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WORKSHOP MEETING
APRIL 2, 2019
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 Meier, Councilman Regis, Councilman Travers and Council President Verdonik

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

Discussion

Small Cell Ordinance Mr. Lampmann explained that he received an email regarding small cells; the small devices that will expand the wireless network and residents might be concerned about placement on private homes. What steps will Butler take to limit or control placement of these devices. Mr. Lampmann explained that we may not stop the placement as they are regulated by the Federal Communications Commission, our recourse would be to limit locations, as Butler is unique in that it owns and operates an Electric Utility therefore they own the majority of the utility poles in the Borough and regulate what is placed on the poles. Mr. Oostdyk advised the Mayor and Council that we should monitor the other adopted ordinances to see if there are any legal challenges to these ordinances and await the outcome of any challenges.

Power Home Remodeling Representing Power Home: Chris Wilson and Greg Fischelli, Marketing Analysts. Recently four solicitor's applications were submitted to the Borough Clerk the applications are on hold pending a hearing before the Mayor and Council. In 2014, two incidents occurred with representatives of Power Home Remodeling and residents. The second incident necessitated a hearing before the Mayor and Council at which time their licenses were revoked, and any future applications required Mayor and Council approval. Mr. Wilson distributed copies of a training brochure provided to new employees. Prospective employees undergo a background check, a drug test, and a two-week training process enacted in 2017. Prior to the employees being sent out in the field, they are trained in the many situations they may encounter. They are trained not to enter the residence; their goal is to schedule an appointment for their sales representative, those appointments are usually confirmed immediately and then two hours prior to the appointment. Mr. Wilson stated that Power Home Remodeling has developed a customer's bill of rights for distribution to all prospective customers. The Mayor and Council had several questions regarding the customer's bill of rights and training procedures. Councilman Travers detailed an incident he is aware of regarding an estimate that was given by Power Home Remodeling; they then attempted to enforce the estimate as a contract. Mayor Alviene asked if they had provided a copy of a blank contract so the Borough Attorney could review it, they have not provided a copy; he would like a copy of the contract for attorney review. Mr. Lampmann had a question regarding whether or not they use the Borough name as part of their sales pitch, according to Mr. Wilson they do not use the Borough name. Mr. Oostdyk asked what steps are in place to address a complaint immediately, is there someone available to call to address this. Mr. Wilson noted that the marketing analyst would deal with

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any problems in a timely manner. Mayor Alviene asked for and received confirmation that new employees are paired with existing employees. Mr. Oostdyk explained that the prior complaints were egregious, and he would like to know if there have been complaints in other municipalities. Power Home Remodeling to provide copies of permits that they have received in other municipalities. Mayor Alviene reiterated that once Power Home Remodeling provides the Borough with a blank contract and license information from the other municipalities where they hold current licenses the Mayor and Council will move forward on the applications.

Assante Park Improvements Councilman Travers received correspondence from a resident regarding replacement of the slide in Assante Park. The resident Jon Jorda found a grant that is a joint effort between the Borough and residents. Mr. Lampmann explained the grant program Kaboom has several requirements that the Borough may not be able to meet. Additionally, there is a significant fund raising aspect along with a requirement of approximately 100 volunteers on “build” day. Councilman Travers commended Mr. Jorda for his efforts, in trying to improve the Borough. Councilman Travers suggested that perhaps cameras might be installed to avoid vandalism in the future. Mr. Lampmann explained that a camera that has night vision capability would be needed; he will research this and provide updates.

Mayor Alviene wanted to recognize the fantastic job that the Department of Public Works is doing with pothole repair. Councilman Fox explained that the Borough Workers do a thorough job when repairing them.

Mr. Lampmann wanted to notify the Mayor and Council that the Borough received grant funding of \$499,000 towards the Second, Third and Manning Avenue project. There is a considerable amount of funds allocated for road repair this year.

OPEN PUBLIC DISCUSSION

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

Bob Norman, 31 Cascade Way wanted to inform the Mayor and Council of two homes in the Borough that are in a terrible state of disrepair. He would like a committee of some sort formed to find and help homeowners who may need help in maintaining their homes. Mr. Lampmann noted that the court is reticent to fine homeowners, when they cannot afford repairs to fix their homes.

Chris Ziegler, 190 Boonton Avenue wanted to update the Mayor and Council on the status of Butler Day. Butler Recreation will be sponsoring the 5K as Saint Anthony’s will not be sponsoring it. Various fundraising activities are planned, Mr. Lampmann asked for an update on the status of contracts.

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

Moved: Fox

Second: Regis

All in favor.

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Motion to go into closed session
Moved: Verdonik
All in favor.

Second: Regis

Motion to return to open session
Moved: Verdonik
All in favor.

Second: Regis

Motion to adjourn
Moved: Fox
All in favor.

Second: Calvi

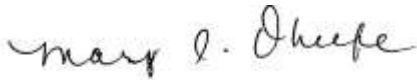
ADJOURNMENT: 8:04 p.m.

Adopted: April 16, 2019



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC
Municipal Clerk

Dated: April 16, 2019

R 2019-39
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 2nd day of April 2019, 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: *RD*

Second: *Ac*