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WORKSHOP MEETING  
JUNE 5, 2017  
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 Calvi, Councilman Fox, Councilman McNear, Councilman Meier, Councilman Regis and Council President Verdonik

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

**Discussion – Verizon Planned Upgrade – Richard Komissar, of Tilson Tech** is present this evening to answer any questions regarding the Verizon planned upgrade to increase cellular capacity. Several questions arose regarding the installation of new poles and the nodes that will be installed and the location of these poles being alongside Butler Electric poles or on the opposite side of the street, current pole installation standards will be followed. The nodes will be approximately halfway up the poles, not accessible from the sidewalk to address any safety concerns and may be used by other carriers should they request it. Tilson Tech will have complete responsibility for the poles, including maintenance and any upgrades required in the future. Mr. Lampmann wanted to know if there was any outreach available for the residents who are nearest to these nodes. He would like to have a contact person with Tilson to answer questions and alleviate any concerns from the residents. Councilman Fox requested that insurance requirements be similar to those requested by Linwood Borough, Mr. Komissar assured the Mayor and Council that he believes the company would be agreeable to this change.

**Discussion – Limitation on Delivery Hours in Areas Adjacent to a Residential Property -** Mr. Lampmann explained that he and various Councilmembers have received complaints regarding overnight deliveries and the noise that occurs. Kevin DiPiano, owner of 1567 Route 23, gave a short history of the property since he purchased it in 2005; he has spent the past eight years trying to come up with a viable plan for using the property. The location is currently being used as a parts distribution center and a reconditioning center for used cars. He noted that he has received a noise complaint and has attempted to rectify this situation with the neighbors. He is aware of an event that occurred where a delivery person had a radio that was loud and that it was wrong. He feels that the police may have been over zealous in their efforts, as they issued warnings and the third party delivery companies have refused to deliver to him. Mr. DiPiano noted that he hired a local public defender to try to rectify the issue with the Borough; he noted that his attorney received a call from Mr. Lampmann, with no resolve to the complaint. Mr. DiPiano also noted that in addition to drivers receiving warnings from Butler Police Department he also received a zoning violation for parking on unpaved property, this condition has existed for twenty three years. Councilman Regis explained that if the noise abates then there would be no issue. Councilman Fox explained that parking on an unpaved area is not allowed in Butler and anyone who does this receives notices and or violations if the issue is not addressed. Mr. Lampmann explained that when he reached out to Mr. DiPiano's attorney it was to facilitate a meeting between the Zoning Officer and Mr. DiPiano, to sit down and discuss this issue. Mr.

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DiPiano stated that there are no deliveries prior to 5:00 a.m. Councilman Fox asked if the parts can be delivered at a later hour, discussion ensued regarding making changes to the delivery times. Mayor Alviene expressed concern as Mr. DiPiano has retained counsel, Mr. DiPiano noted that he is appearing this evening Pro Se, he stated that there is no legal action planned. Mr. Oostdyk noted that there would be no discussion regarding the municipal court matter. Mayor Alviene asked that Councilman Regis contact the Police Department and get the information on the summons previously issued. Mr. Oostdyk explained that the current ordinance is antiquated and needs to be updated, currently it does not address decibel levels, and New Jersey created a sample noise ordinance that uses decibel levels. Mr. Oostdyk noted there are a number of ways to solve this issue, at this time he does not believe that amending the noise ordinance is the way to proceed. Discussion ensued the outcome being that a letter will be drafted noting that it will include the requirements of the ordinance detailing that deliveries are allowed on a 24 hour basis, however, noise levels must be kept to a minimum during the overnight hours. Mr. Oostdyk noted a proper noise ordinance should be drafted in the future.

**Discussion – Power Home Remodeling Peddler Licenses**

Ms. O’Keefe reminded the Mayor and Council of prior issues with this company. The Mayor and Council asked that Mr. Hague of Power Home Remodeling appear before the Council at the next workshop meeting along with documentation that there has been additional training perhaps a training manual to guarantee that aggressive sales calls will not occur again. Ms. O’Keefe will contact Power Home Remodeling and ask them to appear at the September 5, 2017 Workshop Meeting.

**R 2017-53 Bid Award – Resolution Authorizing the Award of a Bid for the Proposed Pressure Reducing Facility at the Filter Plant on Cascade Way, Kinnelon**

Moved: Fox

Second: Regis

Voted: Aye: Calvi, Fox, McNear, Meier, Regis and Verdonik

Voted Nay: None

**OPEN PUBLIC DISCUSSION**

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

**Bob Norman, 31 Cascade Way** Mr. Norman acknowledged that Boonton Avenue from Route 23 heading south is in horrible shape. He asked that perhaps Butler and Kinnelon could get together and request that this be addressed soon as it affects both municipalities. Perhaps this road may be added to the schedule for next year, as the patchwork that is done does not alleviate the problems. Mayor Alviene will check and see what he can do to move this project forward.

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

Moved: Fox

Second: McNear

All in favor.

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Mr. Lampmann explained that the grant monies for the Hasbrouck Avenue water line have been approved. We are waiting for the grant agreement that may be here the last week of June so we may award the bid. As we do not have a meeting until July 18, this will create an issue with school reopening, as the road is adjacent to Butler High School. He noted that we would need to have a special meeting to award the bid a tentative date of July 7 was discussed; however, that is pending receipt of the grant agreement. As more information is received the Mayor and Council will be notified.

Ms. O'Keefe noted that she recently received notification from the State of New Jersey Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control (ABC) regarding the Pequannock Valley Columbian Club about an issue with their liquor license. A former member wrote a scathing letter to Mayor Alviene and the ABC about issues at the Columbian club, the ABC investigated it and determined that there were some minor violations and issued an 11-day suspension of licensing privileges. It has been conveyed to the Clerk that the licensee will not be appealing the decision. Mayor and Council asked that the licensee appear when the license is up for renewal to explain what measures are being taken to make sure this does not occur again.

Motion to adjourn:

Moved: Fox

All in favor.

Second: McNear

ADJOURNMENT: 8:16 p.m.

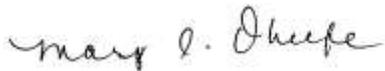
Adopted: June 20, 2017



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Robert W. Alviene, Mayor

Attest:



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Mary A. O'Keefe, RMC  
Municipal Clerk

Dated: June 20, 2017

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**BOROUGH OF BUTLER**

**RESOLUTION NO. 2017-53**

**RESOLUTION AWARDING A CONTRACT FOR THE PROPOSED PRESSURE REDUCING FACILITY AT THE FILTER PLANT ON CASCADE WAY, KINNELON**

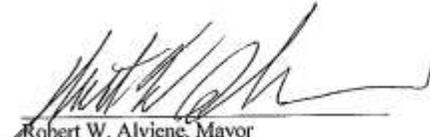
**WHEREAS**, three bids were received for the Proposed Pressure Reducing Facility at the Filter Plant on Cascade Way Project on May 31, 2017; and

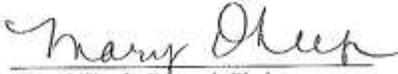
**WHEREAS**, the Borough Consulting Engineer has recommended that the Borough award the contract to Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey the apparent low bidder with a total bid amount of \$182,319.00; and

**WHEREAS**, the Borough Administrator, Borough Attorney and the Consulting Engineer have reviewed the bid submitted by Hutton Construction, LLC and have found all to be in order; and

**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 bid for the Proposed Pressure Reducing Facility at the Filter Plant on Cascade Way, Kinnelon Project be awarded to Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, New Jersey 07009 in the amount of \$182,319.00 is hereby accepted and the contract is awarded to Hutton Construction, LLC.

Adopted:

  
Robert W. Alviene, Mayor

  
Mary O'Keefe, Borough Clerk

Dated: June 5, 2017