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WORKSHOP MEETING
DECEMBER 3, 2013
7:00 P.M.
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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 Alviene, Councilman Fox, Councilman Meier, Councilman Regis, Councilman Verdonik and Council President Vath

ABSENT: Councilman McNear

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

Motion to Excuse Councilman McNear absence:

Moved: Verdonik
All in favor.

Second: Meier

DISCUSSION:

LAND SWAP WITH OUR LADY OF MAGNIFICAT

Dan O’Dougherty, Kinnelon Borough Councilperson, Monsignor John J. Carroll and Bob Karas, explained the area in question for the swap and the benefits of swapping the land being a more direct route to the reservoir along with a contiguous plot of land for the cemetery, thus allowing the Parish to go forth with their plans to expand the cemetery. All expenses to facilitate the land swap would be borne by Our Lady of Magnificat. Mr. Oostdyk explained that as this property is part of a watershed and municipally owned, there are restrictions specific to this type of property. Permission is required by the Statehouse Commission, which meets periodically, prior property exchanges have occurred in the past, though each exchange is viewed on an individual basis. When the previously approached the Department of Environmental Protection “DEP” did not have a favorable response. Additionally, he feels that the Church should approach the DEP prior to submission of the request to ascertain the likelihood of approval of this exchange, along with direction as to the procedure required. An informal poll of the Borough Council was favorable to allow Our Lady of Magnificat to proceed with the initial steps.

CHIEF CARD MAIN STREET PATROLS

Chief Card provided the Mayor, Council and members of the public with an additional spreadsheet, to give a better example of patrols being conducted on Main Street, from January 1 through November 27, 2013.

Jameen Adams, 1 Stanton Place

Asked if the report provided by the Chief specifies a particular time of day when the police presence is available on Main Street. Chief Card responded that he does not have a specific time of day in this report primarily the concentration has been in the afterschool hours, approximately 2:30 to 3:30.

Rebecca Calvi, 5 Butler Place

Noted that she drives through the intersection of Main Street and Hamburg Turnpike at approximately 7:00 a.m. she feels that with the congestion, police presence would be a benefit to the community. Perhaps they could provide a police presence to assist the crossing guard in the area by where the train tracks cross Main Street.

Alex Calvi, 5 Butler Place

Inquired about having a patrol vehicle stationed on Main Street from approximately 7:40 to 8:30 a.m. and again from 2:40 to 3:30 p.m., increased police presence might bring more business onto Main Street. He grew up in Rutherford and he would like to see the same community partnership that exists in Rutherford, as he feels this might show that the same community partnership exists here.

Sandy Liss, 409 Main Street

As a business owner in the River Place development, she would like to thank Chief Card for the additional patrols, noting that she has had late drunken loiterers, and has overheard conversations about illegal drugs in the community. Ms. Liss questioned the use of bicycles by officers, as they would be a logical choice to increase community policing.

John Pellington, 39 Spring Street asked that perhaps a patrol officer be placed on a walking “beat” as he remembered from years ago.

Ken Montanye, 8 Northwestern Avenue noted that skateboarders have been using the railings at the Museum, he also expressed concern about the copper gutters and leaders and the possibility of theft.

Chief Card noted that patrols have almost doubled on Main Street, Chief Card reminded those present that the no loitering laws in New Jersey were ruled unconstitutional several years ago, as a result care needs to be exhibited so as not to violate individual’s rights. Chief Card explained that the some of the loiterers are kids, mostly teenagers, usually cooperative, mostly riding skateboards, perhaps getting something from Dunkin Donuts or ice cream in the summer. He also noted that he feels that there is a strong relationship between the Borough and the business leaders of the community. He feels that there are major differences between Rutherford and Butler and the resources are just not available to station an officer on Main Street on a steady basis. The resources must be allocated where they are required. Chief Card explained that while a pedestrian patrol or bicycle patrol are great ideas the logistics are not easily attained, due to staffing and or certification requirements and costs associated with required training.

Mayor Alviene in response to concerns about the Museum posed by Mr. Montanye explained that the copper leaders and gutters are required under the terms of the grant agreement. Additionally, he thanked the residents for bring forth their concerns, and Chief Card and Captain Chimento for attending the meeting this evening to discuss those concerns. He reminded those present that all residents of Butler are neighbors, and they want to work together to continue to make Butler a wonderful place to live.

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RESIGNATION LETTER FROM CHIEF EDWARD M. CARD

Chief Card noted that he was Butler born and raised and his decision to retire was a difficult one, which he questions on a daily basis. He will miss the people he works with and those in the community.

Mayor Alviene noted that Captain Chimento would be stepping in as Acting Chief. Mr. Lampmann explained that the process established by Civil service must be followed, he will keep the Mayor and Council apprised of the process.

DISCUSSION – LEASE AGREEMENT WITH SBA COMMUNICATIONS (ADDING AN ADDITIONAL CARRIER AND INCREASING MONOPOLE HEIGHT OF EXISTING FACILITY AT ONE ACE ROAD LOCATION

Mr. Lampmann explained that he has received a request to increase carriers and height of the tower at Ace Road, which will increase revenue received with the addition of a new carrier. Additionally, the increase in the upper portion of the tower will alleviate some of the prior issues regarding the panels and damage to the American flag. The height increase is the only amendment to the lease agreement all other terms and conditions remain the same.

2014 Appointments – Mayor Alviene noted that he reviewed the list of appointments and asked if the Council had any concerns or suggestions with the individuals noted, the Council noted that they are in agreement with the appointments listed.

RESOLUTION(S):

R2013-96 Resolution Authorizing Bond Anticipation Notes in the Amount of \$345,000 for Water Improvements

Moved: Fox

Second: Vath

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

Voted Nay: None

Absent: McNear

R 2013-96 approved.

R2013-97 Resolution Authorizing Entering into an Interlocal Service Agreement to Provide Tax Collector Services for the Borough of Riverdale

Moved: Vath

Second: Verdonik

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

Voted Nay: None

Absent: McNear

R 2013-97 approved.

Mr. Lampmann explained that because of negotiations Butler would be sharing a tax collector with Riverdale.

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OPEN PUBLIC DISCUSSION

Mayor Alviene opened the meeting to the public at this time.

John Ryan, incoming Chief of the Butler Fire Department would like to request that the four Chiefs, along with the line officers and the Fire Police be sworn in at the Borough of Butler Reorganization meeting.

Harry "Tom" Lozier, 64 Gifford Street would like to know why a generator has not been purchased and installed for the Municipal Building and if this will be done in the near future. Mr. Lampmann explained that priorities were the provision of Water and Sewer, along with Police. Approximately, half of the monies required for purchase were allocated in the 2013 budget with the balance to be included in the 2014 budget.

John Pellington, 39 Spring Street reported that there was a water main break on Thanksgiving November 28 he wanted to commend the Borough for the speed with which the repair took place. Mr. Pellington asked about the availability of the Borough of Butler Revised General Ordinances being online and the status of the pending ordinance folder on the Borough website. Mr. Lampmann explained that this is a work in progress, the on-line code required substantial updating, and both he and the Borough Clerk are working towards completing the project.

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

Moved: Fox
All in favor.

Second: Vath

Mayor Alviene noted that he had received an invitation from the Morris County Economic Development Corporation for a meeting to be held on December 10, at their offices in Florham Park. He encouraged the tentative public and Council members of the Economic Development Committee to attend this meeting.

Motion to enter into closed session:

Moved: Regis
All in favor.

Second: Fox

Motion to return to open session:

Moved: Vath
All in favor.

Second: Fox

Motion to adjourn the meeting:

Moved: Fox

Second: Vath

All in favor.

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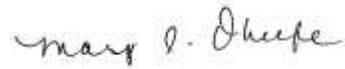
ADJOURNMENT: 8:25 p.m.

Adopted: January 21, 2014



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

Dated: January 21, 2014

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**BOROUGH OF BUTLER
RESOLUTION NO. 2013-96**

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Butler, in the County of Morris, New Jersey, held at the Municipal Building, One Ace Road, Butler, New Jersey, on December 3, 2013, at 7:00 o'clock P.M.

PRESENT: Fox, Meier, Regis, Verdonik and Vath

ABSENT: McNear

* * *

_____ Fox _____ introduced and moved the adoption of the following resolution and _____ Vath _____ seconded the motion:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$345,000 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 providing for the improvement of the water supply and distribution system of the Borough of Butler, in the County of Morris, New Jersey, appropriating \$430,000 therefor and authorizing the issuance of \$345,000 bonds or notes of the Borough for financing such appropriation", finally adopted on June 18, 2013 (#2013-6), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$345,000 shall be

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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.

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 Section 1 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 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

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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 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

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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 Fox, seconded by Vath, the foregoing resolution was adopted by the following vote:

AYES: Fox, Meier, Regis, Verdonik and Vath

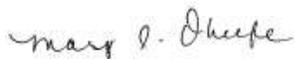
NOES None

ABSENT: McNear

Adopted: December 3, 2013



Robert W. Alviene, Mayor



Mary A. O'Keefe
Borough Clerk

Dated: December 3, 2013

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**BOROUGH OF BUTLER
RESOLUTION NO. 2013-97**

**INTERLOCAL SERVICE AGREEMENT FOR TAX COLLECTOR SERVICES
BETWEEN THE BOROUGH OF BUTLER AND THE BOROUGH OF RIVERDALE**

WHEREAS, the Borough of Riverdale has a need for a Tax Collector and the Borough of Butler currently employs a Tax Collector, under the terms of the agreement the Borough of Butler would serve as the provider for these services while having responsibility and control over the Tax Collector; and

WHEREAS, upon execution of this agreement the Borough of Riverdale shall name Cora Ashley, CTC to be the Borough of Riverdale Tax Collector, at a Public Meeting of said governing body effective January 1, 2014, for a two year period terminating on December 31, 2015, with automatic renewal for one year periods unless terminated at least ninety days prior to renewal date.

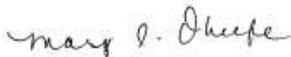
NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the interlocal service agreement between the Borough of Butler and the Borough of Riverdale for Tax Collector services for the Borough of Riverdale subject to the terms and conditions of the agreement on file in the office of the Borough Clerk.

Adopted: December 3, 2013



Robert W. Alviene, Mayor

ATTEST:



Mary A. O'Keefe
Borough Clerk

Dated: December 3, 2013