

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

WORKSHOP MEETING
 FEBRUARY 6, 2024
 7pm
 1

The Workshop Meeting of the Borough of Butler Mayor and Council was opened by Mayor Martinez 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 and on the Borough Website.

ROLL CALL

PRESENT: Mayor Martinez, Councilman Calvi, Councilman Fox, Councilman Meier, Councilwoman Morley, Councilman Piccirillo and Council President Verdonik

ALSO PRESENT: James Lampmann, Borough Administrator; Robert Oostdyk, Borough Attorney and Brandi Greco, Borough Clerk.

APPROVAL OF MINUTES: December 19, 2024

Moved: Fox Second: Morley
 Voted Aye: Calvi, Fox, Meier, Morley, Verdonik
 Voted Nay: None
 Absent: None
 Abstain: Piccirillo

RESOLUTION(S)

R 2024-27 Resolution Supporting the Establishment and Operation of a Facility for Class 5 Retail Cannabis Operations on Premises Occupied by BWELL HOLDINGS NJ INC., Located at 1331-1333 Route 23 South (B 83.08 L 5)

Moved: Fox Second: Verdonik
 Voted Aye: Calvi, Fox, Meier, Morley, Piccirillo, Verdonik
 Voted Nay: None
 Absent: None

R 2024-28 Resolution Authorizing the Lease of Certain Office Space in Borough Hall to the Pequannock River Basin Regional Sewerage Authority

Moved: Piccirillo Second: Meier
 All in favor

Discussion – Butler Day – Mayor Martinez said they had a zoom call with JamFam Productions. Stated they would handle the acquisition/promotion of vendors but all the extras (food trucks, rides, etc.) would be the responsibility of the town. Councilman Fox expressed his concern over the funds needed to complete road paving and that should be more of a priority than doing Butler Day. The Mayor confirmed they will not run it through the Rec. Dept like they have in the past, it will be through the Borough. Councilman Calvi wants to see prices! Councilwoman Morley wants to know who profits from sales of ride tickets/wristbands – she is also concerned about liability and insurance with the rides/bounce houses etc. Councilman Calvi asked for a price structure for a band, 5 rides and vendors so we can present it during our budget meetings. Mayor Martínez said this would be a Fall event but others inquired as to where everyone will park/who will attend if everyone has sports that weekend? Mayor will e-mail for a price quote and table this until next workshop.

Discussion – Land Use Ordinance Change – Councilman Piccirillo stated he had a conversation with a business owner who would like the Land Use Ordinance changed so it does not restrict him from having a secondary business that is not a convenience store at his gas station (143-5). Mayor stated it needs to be clearly defined- egs. we can't say no to a bike shop and yes to a stationery store – it has to be something quick and easy and we need to take parking into consideration. Unfortunately, Council stated the owner did not build the gas station correctly to begin with being that they crossed the lot lines, canopy was built in the wrong place etc. Due to his own fault, he can no longer separate the lots ... they could have had 2 separate lots and businesses but not with how he built it – if it was done properly to begin with, we wouldn't have this issue. Council members stated we were in litigation for a long time with this property. It was advised that any request for changes go through the Planning Board- he will need to apply for variances.

Discussion – Museum Members – Councilman Meier once again expressed the Museums concern to increase their Board members. Council and Mr. Lampmann asked if it was only due to needing key holders and suggested

changing the by-laws. Mr. Meier said it's a combination of covering weekend hours, meetings and the key holders. This was tabled again until the next meeting when hopefully a museum member will attend to further explain.

Discussion – Salary Ordinance Review – Brandi Greco presented a Salary Ordinance that increases the cap amount on the Grade C employee structure. Council President Verdonik stressed the importance of this as it would allow the BA to receive a raise since he has not in over 5 years. All Council agreed and it will be formally introduced at our next meeting.

Discussion – Police Main St. – Mr. Lampmann said the Butler PD is looking to do a PBA Car Show on Main St from Park Place to Manning Ave. from 10am-3pm on a Sunday in late Spring early Summer. All costs will be absorbed by the event, not the Borough (traffic control overtime, set-up, clean-up) Mayor and Council all approve.

NEW BUSINESS – Brandi Greco announced this years Gran Fondo Bike Event will take place on June 2nd Councilwoman Morley asked that we stress the importance of not using the downtown business parking spots for those staying for the duration of the event. Make sure they park where they are supposed to and use the shuttles provided!

OPEN PUBLIC DISCUSSION

Mayor Martinez requested that we go to Open Public Discussion at this time and go into Closed Session afterwards so that those in attendance do not have to wait for that. He then opened the meeting to the public.

Linda Bennet Tomaskovic from 148 Vreeland Ave in Bloomingdale, Co-founder of BBCO Toy Drive, came forward to highlight some of the people and programs they have raised money for. She informed us and requested our help in spreading the word regarding fundraisers for the VFW. She said it is urgent to raise money for needed repairs after the recent flooding at their Post. The first one is a dine to donate at Tastefully British on February 26th. They are also working with Magpie Bakery on an American Flag cookie fundraiser as well as a Organizing a Beefsteak. She also said she likes our idea of the Butler Day as she is an organizer of the Sloane Park Festival. It will be held on a weekend in June so we don't overlap it.

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

Moved: Fox

Second: Calvi

All in favor

CLOSED SESSION

R 2024-29 Resolution for Motion to meet in Executive Session – Tax Appeal

Moved: Verdonik

Second: Calvi

All in favor

We returned to Open Session by a Motion from Piccirillo, Second by Morley and all in favor. All Councilmembers who were present approved the proposed tax settlement.

R 2024-30 Resolution Authorizing Settlement of Tax Appeal

Moved: Fox

Second: Piccirillo

Voted Aye: Calvi, Fox, Meier, Morley, Piccirillo, Verdonik

Voted Nay: None

Absent: None

MOTION TO ADJOURN

Moved: Calvi


Second: Fox

All in favor

ADJOURNMENT: 7:58 p.m.



Brandi L. Smith-Greco
Municipal Clerk



Ryan Martinez, Mayor

**BOROUGH OF BUTLER
RESOLUTION 2024-27**

**SUPPORTING THE ESTABLISHMENT AND OPERATION OF A FACILITY FOR CLASS 5 RETAIL
CANNABIS OPERATIONS ON PREMISES OCCUPIED BY B WELL HOLDINGS NJ INC. LOCATED AT
1331-1333 ROUTE 23 SOUTH (BLOCK 83.08, LOT 5)**

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMM Act"), which established the personal-use cannabis program in the State of New Jersey; and

WHEREAS, the Borough of Butler supports the safe and appropriate siting of cannabis businesses where such facilities are permitted pursuant to Ordinance 2021-15, Ordinance 2021-16 and Ordinance 2023 -10 (the "Ordinances"), to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, the Ordinances permit the operation of Class 5 licensees within the Borough of Butler; and

WHEREAS, the Ordinances limit the number of Class 5 licensees to three (3) that may be licensed to operate within the Borough of Butler; and

WHEREAS, certain property exists within the Borough of Butler that is suitable to be developed with facilities for the operation of a Class 5 retail dispensary; and

WHEREAS, the Borough Council of the Borough of Butler hereby join the CREAMM Act's initiative, and support and endorse BWell Holdings NJ Inc.'s application for state licensure by the State of New Jersey Cannabis Regulatory Commission ("CRC") to operate a facility for Class 5 retail operations on premises located at 1331-1333 Route 23 South within the Borough of Butler.

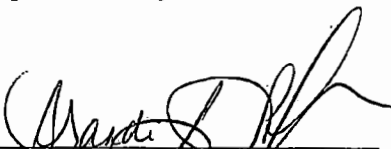
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Butler, County of Morris, State of New Jersey, as follows:


1. The Borough of Butler finds that it is important to provide for and protect the health and welfare of the citizens of the Borough of Butler, County of Morris, State of New Jersey, consistent with the CREAMM Act, N.J.S.A. § 24:6I-31 et seq.

2. As such, the Borough of Butler hereby supports the initiative taken by BWell Holdings NJ Inc. to operate a facility for Class 5 Cannabis operations (to the extent permitted by state law) within the Borough of Butler's boundaries, particularly at 1331-1333 Route 23 South, subject to, and in accordance with, all applicable ordinances.

3. The Borough of Butler has authorized the operation of Class 5 Cannabis licensees within the Borough, and the Borough of Butler does limit the number of licensed cannabis businesses that may operate within the Borough to three (3)—and therefore, the issuance of a Class 5 license to BWell Holdings NJ Inc. will not exceed the limit imposed by the Borough of Butler on the number of licensed cannabis businesses.

Adopted: February 6, 2024


Brandi L. Smith-Greco, RMC
Dated: February 6, 2023


Ryan Martinez, Mayor

BOROUGH OF BUTLER
RESOLUTION R 2024-28

RESOLUTION AUTHORIZING THE LEASE OF CERTAIN OFFICE SPACE IN BOROUGH HALL TO THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

WHEREAS, the Borough of Butler has available certain office space located at One Ace Road, Borough of Butler; and

WHEREAS, the Pequannock River Basin Regional Sewerage Authority is desirous of leasing said office space from the Borough of Butler; and

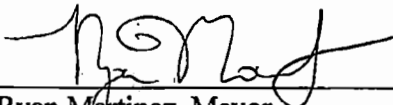
WHEREAS, N.J.S.A. 40A:12-14(b) authorizes a municipality to lease property to a public body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Butler, in the County of Morris, State of New Jersey, as follows:

Section 1. The Borough of Butler is hereby authorized to lease approximately 150 square feet of office space to the Pequannock River Basin Regional Sewerage Authority for a rent of \$250.00 per month for the period April 1, 2024 to March 31, 2026.


Section 2. The Mayor and Borough Clerk are authorized to sign the lease which has been approved by the Borough Attorney.

Adopted: February 6, 2024



Ryan Martinez, Mayor

Attest:



Brandi L. Smith-Greco
Municipal Clerk

Date: February 6, 2024

BOROUGH OF BUTLER
RESOLUTION NO. 2024-29
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler in the County of Morris, State of New Jersey, on the 6th day of February, 2024, 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. *(Tax Appeal: B203 L3)*
- () 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).

Date: February 6, 2024, 2024

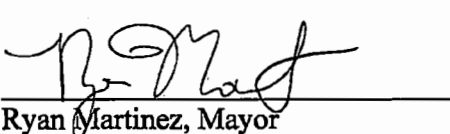
Moved: *Raymond Verdmiik*

Second: *Calvi*

Roll Call: *Calvi for main motion Riccardo Verdmiik*

Absent: *None*


Brandi L. Smith-Greco, RMC


Ryan Martinez, Mayor

BOROUGH OF BUTLER

RESOLUTION 2024-30

**RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX APPEAL
(DELL-KINNELON/BUTLER LLC v. BOROUGH OF BUTLER – BLOCK
203, LOT 3)**

WHEREAS, a tax appeal has been filed in the Tax Court of New Jersey captioned “Dell-Kinnelon/Butler LLC v. Borough of Butler” challenging the 2023 tax assessment on Block 203, Lot 3 (Route 23); and

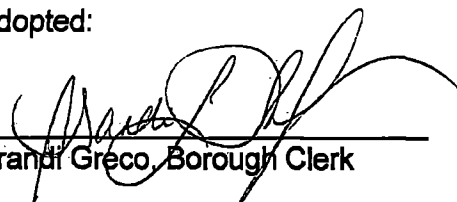
WHEREAS, the Plaintiff and the Tax Assessor have agreed to a settlement of this tax appeal as set forth in a proposed Stipulation of Settlement attached hereto; and

WHEREAS, the Borough Council finds that it is in the best interest of the Borough to approve the proposed settlement.

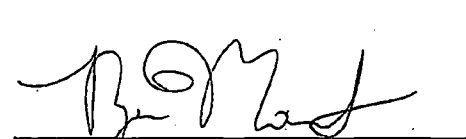
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, that the Borough Attorney is authorized to execute a Stipulation of Settlement in settlement of all pending tax appeals captioned “Dell-Kinnelon/Butler LLC v. Borough of Butler”; and be it further,

RESOLVED that the Tax Collector is hereby authorized to process any refund required as a result of the settlement of this tax appeal.

Adopted:



Brandi Greco, Borough Clerk



Ryan Martinez, Mayor