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WORKSHOP MEETING
OCTOBER 7, 2014
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 and Councilman Verdonik

ABSENT: Councilman McNear and Council President Vath

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

Motion to excuse absence of Councilman McNear and Council President Vath
Moved: Verdonik Second: Fox
Voted Aye: Fox, Meier, Regis and Verdonik
Voted Nay: None

RESOLUTION(S):

R 2014-95 Resolution Authorizing the Purchase of a Dump Truck for the Department of Public Works under Morris County Cooperative Pricing Council Contract 15 F, Item #2
Mr. Lampmann noted this purchase was included in the 2014 Budget; the cost of the vehicle be divided between the Water and Roads budget. Additionally, the vehicle will be four-wheel drive and will be equipped with a plow for use during snowstorms.

Moved: Fox Second: Meier
Voted Aye: Fox, Meier, Regis and Verdonik
Voted Nay: None
Absent: McNear and Vath
R 2014-95 approved.

R 2014-96 Resolution Authorizing an Agreement with Hackensack University Medical Center for Provision of EMD Call Screening Services

Mr. Lampmann explained that this is a backup service currently contracted for by the Borough. The service is only used when the Borough 911 dispatcher is on a call where they cannot switch over to answer this call it would then ring over to Hackensack University Medical Center. This is a per call basis; costs over the years have been minimal.

Moved: Meier Second: Fox
Voted Aye: Fox, Meier, Regis and Verdonik
Voted Nay: None
Absent: McNear and Vath
R 2014-96 approved.

Appointment of Karen Basse to the Butler Public Library to compete the unexpired term of Annette Jimmerson

Mayor Alviene noted that he received notification that Annette Jimmerson was relocating and submitted her resignation from the Butler Library. The Mayor and Council concurred on the appointment of Karen Basse.

Appointment of Douglas Travers to the Recreation Commission for an unexpired term

The Mayor and Council concurred on the appointment of Douglas Travers to the Recreation Commission.

Discussion – Amendments to Chapter 21, Fire Department

Councilman Fox noted that the firefighters are a good group, there is a need for better leadership and direction, and with some minor changes, the Department can return to where it needs to be. He likes the changes suggested in the 2003 proposed ordinance; agreeing with the suggestion that job descriptions and a residency requirement should be included. Perhaps the residency requirement can be for new members, however, more information is needed regarding age of the firefighter and how close are they to retiring from the department because he does not want a negative impact on the department's ability to perform their job. The ordinance will be written with all responsibilities detailed for the Chief, thus negating the need for approval from the Borough Council or the Administrator, allowing the Chief to run his own show.

Councilman Verdonik noted that he likes many of the changes originally proposed in 2003; however, he is unsure if portions of the other ordinances should be included, his concern is that trying to mix and match portions could leave out important changes or parts required. He also feels that the position of Chief should not be a popular vote per se; but a progression to the office where you start out as a firefighter and ascend to the office thus learning all aspects of the job, learning all different duties that must be performed. Councilman Verdonik noted that he does not know where the firefighters live, so he is not comfortable making a decision regarding this without knowing the effect that a residency requirement will have on the Department's ability to fight fires. Councilman Verdonik noted that he has admiration for the job that a volunteer firefighter does, he knows the training and dedication that is involved. He noted that he wants an ordinance that will be followed, as you cannot pick and choose what portions to follow.

Councilman Meier feels that the Chief and any officers should be either a resident or work in the Borough, should they no longer live or work in the Borough then they would not be eligible to be in the Butler Fire Department. Additionally, he does not feel that we should be taking firefighters from other municipalities who are also looking for members. The Borough Code currently calls for 25 members for each company totaling 100; he feels that it could be four companies of 20, as the days of 100 total firefighters are non-existent with mutual aid agreements. He also feels that there should be only one Chief and an Assistant Chief; currently there are too many officers. Councilman Meier feels that some positions can be eliminated and other non-supervisory titles added to streamline the department. He also noted that monthly reports have not been forthcoming as required. He suggested that all fire trucks be stored in the

main firehouse on Carey Avenue, and relocating the fire marshals up to the Bartholdi Firehouse. Councilman Meier feels that Fire Department matters should be handled in house.

Councilman Regis noted that he prefers the changes proposed in the 2003 ordinance, as this seems to be the best one out there. He feels that those changes should be incorporated into the ordinance, that each company should have a Chief and an Assistant Chief, there needs to be rotation as far Chiefs and Assistant Chiefs are concerned. Councilman Regis does not feel comfortable without further information regarding residency of firefighters and the ability to fight fires. Additionally, when an individual is aware of what the job entails they may or may not want to run for the position.

Mayor Alviene stressed that when calculating percentages of service for voting rights there needs to be consistency among all departments as far as assignment of points for the various duties, with training and attendance at fires carrying a greater weight than other duties. Additionally, if you grandfather current members regarding the residency requirement, it could be quite some time before all members are residents. Mayor Alviene noted for the record that no changes are being made to the ordinance this evening, and they appreciate and welcome the opinions of Chief Neill and Chief Soules, however, when the ordinance is drafted it must benefit the fire department. He feels that when an individual joins the department it should be because they want to perform their duty as opposed to becoming a supervising officer. There needs to be a schedule regarding equipment, training etc., that is followed and updated on a yearly basis. However, the Mayor and Council will retain the disciplinary aspect for the Fire Department.

Mr. Lampmann noted that with as roles or positions are created definition of duties need to listed, this will allow the individual to know what the job responsibilities are, for example what the requirements are for training, safety and maintenance of equipment. This will allow the Chief to delegate, so they are not performing every duty. He explained that the points issued for each duty or assignment should be consistent for each company and the ordinance can stipulate what the weight of each duty is, it also allows for fairness. Training and record keeping needs to be stressed, if a firefighter is injured on the duty, training records are the first item checked. It was the determination of the Council that the 2003 proposed ordinance be used as the model. The purpose of this change is to clarify the duties of the firefighter from new recruit all the way up to Chief of the Department.

Chief Neill noted that there are a number of firefighters who do not live in the Borough. He stated that the ordinance previously allowed a member who lived in the Borough when they joined, could move out of the Borough without losing their membership. Chief Neill feels that if you lessen the number of Chiefs this will create animosity between the companies. The biggest problem faced when giving out jobs is that the assignments are not always completed. Chief Neill stated that the percentages were calculated using the same system for all companies.

Chief Soules had no additional comments at this time; he would like to discuss the notes taken by Chief Neill with the other Chiefs prior to making any comments.

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The Percentages provided by the Fire Chief are accepted, with a firefighter having a minimum of 50%. The complete list for Kinney hose will be provided by Friday, October 17, as the Secretary is currently out on sick leave.

Discussion – Proposed Increase in Outside Contract Employment for Off Duty Police Services

Mr. Lampmann noted that there are two parts to this discussion, first is there an interest in adjusting the rates and if so then he would review what the cost to the Borough is as opposed to fees collected. Mr. Lampmann will have Mr. Kozimor prepare an analysis and he will report to the Mayor and Council.

Correspondence from the New Jersey Department of Transportation Regarding Bus Stops within the Borough of Butler

The purpose of the letter is to inform the Borough that existing bus stops have been deemed unsafe by their experts and will be removed.

The Board of Health and Peter Tabbot, Health Officer approached Mayor Alviene about the replacement of defibrillators in Borough Hall. Mr. Lampmann explained that the donated defibrillators must be upgraded. Previously under the Good Samaritan law if you entered a building and used the defibrillator you were covered under the law. However, once the device is installed in Borough Hall the Borough is then required to develop protocol for this, it also requires training and the Borough now assumes responsibility, additionally the individual operating the equipment is not completely covered by the Good Samaritan law. Responsibility is now assumed for things like the batteries, pads, all of these things become the responsibility of the municipality. During an insurance inspection, it was determined that the Borough did not have protocols in place, nor were the devices updated. Mr. Lampmann added for the record that every Electric Utility and Police Department vehicle has a defibrillator in it and those employees are trained and certified on a yearly basis. As a result, our insurer noted that with all those people trained, why add additional people when we have so many individuals trained already. The Mayor and Council discussed this and decided based on all the information; the defibrillator will not be reinstalled. The Clerk will notify the health department of the decision.

OPEN PUBLIC DISCUSSION

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

Douglas Travers, 12 Second Street wanted to thank the Mayor and Council for his appointment to the Recreation Commission.

Councilman Regis wanted to discuss correspondence received from Cambridge Heights regarding garbage and recycling dumpsters. Councilman Fox noted that during the planning board review of the application a recommendation was made to increase the size of the area for dumpsters so larger dumpsters could be placed, the developer's team of professionals stated the

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area allotted was sufficient thus requiring smaller dumpsters. Mr. Lampmann noted that there are additional issues with the dumpsters; each townhouse has curbside pickup, in speaking with the hauler he noted that approximately 10 to 15% of the townhouses utilize curbside pickup, so the guess is that the residents are using the dumpsters, which creates the problem of trash overflow.

The Council noted that if the dumpsters are not being used properly by the residents of the development it would be an issue with the bylaws of Homeowners Association. Mr. Lampmann has informed the management company that they have the option to contract with another hauler for pickup however; they would be reimbursed at the current rates as calculated. Additionally, the development has requested weekly pickup of recyclables, as the rest of the town does not have this they have contracted with the hauler for the additional pickup. Mr. Lampmann noted that he has emailed all this information to the new management company so they are aware of what was discussed.

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: Regis

Motion to Enter into Closed Session for Litigation

Moved: Fox
All in favor.

Second: Regis

Motion to return to Open Session

Moved: Regis
All in favor.

Second: Fox

Mr. Lampmann noted that the position of fire director had been previously discussed at a prior meeting. Mayor Alviene noted that he reached out to an individual who is very qualified in firematics as he had previously worked for Morris County, running the Morris County Fire Academy, he is no longer a Morris County employee, and he is excellent in all aspects of the position. His specialty is training, he would be able to help and guide the department as far as training requirements, equipment repair/replacement schedule. Councilmen Verdonik and Fox questioned as to whether or not it a full or a part time position, Mr. Lampmann views this as more of a professional services agreement, rather than an employee at this stage. The Fire Director would be able to review and keep the Mayor and Council updated if there are any issues that have arisen. He will also be able to review training records and determine who is eligible to be an officer or even Chief, this would limit the Borough's liability as far as record keeping and required training. Councilman Meier asked if this individual would be responsible for purchasing equipment. Mr. Lampmann noted that could be included, however it would be the Council's discretion as to what is included. Councilman Verdonik noted that this individual would be more knowledgeable than most of the Council members. The consensus of the Mayor and Council is that this is a good idea and would like to continue to explore the option.

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Mr. Lampmann has one last item that needs to be discussed, employee health benefits, noting the increasing premiums with the union workers, the impact is now being felt. Currently most of the employees have chosen the "NJ Direct 10" plan; in 2018, this will be viewed as a "Cadillac Plan" under the Affordable Health Care Act as such there will be an additional cost to the Borough of \$1200.00 per employee to stay in that plan in addition to the premium. Mr. Kozimor and Mr. Lampmann began to review available health plans; noting that there are high deductible plans, such as one with a \$4,000.00 deductible; this cuts the premium by almost half. So for example, the lowest savings the Borough would realize is approximately \$4,000.00 is for a single plan over the course of the year, the employee also would realize savings by a lower premium. The Mayor and Council asked that Mr. Lampmann and Mr. Kozimor do additional research on this matter.

Motion to adjourn
Moved: Fox
All in favor.

Second: Regis

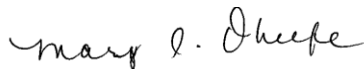
ADJOURNMENT: 8:27 p.m.

Adopted: November 3, 2014



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

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BOROUGH OF BUTLER
RESOLUTION R 2014-95

AUTHORIZATION TO PURCHASE A DUMP TRUCK FOR THE DPW AND WATER UTILITY
MORRIS COUNTY COOPERATIVE PRICING COUNCIL

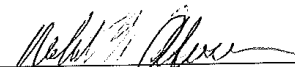
WHEREAS, in the past, the Borough of Butler has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the Morris County Cooperative Pricing Council pursuant to N.J.S.A. 40A:11-10; and

WHEREAS, it is desirable from time-to-time to obtain materials, supplies, services and equipment under contracts for such materials, supplies, services and equipment entered into on behalf of the Morris County Pricing Council without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS, the Borough of Butler DPW and Water Utility desires to purchase a 2015 Ford F-550 Dump Truck (Contract #15F. Item #2), under such contract entered into on behalf of the Morris County Cooperative Pricing Council by said Council for contract period 11/1/2013 – 10/31/2014.

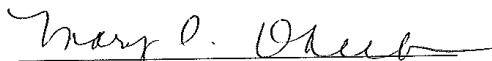
NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Butler, County of Morris and State of New Jersey, that the purchase of a 2015 Ford F-550 Dump Truck for the DPW and Water Utility shall be purchased at a cost not to exceed \$71,776.27 under a contract for such service entered into on behalf of the Morris County Cooperative Pricing Council with Route 23 Automall, LLC.

Approved:



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe
Borough Clerk

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BOROUGH OF BUTLER
RESOLUTION R 2014-96

WHEREAS, the Borough of Butler has a need for Emergency Medical Service Call Screening on a 24 hour, 7 days a week and 365 days a year basis; and


WHEREAS, Hackensack University Medical Center provides these services through their Mobile Intensive Care Communications (MICCOM) dispatch center, providing screening for each call along with the appropriate pre-arrival instructions to callers and dispatch of a Mobile Intensive Care Unit Hospital if the criteria is met.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Butler that it hereby authorizes James Lampmann to sign the agreement on behalf of the Borough of Butler for the provision of EMD call screening with Hackensack University Medical Center.

Approved:


Robert W. Alviene, Mayor

Attest:


Mary A. O'Keefe
Borough Clerk

Dated: October 7, 2014

R 2014-97
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 7th day of October 2014, 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, sub-section (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: Fox

Second: Regis