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The Council Meeting of the 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. This was followed by the Pledge to the Flag and a Moment of Reflection.

**ROLL CALL**

PRESENT: Mayor Robert W. Alviene, Council President Edwin Vath, Councilman Robert Fox, Councilman Stephen Regis, Councilman Raymond Verdonik, Councilman Robert Meier and Councilwoman Judith Woop.

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

**APPROVAL OF MINUTES:**

August 16, 2011 Borough Council Meeting and September 6, 2011 Council Workshop Meeting  
Moved: Fox  
All in favor

Second: Regis

**MEETING OF PUBLIC AND INVITATION FOR DISCUSSION**

Motion by: Fox

Second: Regis

Ken Montanye, 8 North Western Avenue noted that the no parking signage on Northwestern Avenue has not been erected yet. Mr. Montanye noted that he has seen cars parking in this area and has concerns that first responders will have difficulty accessing the area in the event of an emergency. Additionally, he observed people who purchased garage sale permits for the Town Wide Garage Sale, held sales on September 10 and 11 and some even held them again on September 17 and 18, he felt this was abuse of the permits as residents are only allowed two per twelve-month period. Mr. Montanye stated that he had heard that there were problems in the museum renovations, questioned the cause of the delay; additionally are the handicapped accessible restrooms included in this phase of renovations.

Councilman Fox noted that he does not have an answer yet regarding signage. Councilman Regis noted that he has spoken with the Police about vehicles parked in the no parking area; he will contact the Chief again tomorrow and ask him to enforce the no parking rules. Mr. Lampmann asked for clarification regarding location of the signage; regarding the museum, there are changes that have occurred since the project began during the demolition additional work was uncovered along with items that were initially included that did not require any work. Mr. Lampmann noted that as in any renovation project issues arise after you start demolition and these items need to be dealt with. The recent hurricane and tropical storm created problems for the contractor on a previous job, so he had to halt work on the museum to address these issues. In response to the issue of handicap accessible restrooms, the grant for this project is to address structural stability. Mr. Lampmann and Mayor Alviene concurred that quality of work is the important factor in this project, with time not being a significant factor.

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Elsie Koepper, 3 Hiller Court indicated when she purchased her home the builder showed her a document that noted an easement on her property for what she believed to be a town pipe that runs the length of her yard, the purpose being the supply of drainage for the entire development. Approximately four years ago, she noticed that there was water coming out of a section of her yard, she could not understand where this was coming from; the condition worsened in the winter months.

Mr. Lampmann explained that he had inspected the area at least three times, twice with the municipal engineer; additionally Ms. Koepper contacted the Department of Environmental Protection that the pipe was leaking oil, it was later determined that it was decaying leaves. Mr. Lampmann commented that it was determined that a nearby homeowner had done some work on an in ground pool and a piece of equipment used had crushed the pipe. Mr. Oostdyk finds it odd that the easement is referred to as a utility easement as opposed to a drainage easement. Mr. Oostdyk noted that some easements are not for public properties but rather for private property drainage issues. According to Mr. Oostdyk, the easement was probably filed somewhere, he asked Ms. Koepper to provide a copy of the title policy for her property to him so he can look it over.

Bob Scherreik, 4 South Lake, President Lake Iosco Company, Bloomingdale noted that this is the first time he has been in the Borough Chambers in 39 years ago. Mr. Scherreik read the following letter

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The Honorable Mayor and Council  
Borough of Butler  
One Ace Road  
Butler, New Jersey 07405

Subject: Butler Electric Department

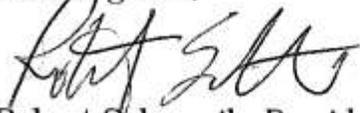
Dear Mayor and Council Members,

On behalf of the Board of Directors and the residents of Lake Iosco in Bloomingdale, I would like to commend the Butler Electric Department for their hard work and perseverance throughout the days leading up to, during, and after Hurricane Irene hit our area.

Butler Electric worked through the night and into the early hours of morning in order to restore power quickly after multiple outages, searching the woods and sometimes flooded areas in order to find and then repair the break downs. The crews were determined and dedicated during the storm, not stopping until power was restored.

Butler Electric is an exceptional organization, comprised of dedicated, caring, and capable individuals. Their efforts are greatly appreciated by all of us at Lake Iosco.

Best Regards,



Robert Scherreik, President  
*Lake Iosco Company*

Mr. Scherreik on behalf of the Lake Iosco Company personally wanted to deliver this praise as the Electric Utility had done such a wonderful job.

Motion to close this public portion of the meeting:  
Moved: Fox  
All in favor.

Second: Regis

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### **REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

Council President Vath noted that the health department does not meet during the summer months. The next meeting of the Board of Health is September 28, 2011 at 7:00 p.m. in the Conference Room in Borough Hall. Flu Vaccination Clinic will be held on September 27, 4:30 through 6:30, \$15.00 for residents over 50, with no charge for Medicare part B recipients that are members of the HMO. The Finance Committee will begin work earlier on the 2012 budget, first budget meeting will be in October with department meetings commencing in November, as the upcoming budget year could be rough. The Department of Environmental Protection will be doing soil sampling at the Department of Public Works garage in the former location of the underground tanks, if the soil tested from this area comes back clean; the current testing will no longer be required, resulting in savings of approximately \$4,000 to \$8,000 yearly. Mr. Lampmann to pursue the matter and will report what the costs will be if there are any additional requirements.

Councilman Fox noted the reconstruction of Kakeout Road is complete; there is a punch list of items that need to be addressed. Mayor Alviene concurred with Councilman Fox that the job was well done; he encouraged people to drive through the area to see what a great job it is. Mr. Lampmann added that a bus driver commended the Borough on the reconfiguration as it made pickup and delivery of passengers safer. Councilman Fox stated that the Road Committee will meet shortly, to see if there are any funds left and if so what project they may be applied to prior to the winter.

Councilman Regis would like to commend the Police and Fire Department for all their hard work and assistance during the recent storms. Mayor Alviene concurred adding that the Community as a whole helped each other, which was commendable in itself.

Councilwoman Woop reported that the Candlelight Walk and assembly with the presence of volunteers, firefighters, residents and most notable the presence of the younger residents such as Girl Scouts, Boy Scouts and the members of the Butler High School choir, it was an educational experience showing how communities address traumatic events. There has been an increased interest amongst the various youth organizations to help with issues within the community. The Rotary and the Interact students will be joining to gather clothes for flood victims in the surrounding areas.

Councilman Meier reported the electric utility dealt with the recent storm admirably, as there were more than 100 service calls along with five broken poles, the electric utility gave 110%. Fayson Lakes circuit was completed, progress on the 3-phase circuit between Decker Road and Hamburg Turnpike. He would like to commend all the emergency services, borough employees and residents as they did a fantastic job during the storm. Meters were read and recorded; delinquent accounts were dealt with.

Councilman Verdonik reported that the water main replacements on Valley Road and Bartholdi Avenue are complete. The roads are awaiting pavement, the Borough is trying to get work done on Struble Lane prior to the end of the year, updates to follow.

Tax Collectors Report – August 2011 – \$5,964,678.46  
Power & Light/Water & Sewer Dept. – August 2011 – \$4,120,793.65

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**APPROVAL OF VOUCHERS AND PAYROLLS**

R 2011-91 AUTHORIZATION FOR PAYMENT OF BILLS AND VOUCHERS

Moved: Vath Second: Regis

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

Voted Aye with abstention on fire department bills by Vath and Meier

Voted Nay: None

R 2011-91 approved

**PRESENTATION OF CORRESPONDENCE, PETITIONS**

Correspondence received from Smoke Rise Nursery School regarding the placement of signboards throughout the Borough.

Mayor Alviene noted that there is an ordinance in place for this issue, as they are not a non-profit organization; this needs to be addressed in the same manner. Councilman Fox noted that this would create a nuisance. Mayor Alviene asked for the Council's opinion on this issue and Council denied the request unanimously.

**ORDINANCES FOR INTRODUCTION**

2011-16 ORDINANCE CLARIFYING THAT LIMITED SERVICE STATIONS ARE A CONDITIONAL USE IN THE HC-1 AND HC-2 ZONES AND CLARIFYING THE APPLICABILITY OF THE SIGN REGULATIONS IN CHAPTER 143, SUBSECTION 143-175K APPLY IN THE CENTRAL BUSINESS DISTRICT AND THE REDEVELOPMENT ZONE

Moved: Fox Second: Vath

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

Voted Nay: None

Public Hearing October 18, 2011

2011-17 ORDINANCE AMENDING CHAPTER 21, PROVIDING FOR LEVELS OF MEMBERSHIP AND STANDARDS OF EFFICIENCY IN THE BUTLER FIRE DEPARTMENT

Moved: Fox Second: Regis

Voted Aye: Woop, Verdonik, Regis and Fox

Voted Nay: None

Recuse: Vath and Meier

Public Hearing October 18, 2011

2011-18 AN ORDINANCE APPROPRIATING \$50,000 FOR THE IMPROVEMENTS TO THE BUILDINGS AND GROUNDS – CAPITAL IMPROVEMENT FUND

Moved: Vath Second: Verdonik

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

Voted Nay: None

Public Hearing October 18, 2011

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**ORDINANCES FOR ADOPTION**

**2011-15 AN ORDINANCE AMENDING CHAPTER 119, SECTION 2, FEES FOR PHOTOCOPIES OF PUBLIC RECORDS**

Introduced August 16, 2011  
Advertised August 21, 2011  
Public Hearing was opened to the Public:

Sherry Bednarz-Mosier 62 Arch Street Regarding the costs for photocopies, the Police Department is currently not charging, the Clerk to speak with the Chief regarding this matter.

Seeing no one else come forward, Councilman Fox closed the public hearing on this ordinance and this ordinance only.

Moved: Fox Second: Vath  
Voted Aye: Woop, Meier, Verdonik, Regis, Fox and Vath  
Voted Nay: None  
2011-15 Ordinance adopted.

**RESOLUTIONS**

**R 2011-92 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE ELECTRIC DEPARTMENT**

Moved: Vath Second: Meier  
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop  
Voted Nay: None  
R 2011-92 approved.

**R 2011-93 RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR CANCELLATIONS IN THE TAX OFFICE**

Moved: Vath Second: Meier  
Voted Aye: Vath, Fox, Regis, Verdonik, Meier and Woop  
Voted Nay: None  
R 2011-93 approved.

**R 2011-94 RESOLUTION AUTHORIZING TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1403-33-006-003 FROM OUTBACK METROPOLIS-I TRADING AS OUTBACK STEAKHOUSE TO OUTBACK STEAKHOUSE OF FLORIDA, LLC**

Moved: Fox Second: Vath  
Voted Aye: Woop, Meier, Verdonik, Regis Fox and Vath  
Voted Nay: None  
R 2011-94 approved.

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R 2011-95 RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BARTHOLDI AVENUE AND ASSOCIATED SIDE STREET PROJECTS

Moved: Fox

Second: Regis

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

Voted Nay: None

R 2011-95 approved.

R 2011-96 RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

Moved: Vath

Second: Meier

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

Voted Nay: None

R 2011-96 approved.

R 2011-97 RESOLUTION AUTHORIZING A DEVELOPERS AGREEMENT BETWEEN THE BOROUGH OF BUTLER AND JOHAN KAFIL

Mr. Lampmann explained that this is a follow up to a project heard before the land use board earlier this month; it details the offsite improvements that a developer's agreement will put in place. As part of this agreement there will be improvements made to Struble Avenue, the site of the water main replacement. Mr. Lampmann asked that this be approved this evening so that the project may move forward.

Moved: Fox

Second: Vath

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

Voted Nay: None

R 2011-97 approved.

R 2011-98 RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE BOND GUARANTEE FOR 7-ELEVEN, BLOCK 72.02, LOT 38.01, STORE NO. 34226 BOND NO. 6649792

Ms. O'Keefe explained that upon review of the documents by the Borough Attorney and Borough Engineer release of the performance bond guarantee was approved.

Moved: Vath

Second: Fox

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

Voted Nay: None

R 2011-98 approved.

R 2011-99 SUPPORTING SENATE BILL 2976 AMENDING CURRENT OPEN PUBLIC RECORDS LAW

Moved: Fox

Second: Regis

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

Voted Nay: None

R 2011-99 approved.

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**UNFINISHED BUSINESS**

Mr. Lampmann noted that he has received retirement letters from the following individuals: Calvin Whitty of the Road Department with a retirement date of February 28, 2012; Edward Becker, Department of Public Works with a retirement date of June 30, 2012. Mr. Lampmann noted that this notification was for the Council to review, and the Mayor inquired if the Council accepted the letters, all were in favor.

**INVITATION FOR DISCUSSION FROM PUBLIC**

Seeing no one come forward Councilman Fox closed this public portion of the meeting.

Motion to adjourn

Moved: Fox

Second: Regis

Yes all

Adjournment: 8:00 p.m.

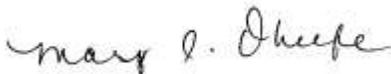
Adopted: October 18, 2011



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MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, Municipal Clerk

Dated: October 18, 2011

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**BOROUGH OF BUTLER**

**ORDINANCE NO. 2011 - 16**

**ORDINANCE CLARIFYING THAT LIMITED SERVICE STATIONS ARE A CONDITIONAL USE IN THE HC-1 AND HC-2 ZONES AND CLARIFYING THE APPLICABILITY OF THE SIGN REGULATIONS IN CHAPTER 143, SUBSECTION 143-175K APPLY IN THE CENTRAL BUSINESS DISTRICT AND THE REDEVELOPMENT ZONE**

**WHEREAS**, it has come to the attention of the Borough Council that an issue concerning the Limited Service Station with Convenience Centers use in the HC-2 Zone has arisen and the Council desires to clarify that Limited Service Station with Convenience Centers are a conditional use in both the HC-1 and HC-2 zones. It also wishes to clarify the sign use regulations in the Central Business District and Redevelopment Zone.

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

**Section 1.** Limited Service Station with Convenience Centers as set forth in Section 143-160.1 shall be a conditional use in the HC-1 and HC-2 Zones. Chapter 143, Section 143-117, entitled "Schedule C" shall provide that Limited Service Station with Convenience Centers is a conditional use in the HC-1 and HC-2 zones.

**Section 2.** Chapter 143, Section 175 ("Permitted Signs"), Subsection K, of the Revised General Ordinances of the Borough of Butler shall be re-titled "Central Business District and Redevelopment Zone Uses" and shall read in its entirety as follows:

**K. Central Business District and Redevelopment Zone uses:**

- (1) Each use may have one (1) lighted or unlighted sign displaying the name of the use, attached flat against the front of the building or an integral part of an awning or canopy which is attached to the front of the building not exceeding an area equivalent to five percent (5%) of the front of the building or fifty (50) square feet, whichever is smaller.
- (2) Each use occupying the corner of the building may have one (1) unlighted sign displaying the name of the use, attached

flat against the side of the building. The sign bottom shall be no higher than 10 feet from the ground level. The total signage shall be no larger than the signage permitted, by ordinance, in the front of the building. The sign shall only display the name of the uses occupying the building.

- (3) Where the building is designed for rear or side entrances, one (1) unlighted sign may be attached flat against the building at said entrance. The sign size shall not to exceed an area equivalent to half that of the sign, permitted by ordinance, on the front of the building.
- (4) Each use may have one (1) two sided, unlighted, blade sign no larger than 18 inches wide by 36 inches high. The bottom of the sign shall be between eight (8) feet and ten feet from the ground level. The signs shall be supported by a uniform bracket design which was approved by the Planning Board and on file in the Borough Clerk's office.
- (5) Signs may be displayed on the inside of the front windows of the first floor portion of the building.
- (6) One (1) freestanding easel may be placed against the building. This sign shall be 18 inches wide by 36 inches high in size. The easel shall not block the sidewalk and a four (4) foot sidewalk clearance must be maintained.

**Section 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.

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

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

**BOROUGH OF BUTLER**

**ORDINANCE NO. 2011 - 17**

**ORDINANCE AMENDING CHAPTER 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER AND PROVIDING FOR LEVELS OF MEMBERSHIP AND STANDARDS OF EFFICIENCY IN THE FIRE DEPARTMENT**

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

**Section 1.** Chapter 21, Section 21-7 entitled "Standard of Efficiency," shall be re-titled "Levels of Membership and Standards of Efficiency" and shall read in its entirety as follows:

**§ 21-7. Levels of Membership and Standards of Efficiency.**

A. The standards of efficiency for members of the Butler Fire Department shall be based upon the level of membership. The following levels of membership in the Butler Fire Department and the standards of efficiency for each level shall be as follows:

- (1) Member in Good Standing.
  - (a) The standard of efficiency in order to qualify as a member in good standing shall be as follows:
    - (i) Participation in at least 50% of all department functions including alarm responses, drills, training, meetings and other authorized fire department functions as approved by the Fire Chief.
    - (ii) Adherence to all rules/regulations/policies of the fire department.
    - (iii) Compliance with all training requirements of the Butler Fire Department.
  - (b) A member in good standing shall be entitled to the following:

- (i) Voting privileges.
  - (ii) Accidental insurance and workers compensation insurance shall be provided by the Borough of Butler to these members
- (2) Member in Good Standing/On Leave.
- (a) The qualification standards for membership in good standing/on leave and the limitations to this membership shall be as follows:
    - (i) Membership in good standing/on leave is reserved for a member that has expressed to the Department Fire Chief a difficulty in satisfying the criteria of a member in good standing. He/she does not want to be removed from the department roster, but has expressed a need to be inactive for a specified period of time due to personal reasons, medical need, or work or school commitments.
    - (ii) In no case shall the member in good standing/on leave be on leave for a continuous period of more than one year.
    - (iii) The member shall be in compliance with all training requirements of the Butler Fire Department upon return from leave.
    - (iv) Any member that has been placed on approved leave for medical reasons shall be required to provide a release from a medical doctor certifying that the member is able to return to active duty.
    - (v) The request for leave shall be submitted with a recommendation of the Department Chief to the Public Safety Committee. The Public Safety Committee shall review the request and notify the Department Chief of its decision.
  - (b) The standard of efficiency in order to qualify as a member in good standing/on leave shall be as follows:
    - (i) Adherence to all rules/regulations/policies of the fire department.
    - (ii) Specific requirements (if any) outlined under the approved leave shall be met.

- (c) A member in good standing/on leave shall be entitled to the following:
  - (i) Voting privileges.
  - (ii) Accidental insurance and workers compensation insurance shall be provided by the Borough of Butler to these members.
- (3) Conditional Membership.
  - (a) The qualification standards for conditional membership and the limitations to this membership shall be as follows:
    - (i) This status is for members that do not meet the requirements of a member in good standing or a member in good standing/on leave.
    - (ii) Members remaining in the Conditional membership category for twelve consecutive months will be removed from the roles of the Butler Fire Department.
  - (b) The privileges for a conditional member shall be limited as follows:
    - (i) Conditional members do not receive accidental insurance from the Borough of Butler.
    - (ii) These members are not eligible to run for office in the Fire Department.
    - (iii) Conditional members have no voting rights.
- (4) Associate Membership:
  - (a) The qualification standards for associate membership and the limitations to this membership shall be as follows:
    - (i) A retired or disabled member, who so wishes, will be considered for an Associate Membership. The request for Associate member status shall be submitted with a recommendation of the Department Chief to the Public Safety Committee. The Public Safety Committee shall review the request and notify the Department Chief of its decision.

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- (b) The privileges for an associate member shall be limited as follows:
  - (i) Associate members that have provided twenty-five (25) years of service in good standing to the Butler Fire Department shall remain eligible for the Life insurance benefit offered to the active members of the Butler Fire Department.
  - (ii) Associate members have no voting rights.
- B. Reviews of member efficiency shall be performed by the Department Chief every October as a minimum. Results shall be submitted to the Mayor and Council by November 1<sup>st</sup>. In addition, all candidates seeking election to an officer's position in the fire department shall be reviewed prior to the election. Results of candidates seeking election to an office in the fire department shall be presented to the Mayor and Council prior to the election.
- C. During the first 12 months, all new members shall complete a Fire Fighter One Class as outlined in N.J.A.C. 5-18c-4.1

**Section 2.** Chapter 21, Section 21-3 entitled "Election and appointment of officers; qualifications," shall be amended by the following amendment to subsection 21-3 A. (1) (a) which shall read in its entirety as follows:

- (a) Be an active member in Good Standing of the Butler Fire Department.

**Section 3.** Chapter 21, Section 21-3 entitled "Election and appointment of officers; qualifications," shall be amended by the following amendment to subsection 21-3 A.(2)(c) which shall read in its entirety as follows:

- (c) Each company shall certify to the Mayor and Council a list of active firefighters eligible to vote in accordance with the level of membership established in section 21-7 of this Chapter. This list shall be presented to the Mayor and Council by the end of October each year and shall be reviewed and approved by the Mayor and Council prior to the Fire Chief election of the Fire Department.

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**Section 4.** Chapter 21, Section 21-5 entitled "Duties of officials," shall be amended by the following amendment to subsection 21-5 E. which shall read in its entirety as follows:

- E. Master Mechanic. It shall be the duty of the Master Mechanic to make monthly inspections of each fire engine, to make a written report to the Chief and to keep trucks in perfect running condition. The Master Mechanic shall be responsible for the condition of the apparatus. No firefighter is permitted to make any adjustments on any fire truck without the permission of the Fire Chief. Any repairs exceeding \$500.00 must have the prior approval of the Department Chief. For these services, he shall receive a sum as may be hereafter determined by resolution, per hour, while making repairs. He shall examine and recommend, if found qualified, to the Captain of each company, any member wishing to become a driver of a fire truck.

**Section 5.** 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.

**Section 6.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 7.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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**BOROUGH OF BUTLER  
COUNTY OF MORRIS  
Ordinance 2011-18**

**AN ORDINANCE OF THE BOROUGH OF BUTLER  
PROVIDING FOR THE APPROPRIATION OF \$50,000  
FOR THE IMPROVEMENTS TO MUNICIPAL  
BUILDINGS AND GROUNDS FROM THE GENERAL  
CAPITAL – CAPITAL IMPROVEMENT FUND.**

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

**SECTION 1.** The funding for the improvements to the municipal buildings and grounds is hereby authorized with a cost not to exceed \$50,000, which sum is hereby appropriated for this purpose

**SECTION 2.** The total amount of \$50,000 for said improvements is hereby appropriated from the following funds:

General Capital – Capital Improvement Fund –  
\$50,000

**SECTION 3.** This ordinance shall take effect after publication and passage as provided by law.

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BOROUGH OF BUTLER  
RESOLUTION R 2011-91

AUTHORIZATION FOR PAYMENT OF BILLS

RESOLUTION THAT THE BILLS AS ATTACHED AND PRESENTED BY THE FINANCE OFFICER AND APPROVED BY THE FINANCE COMMITTEE BE AUTHORIZED FOR PAYMENT

MOVED: Vath

SECOND: Regis

VOTED AYE Vath, Fox, Regis, Verdonik, Meier and Woop  
(Vath and Meier abstained on Fire Department Bills)

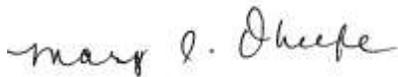
VOTED NAY: None



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MAYOR ROBERT W. ALVIENE

Attest:



Mary A. O'Keefe, RMC  
Borough Clerk

Dated: August 16, 2011

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**BOROUGH OF BUTLER  
RESOLUTION R2011-92**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR  
CANCELLATIONS IN THE ELECTRIC DEPARTMENT**

WHEREAS, there appears on the utility records overpayments or credits as shown below; and

WHEREAS, the adjustments were created by the reasons indicated below, and the Supervisor of Accounts recommends the refund of such overpayments and cancellation of credit balances as indicated;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Butler that the proper officers be, and they are hereby authorized and directed to issue checks refunding such overpayments as hereafter shown below:

**CODE OF REASONS**

- 1. Overpayment-Refund
- 2. Cancellation of Uncollectible Amount
- 3. Cancellation of Debit Balance
- 4. Cancellation of Credit Balance

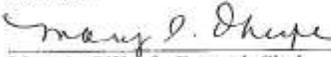
ACCT #	Name	Location	Amount	Year	Reason
3486-374	Nicol, George	1607 Route 23 Apt 16	\$7.65	2011	1
( )6-144	Frye, Ellen	41 Garden Place	\$23.16	2011	1

\*Lifeline Credit Returned to State  
  
CORAM. WRIGHT, C.T.C.

ADOPTED: 9/20/11

  
ROBERT W. ALVIERE, MAYOR

ATTEST:

  
Mary A. O'Keefe, Borough Clerk  
Date: 9/20/11

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**BOROUGH OF BUTLER  
RESOLUTION R-2011-93**

**RESOLUTION AUTHORIZING REFUNDS, OVERPAYMENTS OR  
CANCELLATIONS IN THE TAX OFFICE**

WHEREAS, there appears on the tax records overpayments or credits as shown below; and

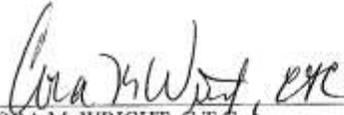
WHEREAS, the adjustments were created by the reasons indicated below, and the Collector of Taxes recommends the refund of such overpayments and cancellation of credit balances as indicated;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Butler that the proper officers be, and they are hereby authorized and directed to issue checks refunding such overpayments as hereafter shown below:

**CODE OF REASONS**

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| 1. Overpayment-Refund             | 5. Cancellation of Debit Balance |
| 2. Vets, SR Citizen Refund/Allow  | 6. Cancellation of Taxes         |
| 3. Cancellation of Credit Balance | 7. Tax Title Lien Redemption     |
| 4. Tax Appeal                     | 8. Municipal Lien Redemption     |

BLK/LOT/SUB	NAME	AMOUNT	YEAR	REASON
53/18	Scheren, Joan	\$20,705.15	2010	7
23/47	Geleta, Daniel & Zuzana	\$1,433.51	2011	1
23/47	Geleta, Daniel & Zuzana	\$449.98	2010	7
75.01/7	Castillo, Raymond & Debora	\$3,522.02	2011	1
27/16.03	Murano, Angelo	\$2,027.24	2011	1

  
CORAM. WRIGHT, C.T.E.

ADOPTED: 9/20/11

  
ROBERT W. ALVIENE, MAYOR

ATTEST:  
  
Mary A. O'Keefe, Borough Clerk  
Date: 9/20/11

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**BOROUGH OF BUTLER  
RESOLUTION #R2011-94**

**RESOLUTION AUTHORIZING THE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1403-33-006-003 FROM OUTBACK METROPOLIS – I TRADING AS OUTBACK STEAKHOUSE TO OUTBACK STEAKHOUSE OF FLORIDA, LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1403-33-006-003, heretofore issued to Outback Metropolis I trading as Outback Steakhouse for premises located at 1538 Route 23, Borough of Butler, New Jersey;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

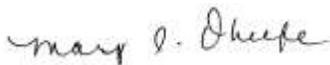
**NOW, THEREFORE BE IT RESOLVED** that the Borough Council of the Borough of Butler does hereby approve, effective September 20, 2011, the transfer of the aforesaid Plenary Retail Consumption License to Outback Steakhouse of Florida, LLC, and does hereby direct the Borough Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Outback Steakhouse of Florida, LLC.”

Adopted: September 20, 2011



Robert W. Alviene, Mayor

Attest:



Mary O'Keefe, Borough Clerk

Dated: September 20, 2011

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Borough of Butler  
Resolution No. 2011-95

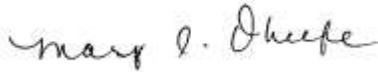
Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Bartholdi Avenue and associated side streets project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Butler formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to submit an electronic grant application identified as MA-2012-Butler Borough-00433 to the New Jersey Department of Transportation on behalf of the Borough of Butler.

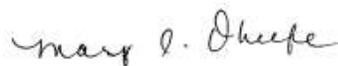
BE IT FURTHER RESOLVED that Borough Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Butler and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 20<sup>th</sup> day of September, 2011



\_\_\_\_\_  
Mary A. O'Keefe, Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.



\_\_\_\_\_  
Mary A. O'Keefe, Clerk



\_\_\_\_\_  
Robert W. Alviene, Mayor

ATTEST and AFFIX SEAL

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**BOROUGH OF BUTLER  
RESOLUTION NO. 2011-96**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE  
PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Borough of Butler desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

**BE IT RESOLVED**, by the Borough of Butler, County of Morris, State of New Jersey as follows:

1. The Mayor and Council of the Borough of Butler hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council administered by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Borough of Butler Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Butler officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

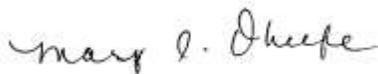
**CERTIFICATION**

I, Mary A. O'Keefe, Clerk of the Borough of Butler, hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough of Butler Mayor and Council at a duly convened meeting held on September 20, 2011.



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Robert W. Alviene, Mayor



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(Clerk)

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**BOROUGH OF BUTLER**

**RESOLUTION NO. 2011 - 97**

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF BUTLER AND JOHAN KAFIL**

**WHEREAS**, Johan Kafil is the developer of land identified on a certain site plan and/or subdivision plat known as Block 54, Lots 1.07, 1.08, and 1.09, located along 1465 Route 23 South in the HC-2 Zone; and

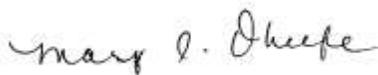
**WHEREAS**, the developer was granted Preliminary and Final Major Site Plan Approval pursuant to Application #SP10-58 which resolution was adopted by the approving authority at their meeting of October 21, 2010 and Minor Subdivision approval, granted on May 20, 2010, memorialized June 17, 2010 and

**WHEREAS**, the developer desires to comply with the terms and conditions of the approval; and

**WHEREAS**, the Borough of Butler and the developer have agreed to enter into a Developer's Agreement which agreement would provide for the completion of various improvements and obligations required by the approvals.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, that the appropriate municipal officials are hereby authorized to execute a Developer's Agreement between the Borough of Butler and Johan Kafil in the form attached hereto.

Adopted: September 20, 2011



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Mary O'Keefe, Borough Clerk



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Robert W. Alviene, Mayor

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**BOROUGH OF BUTLER  
RESOLUTION NO. R 2011-98**

**RELEASE OF A PERFORMANCE GUARANTEE PROPOSED 7-ELEVEN - STORE  
#34226, 1284 ROUTE 23, BLOCK 72.02, LOT 38.01**

**WHEREAS**, 7-Eleven Inc posted a performance guarantee, Liberty Mutual Safeco Insurance Company of America Bond No. 6649792 in the amount of \$223,714.44 to guarantee the completion of certain improvements in connection with the construction of a retail store on property commonly known as Block 72.02, Lot 38.01; and

**WHEREAS**, Paul Darmofalski, Municipal Engineer, recommended, in an email dated September 6, 2011 that the performance guarantee Performance Bond No. 6649792 be released as the site improvements have been completed and inspected.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Butler, County of Morris, State of New Jersey that Liberty Mutual Safeco Insurance Company of America Bond NO. 6649792 be in the same are hereby released effective September 20, 2011.

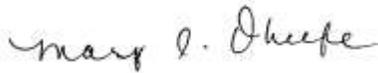
Adopted: September 20, 2011



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Robert W. Alviene, Mayor

Attest:



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Mary O'Keefe, Borough Clerk

Dated: September 20, 2011

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**BOROUGH OF BUTLER  
RESOLUTION #R2011-99**

**RESOLUTION OF THE BOROUGH OF BUTLER SUPPORTING SENATE BILL 2976 AMENDING  
THE CURRENT OPEN PUBLIC RECORDS LAW**

**WHEREAS**, the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making government records accessible for inspection or copying; and

**WHEREAS**, since the adoption of OPRA, there has been an escalating series of requests from all over the nation for voluminous public records, already freely accessible to the general public through government websites; and

**WHEREAS**, providing information to requestors which is already freely available to the public on government websites constitutes an unnecessary additional expense to the taxpayers; and

**WHEREAS**, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed; and

**WHEREAS**, Senate Bill No. 2976 *Turner* would address this issue by relieving the taxpayers of this additional unnecessary expense by allowing government agencies to refer OPRA requestors to their websites should the information desired be readily and freely available there;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council that the Borough of Butler hereby joins the Board of Chosen Freeholders of the County of Morris in the State of New Jersey as follows:

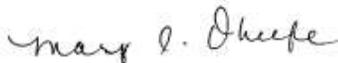
- 1) That the Borough of Butler supports the aforesaid legislation and requests that the current Open Public Records Law be amended as specified under Senate Bill No. 2976 *Turner*.
- 3) That a copy of this resolution be sent to the President of the New Jersey State Senate and the Speaker of the New Jersey State Assembly, and all our local representatives, urging adoption of this legislation and to the Honorable Governor of the State of New Jersey, Chris Christie, urging him to sign and execute the same upon its adoption.
- 4) That a copy of this resolution be sent to all the Municipal Clerks in the County of Morris and the Morris County Board of Chosen Freeholders.

Adopted: September 20, 2011



Robert W. Alviene, Mayor

Attest:



Mary O'Keefe, Borough Clerk  
Dated: September 20, 2011