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WORKSHOP MEETING  
MAY 5, 2015  
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 McNear, Councilman Meier, Councilman Regis, Councilman Verdonik and Council President Vath

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

### **DISCUSSION:**

#### **Suggested Amendments to Chapter 143 (Land Use Ordinance) of the Revised General Ordinances of the Borough of Butler**

Councilman Fox noted that the purpose of this amendment is to clarify the intent to allow for better enforcement. Ordinance will be prepared for introduction at the May 19, 2015 Regular Meeting of the Mayor and Council.

**Application of Camille Piccirillo for Appointment to the Recreation Commission for a full five-year term.** Previously Mr. Douglas Travers had been appointed however, he declined the appointment citing his inability to give the time the position requires. The Mayor and Council approved this appointment. Ms. Piccirillo will be notified of her appointment, along with the Recreation Commission.

#### **Refurbishment of the Gazebo in Butler Park.**

Mr. Lampmann provided the Council with an update as to the status of the Gazebo, Councilman McNear asked about the possibility of using the Gazebo in the park for the upcoming Concert Series sponsored by the Economic Development Committee. Mr. Lampmann, Dan Hagberg, Building Inspector and Paul Darmofalski, Borough Engineer inspected the location, the good news is that structurally the foundation and flooring are fine, they would like an additional column put in under the main beam. Borough workers sistered up the main beam, a few years ago, so that is in good shape. The request for the additional column is for insurance if the entire Gazebo is filled with people. The stairs and railing leading to the Gazebo need replacement. The roof is in good shape; however, the problem is the six posts that connect the roof to the deck, if any pressure is applied to the top of the roof, it rocks. Therefore, the recommendation received is that the structure not be used until the repairs are completed. He is asking for guidance as to what direction to take. If you want to replace the posts with ones that are custom made to look like what is currently there or replace them with a more readily available version that has some style but would not require custom millwork, and the added expense of a historic architecture or engineer. All six posts would be replaced so they would be uniform. The Gazebo does not have a historic designation so exact replicas would not be needed. Councilman McNear explained that the location would be great for the band, it is a great location, great resource, and repairs should be made to make it safe and usable. The Mayor and Council agree that it should be fixed so that it is usable for the future. Mr. Lampmann explained that the next step would be to find

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out what steps are required, cost and if this something that our workers can do, or if someone must come in and do the work, he will try to get some quotes. Furthermore, if our workers can do the repairs he will use them; however, the DPW workers are trying to stay ahead of the 2015 paving jobs. Councilman Regis feels that this will not be an expensive job; Mr. Lampmann will reach out to various contractors for an estimate of what the cost will be.

**Correspondence from Assemblyman Bucco regarding the Community Development Block Grant Funding and the VFW and American Legion Posts.**

Under the new guidelines for Community Development Block Grant Funding both VFW's and American Legion Posts would not be eligible to apply for grants, Assemblyman Bucco would like the Mayor and Council to do a resolution supporting their ability to receive these grants. Mr. Lampmann explained the different types of projects that covered by these grants. Additionally, there is a lot of work behind the scenes required, it was found that not every organization met the requirements and did not utilize awarded funds. A resolution to be prepared for the May 19, Council meeting.

**Town Wide Garage Sale.**

Ms. Becker sent a letter to Mr. Lampmann regarding the dwindling participants and increased costs for the Town Wide Garage Sale, she asked for direction as to whether or not we should continue with it. The consensus of the Mayor and Council is to continue with it, should numbers continue to drop they will revisit continuing to run it.

**Fire Department Ordinance.**

Councilman Meier and Council President Vath recused themselves, and left the room for this discussion. In attendance representing the Butler Fire Department were Chief Neill and Chief Futcher. Chief Neill explained that he received a copy of the ordinance after the introduction at the April 21, meeting.

In his opinion that following changes need to be made to the sections noted:

21-1. The list of department names need to be updated.

21-3 A-1. Residency requirement, nine members are affected five officers live out of town. Chief Neill asked that there be exceptions made for the officers who live in a five-mile radius, he understands that 19 miles is quite a distance, although the member in question has maintained his percentages according to the current standards. He asked that the members who reside outside the five-mile radius be grandfathered, along with the officers who reside out of town, as Butler is only 1.8 miles large.

21-3 G-1. Effective Date for the educational requirements Chief Neill asked that the date be pushed back as the classes are rather time consuming, he has reached out to various Academies and Kean University. If the Academies are used the class is tailored to the municipality. Chief Neill asked that the start date be 1/1/2018, not for the Chiefs to receive their jobs, they may start earlier, but he is closest to having completed all the education requirements for Chief. He also stated that both Phil Soules and Chris Finelli are new Chiefs. John Futcher, Jr. recently became

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Chief with the death of Chief Lonagan. Phil Soules is not interested in becoming Chief of the department. Mr. Lampmann asked what courses are the Chiefs missing, Chief Neill will provide the Mayor and Council with a listing of all the courses that the Chiefs have taken and what is still required, to be provided by the end of the week. Mr. Alderton explained that there is a way that the courses given at the Butler Fire House would receive state certification as a classroom eligible organization, a tier III organization. Becoming a tier III organization would allow for in house training that would meet the state qualifications. The Borough Council must pass a resolution appointing a point person as the Director of Training.

21-5. Chief Neill would like the jobs to be more defined in the ordinance, Councilman McNear asked for clarification noting that there is nothing stopping the department from further defining the jobs.

21-6. United States citizenship was previously a requirement; however, the Fire Department removed the requirement. Requiring a member to have a valid driver's license, not every firefighter has a driver's license, if they have a valid state issued identification card, can that be used in the place of a driver's license. Mayor Alviene asked why the inclusion of the requirement of possession of a valid New Jersey Driver's License, Mr. Alderton explained that the license number is used when attending training courses. Mayor Alviene asked that Mr. Alderton look into this requirement.

Chief Neill would like to add background checks to the application, this will be investigated and also creating and using a uniform application for all companies. Chief Neill would like to establish a membership committee with members from each company to establish objective qualifications.

Chief Neill asked for clarification for his members about Worker's compensation and who would be eligible. Mr. Lampmann explained that they would no longer be eligible for the accidental death benefit (VFIS); however, they would still be eligible for worker's compensation and the death benefit.

21-9 A. Remove the second and first Lieutenant, just have Captain and Lieutenant throughout the ordinance.

21-9 B. Clarify that an Officer must take command upon arrival at the scene.

21-9 I. Clarify that the Department Chief must give permission to participate in festivities outside the Corporate limits of the Borough.

21-10 B. Games of Chance would only be permitted at the Fire House with the appropriate permits.

21-10 D. Each member of the Department shall be supplied with a printed copy of this chapter and must sign for their copy.

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Mr. Lampmann noted that with the modifications we would need to reintroduce this ordinance at the next meeting, and then adopt at the following meeting. The Fire Department to be provided with a copy, with the changes the suggested the ordinance will not be passed at the May 19, 2015 meeting.

Chief Neill will work on the logistics needed to get all training set up. One of the required exams is being changed and will be available in November; however, Mr. Alderton recommended that he contact the Passaic County as they may offer the challenge exam.

Mr. Oostdyk recommended that we inform the public that the ordinance be tabled at the next meeting.

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

Councilman Fox seeing no one come forward moved that the public portion be closed, second by Councilman McNear.  
All in favor.

Motion to go into Closed Session to discuss a matter of potential litigation Tax Appeal Cocca Realty LP and/or Galaxy Dinner (tenant) v. Borough of Butler:  
Moved: McNear  
All in favor.

Second: Fox

Motion to return to Open Session:  
Moved: Fox  
All in favor.

Second: Vath

Mr. Lampmann gave a short report on the status of Butler Day, that there is a conflict with the Kinnelon Carnival Fireworks. Kinnelon Fireworks are Friday, May 29 and Butler Day is Saturday, May 30.

Mayor Alviene noted that this year's Memorial Day Parade is in Kinnelon, he questioned where the march will take place and what is happening in the other communities. Ms. O'Keefe will provide the Mayor and Council with the agenda and schedule.

Motion to adjourn  
Moved: Regis

Second: Meier

All in favor.

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ADJOURNMENT: 8:12 p.m.

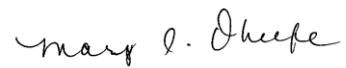
Adopted: July 21, 2015



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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: July 21, 2015

R 2015-48  
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 5<sup>th</sup> day of May 2015, 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: McNear

Second: Fox