entitled “Additional Inspections and Fees” which shall read in its entirety as follows:

**122-16 Additional Inspections and Fees**

The following yearly Registration/Inspection fees shall be required for all non-life-hazard uses: \$50.00 which shall be paid to the Borough of Butler on or before January 31 of each calendar year.

3. 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.

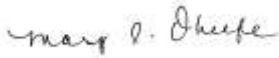
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4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced this 4th day of  
December 2012.



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Mary O'Keefe, Borough Clerk



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Robert W. Alviene, Mayor

BOROUGH OF BUTLER  
ORDINANCE NO. 2012-17

**AN ORDINANCE OF THE BOROUGH OF BUTLER  
ESTABLISHING A SALARY RANGE FOR MUNICIPAL EMPLOYEES**

BE IT ORDAINED by the Borough Council of the Borough of Butler as follows:

Section 1. There is hereby established a salary range for municipal officials, attached here to as Schedule A. Part I to include Full Time Salaries; Part II to include Part Time Salaries; Part III to include Part Time Hourly Salaries; Part IV to include Fixed Salaries.

Section 2. The listed classifications shall be compensated within such ranges being effective retroactive to January 1, 2012. The rate of compensation within a range shall be determined by the Borough Administrator, with consent of the Governing Body, on the basis of personnel standards. The Borough Council shall likewise determine the compensation of the Borough Administrator and the Borough Clerk.

Section 3. This ordinance will take effect in accordance with law.

SCHEDULE A.  
PART I

	<u>FROM</u>	<u>TO</u>
GRADE A Cashier, Clerk Typist, Deputy Tax Clerk	\$15,000	\$50,000
GRADE B Municipal Court Administrator, Collections Supervisor, Borough Clerk, Tax Collector/Supervisor of Accounts	\$20,000	\$100,000
GRADE C C.M.F.O., Line Superintendent, Chief Water Treatment Plant Operator, Public Works Superintendent, Lieutenant of Police, Captain of Police, Police Chief, Borough Administrator	\$25,000	\$185,000

PART II

	<u>FROM</u>	<u>TO</u>
Construction Official	\$6,000	\$35,000
Plumbing Sub-Code Official	2,000	12,000
Electric Sub-Code Official	2,000	12,000
Fire Sub-Code Official/Fire Prevention Official	2,000	10,000
Assessor	10,000	40,000
Municipal Court Judge	10,000	35,000
Municipal Prosecutor	2,000	15,000

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Zoning Officer/Property Maintenance Officer	3,000	40,000
Board of Health Secretary	1,000	5,000
Recreation Director	5,000	22,000
Recreation Secretary	500	2,000
Public Defender	1,000	5,000

PART III  
HOURLY

	<u>FROM</u>	<u>TO</u>
Clerk Typist	7.25	23.00
Special Police Matrons	7.25	23.00
Meals on Wheels Driver	7.25	21.00
Deputy Court Administrator	7.25	23.00
Substitute & OT Crossing Guards	7.25	23.00
Seasonal Help	7.25	15.00

PART IV

	<u>FROM</u>	<u>TO</u>
Mayor	\$ 2,500	5,000
Council	2,000	5,000

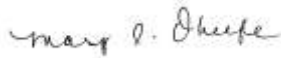
Introduced: December 4, 2012



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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Borough Clerk

Dated: December 4, 2012

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**BOROUGH OF BUTLER  
R 2012-93**

**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 2013 in the amount of \$10,557.00.
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted:

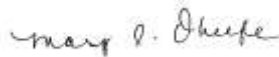


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ROBERT W. ALVIENE, MAYOR

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 4<sup>th</sup> day of December, 2012.



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Municipal Clerk



**BOROUGH OF BUTLER  
R 2012-94**

**RESOLUTION IN SUPPORT OF A-3393, LEGISLATION TO PROTECT  
RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF  
TELECOMMUNICATIONS TAX SUPPORT**

**WHEREAS**, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

**WHEREAS**, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (“BPPT”); and

**WHEREAS**, the statute defines local exchange companies as those telecommunications carriers “providing dial tone and access to 51% of a local telephone exchange”; and

**WHEREAS**, Verizon’s self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

**WHEREAS**, Hopewell Borough’s challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

**WHEREAS**, Verizon’s appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation’s self-serving interpretation of the law; and

**WHEREAS**, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

**WHEREAS**, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

**WHEREAS**, it is the intention of Senator Bob Smith to introduce companion legislation as soon as the Senate next convenes;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Butler commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon’s obfuscation; and

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**BE IT FURTHER RESOLVED**, that we urge our State Senator, Joseph Pennacchio and BettyLou DeCroce and Jay Webber our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

**BE IT FINALLY RESOLVED**, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and State Senator Joseph Pennacchio and Assemblywoman BettyLou DeCroce and Assemblyman Jay Webber, and to the New Jersey State League of Municipalities and all Morris County Municipalities.

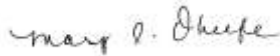
Adopted: December 4, 2012



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Robert W. Alviene, Mayor

Attest:



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Mary O'Keefe, Borough Clerk

Dated: December 4, 2012

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R 2012-95  
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 18<sup>th</sup> day of September 2012, that:

1. Prior to conclusion of the business meeting, the Borough Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, subsection (s):
  - ( ) B. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) B. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) B. (3) A matter the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) B. (4) A collective bargaining agreement including negotiations.
  - ( ) B. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) B. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure would impact such protection. Investigation of violations of the law.
  - (X) B. (7) Pending or anticipated litigation or contract negotiations other than in Subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) B. (8) Personnel matters.
  - ( ) B. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Moved: Vath

Second: Fox

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RESOLUTION OF THE BOROUGH OF BUTLER  
RESOLUTION R 2012-96  
RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF BUTLER AUTHORIZING NON-UNION  
MUNICIPAL EMPLOYEES SALARIES FOR 2013

WHEREAS, the Mayor and Council has reviewed the salaries for the non-union employees for the year 2013 and have approved the salaries as listed in the attached documentation; and

NOW, THEREFORE, BE IT RESOLVED that the salaries for non-union employees for the year 2013 are approved as attached here to.

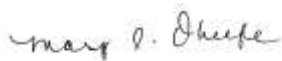
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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: December 4, 2012

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### 2013 SALARY NON-UNION EMPLOYEES

NAME	DEPARTMENT	2011 SALARY	2012 SALARY	2013 % Raise	2013 SALARY
Ed Azar	Court	\$13,008	\$13,235	2.00%	\$13,500
<b>John Barbarula</b>	<b>Planning Bd. Attny.</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>0.00%</b>	<b>\$12,000</b>
Ed Becker	Public Works	\$119,486	\$121,577	0.00%	\$15,000
<b>Karen Becker</b>	<b>Various</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>0.00%</b>	<b>\$15,000</b>
Craig Behan	Recreation	\$18,211	\$18,530	2.00%	\$18,900
Brian Bistromowitz	Police Admin	\$68,783	\$69,987	2.00%	\$71,386
William Budesheim	Zoning	\$37,544	\$38,201	2.00%	\$38,965
Sharon Bush	Meals on Wheels	\$15.67/ hr.	\$15.94/ hr.	2.00%	\$16.26/ hr.
Alternate Meals on Wheels	Meals on Wheels	\$15.67/ hr.	\$15.94/ hr.	2.00%	\$16.26/ hr.
<b>Dan Canty</b>	<b>Fire Mechanic</b>	<b>\$1,983</b>	<b>\$1,983</b>	<b>0.00%</b>	<b>\$1,983</b>
Ed Card	Police	\$146,719.60	\$149,287.19	2.00%	\$152,273
Ciro Chimento	Police Captain	\$126,588.60	\$128,803.90	2.00%	\$131,380
Part-time Clerical	Administration				\$15.00/hr.
Councilmembers	Administration	<b>\$2,000.00</b>	<b>\$2,000.00</b>	50.00%	\$3,000.00
Kenneth Crawford	Water		\$82,500.00	2.00%	\$84,150
Crossing Guards	Police	\$7,808	\$7,945	2.00%	\$8,103
Substitute & OT Crossing Guards and Matrons	Police	\$20.61/hr.	\$20.97/hr.	2.00%	\$21.39/hr.
<b>TBD</b>	<b>Fire Secretary</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00%</b>	<b>\$0</b>
<b>TBD</b>	<b>Safety Director</b>	<b>\$1,836</b>	\$0	0.00%	\$0
<b>TBD</b>	<b>Emergency Mgmt.</b>	<b>\$1,000</b>	\$0	0.00%	\$0
Linda DeCumber	Utilities	\$39,153	\$39,839	2.00%	\$40,635
<b>Gail DeGraw</b>	<b>Recreation</b>	<b>\$90.00/Mtg</b>	<b>\$90.00/Mtg</b>	<b>0.00%</b>	<b>\$90.00/Mtg</b>
Judy Fields	Recreation	\$14.53/hr +\$50/Mtg.	\$14.78/hr +\$50/Mtg.	2.00%	\$15.08/hr +\$50/Mtg.
Carmella Germinario	Finance	\$35,197	\$35,813	2.00%	\$36,530
Fire Inspectors	Fire		<b>\$25 per inspection</b>		
Graziella Goncalves	Court	\$13.00/hr.	\$13.23/hr.	2.00%	\$13.50/hr.
Shawn Hopkins	Tax Assessor	\$36,532	\$37,172	2.00%	\$37,915
Celeste Knapp	Utilities	\$35,049	\$35,662	2.00%	\$36,375
James Kozimor	Finance	\$109,434	\$111,349	2.00%	\$113,576
Pam Krattiger	Utilities	\$35,197	\$35,813	2.00%	\$36,530
James Lampmann	Administration	<b>\$173,348</b>	\$176,382	2.00%	\$179,910
Jeff Montemarano	Building	\$2,346	\$2,387	2.00%	\$2,435
Joe Niosi	Public Works		\$82,500.00	2.00%	\$84,150

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Mary O'Keefe	Municipal Clerk	\$65,000	\$66,138	2.00%	\$67,460
Jon Papparazzo	Court	\$27,381	\$27,860	2.00%	\$28,417
Marie Pra	Tax Assessor Office	\$16.26/hr.	\$16.54/hr.	2.00%	\$16.87/hr.
Mayor	Administration	<b>\$2,500</b>	<b>\$2,500</b>	60.00%	\$4,000
Linda Remmert	Health Dept.	\$14.77/hr.	\$15.03/hr.	2.00%	\$15.33/hr.
Debbie Simonson	Utilities	\$30,159	\$30,686	2.00%	\$31,300
Craig Struble	Electric	\$117,059	\$119,108	2.00%	\$121,490
Bob Westdyk	Fire Prevention	\$7,000	\$7,123	2.00%	\$7,265
Carol Wheelock	Police	\$35,261	\$35,878	2.00%	\$36,595
Hazel Whitty	Health Dept.	\$4,038	\$4,108	2.00%	\$4,191
Cheryl Wiltshire	Court	\$54,894	\$55,854	2.00%	\$56,971
		+\$40/callout	+\$40/callout		+\$40/callout
Cora Wright	Tax Collector	\$85,109	\$86,598	2.00%	\$88,330

\* Includes Longevity

**Stipends**

Linda DeCumber	Bloomingtondale Water	\$5,000
Cora Wright	Bloomingtondale Water	\$6,000
Pam Krattiger	Deputy Registrar	\$1,000