

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 4, 2017

EXECUTIVE SESSION – 7:00 P.M.

REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor James Oscovitch called the meeting to order at 7:00 p.m.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.

ROLL CALL

Councilwoman Raffay, here; Councilman Gray, here; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

- a. Attorney Client Privilege Communication
 - General
 - Health Benefits
 - Sidewalks
 - Radio Communications

BE IT FURTHER RESOLVED that Minutes will be kept on file in the Municipal Clerk’s office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on April 4, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Kash to go into closed session and adopt the above resolution.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session. All members were in favor. Motion Carried.

CALL COUNCIL MEETING BACK TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson second by Councilwoman Kash, to approve the agenda as presented. All members were in favor. Motion carried.

PROCLAMATIONS:

- **NICK PALUMBO – First Lenape Valley Regional High School Wrestling Champion**
Mayor Oscovitch asked Nick Palumbo to come forward. The Mayor touched on Nick’s impressive accomplishments throughout high school and asked Nick to comment on his feelings about winning the

State Championship. Nick said that he was very happy and satisfied that he got what he had worked for. The Mayor read the following Proclamation:

PROCLAMATION
Nick Palumbo, 2017 145 lb. NJSIAA Wrestling State Champion
Lenape Valley Regional HS

WHEREAS, the Township of Byram, within the County of Sussex, State of New Jersey acknowledges the outstanding accomplishment of a member of the Lenape Valley Regional High School Wrestling Team, Nick Palumbo, for winning the 2017 NJSIAA State Wrestling 145 lb. weight class Championship at the Annual Championship competition in Atlantic City, NJ; and

WHEREAS, this fine athlete performed with commendable skill and staying power throughout his remarkable season resulting in being the **ONLY** wrestler to accomplish a State Championship in Lenape Valley Regional High School history; and

WHEREAS, through his determination, skill and enthusiasm for the sport of Wrestling, and guided by the reliable leadership of Coach Doug Vetter and Assistant Coaches Gary Mikolay and Paul Grogan, and loving support from his parents Sam and Lynnea and brothers Sam and Justin, Nick boasted a perfect season record of 46 wins and 0 losses and a career record of 135 wins-27 losses, ranking him first in all-time wins for Lenape Valley Regional High School, breaking the previous record of 122 wins held by D.J. Russo; and

WHEREAS, throughout Nick's wrestling career, he accomplished two (2) HWS Championships, two (2) District Championships, one (1) Region Championship, Most Outstanding Wrestler District 5, NJ Herald Wrestler of the Year and NJAC Freedom Division Wrestler of the Year amongst many other accolades; and

WHEREAS, at the 2017 State Championship finals, Nick had wrestled without a defeat dating back to the 2016 NJSIAA State Championships quarterfinals where he ultimately finished with a 3rd place medal winning 4 straight matches; in the championship match, Nick defeated DePaul sophomore Ricky Cabanillas for the 2nd time in 8 days by a winning score of 5- 3; and

WHEREAS, Nick Palumbo became the NJSIAA State Wrestling Champion for 2017.

NOW, THEREFORE, I, James Oscovitch, by virtue of the authority vested in me as Mayor of Byram Township, and on behalf of the entire Byram Town Council and all our citizens, do hereby tender to Nick Palumbo this certificate of public recognition, extending to him our deep appreciation for his historical accomplishment and our best wishes for continued success at the University of Buffalo and in all his future endeavors.

Motion by Councilman Gray, second by Councilwoman Raffay, to have the Mayor sign the Proclamation. All members in favor. Motion carried.

- **AUTISM AWARENESS MONTH**

Kara Valeich, speech pathologist and special education teacher at the Byram Lakes School, and her daughter Alexa were present to continue to spread awareness about autism. Alexa read the following:

Did you know that 1 in 68 children in the United States have autism?

Did you know that 1 in 41 children in New Jersey have autism?

Did you know that boys are 4 times more likely to have autism than girls?

Did you know that most children with autism can be diagnosed between 18 and 24 months?

Did you know that autism affects the brain? It can make some things hard for kids to do, but it can also make some things easy!

Did you know that people with autism can grow up to do all sorts of things? They might work on computers, in stores, as artists, and so much more!

Now that we know, what can we do?

First, we can be kind. Don't tease or make fun of anyone. Everyone is different. Show compassion.

Second, don't be afraid. Although people with autism may have trouble making friends, playing, or talking as easily as you and I, they are just like us. They might need our help to learn!

Third, learn about autism. Each person with autism is different. When we know more about autism, we can learn to help and care for others in our community. We can help to include them in the things we do!

Alexa touched everyone's heart this evening. The Council thanked both Kara and Alexa for coming. Kara informed the Council that the Byram Lakes School was having a fundraiser on April 28 at 7 p.m. at the school—Country Fusion Night.

Mayor Oscovitch read aloud the Proclamation. Motion by Councilwoman Kash, second by Councilman Olson to have the Mayor sign the Proclamation. All members in favor. Motion carried.

PRESENTATION BY JUDITH CONNELL – HEALTH RISKS OF TEEN VAPING

Judith is a nurse and as part of a Master's program has done a paper on the health risks of teen vaping. She came to speak to the Council about the dangers of teen vaping. She has a son who started vaping at 14 years old.

“My name is Judy Connell and I would like to discuss the health issue of the dangers of vaping, why it's important, and provide a recommendation. There is an alarming rise in vaping behaviors, or the use of electronic cigarettes/e-cigs in the US teen population. As a nurse who has personally observed some short term health effects of vaping, such as bronchitis and asthma flares, it's disturbing to me that 50 years after the US Surgeon General published conclusive findings of smoking being linked to cancer, we have another generation repeating history. The concern is that we still have yet to see the long term effects of chronic e-cig use. E-cigarettes have been publicized as safer than cigarettes, conveying a message to young consumers that vaping is a benign substitute for smoking. This issue is important because the US Surgeon General recently acknowledged that e-cig aerosol is unsafe, and teen e-cig users pose a significant public health concern per the (ALA, 2017).

Electronic cigarettes (e-cigs) entered the US market in 2007 as a means to deliver smoke-free nicotine to tobacco users. Electronic nicotine delivery systems (ENDS) also include e-pens, e-pipes, e-hookah, and e-cigars. For those unfamiliar with these devices, they heat up liquids containing varying levels of tobacco-derived nicotine resulting in an aerosolized vapor that can then be inhaled, or “vaped”. There are over 500 brands of vaping products with 7,700 flavors, with annual sales close to \$12 billion.

No evidence exists that e-cigs help smokers quit; rather, 76.8% of individuals using e-cigs as an alternative become dual users of both cigarettes and e-cigs. E-cigarettes have marginalized the hard-fought public health gains in public perceptions and attitudes about smoking. Teenagers utilizing e-cigs are nearly four times as likely to start smoking cigarettes, re-opening a vulnerable gateway to cigarette smoking. A lapse in e-cig manufacturing controls, regulatory oversight, and child-resistant packaging coupled with aggressive marketing geared towards youth has considerably increased teenage e-cig use. The ALA (2017) further described industry marketing strategies using cartoon characters and candy flavorings such as bubble gum to promote e-cigs to children. E-cigs are advertised on prime time television, the internet, and social media, perpetuating the perception that e-cigs are not dangerous per Rosen and Raloff (2015).

Empirical Evidence and Analysis

E-cigs are unregulated tobacco products that have evaded full disclosure of ingredients and warning labels. They all contain varying levels of nicotine despite claims of some products being nicotine-free. Nicotine is known to be an addictive substance, and is uniquely detrimental to adolescent brain development per Grana (2013). The literature described the adolescent period as a vulnerable time when cognitive and executive brain functions develop, impacting memory, emotion, and behavioral regulation. Exposing the susceptible adolescent brain to even brief nicotine, tobacco, or inhaled vape fluid exposure can condition it for future substance abuse and also increase likelihood of lasting psychiatric disorders.

Other disturbing substances and particles found in vape devices include silicate, metals such as silver, iron, and aluminum, and dangerous nanoparticles including tin, chromium, and nickel. The concentration of these toxins, which are known to cause lung irritation and eventual respiratory disease, have been shown to be equal to or higher than traditional cigarette smoke. Particle size is key, as vapers are at risk for inhaling the most toxic nanoparticle size that can leave permanent deposits in the lungs' tiniest and deepest airways, leading to irreversible lung damage and triggering inflammation linked with asthma, stroke, heart disease, and diabetes.

Additional substances found in vaping devices to include solvents such as glycerin, propylene glycol, diethylene glycol, carbonyls, and formaldehyde, many of which are known to be carcinogens. Second hand emissions have also been shown to contain carcinogens such as formaldehyde, benzene, and nitrosamines (ALA, 2017). Poisonings have also been reported when vaping cartridges leaked and users either accidentally ingested the liquid or absorbed it through the skin. We've all seen the news stories of e-cig explosions from overheated batteries, some of which led to skin burns.

The recommendation I'm presenting tonight is to increase local public awareness by disseminating a simple tri-fold brochure containing evidence-based vaping health risks to the community. I have provided prototype pamphlet for the Council's review.

Judy thanked everyone for the opportunity to speak. The Council thanked Judy for her eye-opening presentation. We will post the vaping brochure that she made on the web and share it with the school.

2017 BUDGET – PUBLIC HEARING

Township Manager Joe Sabatini reviewed his budget message dated March 22, 2017, which is posted on Byram's website. Auditor Ray Sarenelli was present as well as Byram's CFO Ashleigh Frueholz.

RESOLUTION NO. 68- 2017 Budget Adoption Resolution

Motion by Councilman Olson, second by Councilwoman Kash to approve the Resolution. Motion by Councilman Olson, second by Councilwoman Kash to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

Ashleigh Frueholz reported that our collection rate is 97.87% for 2016, which is really good. Ray Sarenelli stated that we have a very responsible budget. Ray reviewed the last 3 years and it showed that our tax increases have been minimal, averaging 1.8%, keeping a nice stable tax rate.

Scott thanked Joe, Ashleigh and the budget subcommittee for working on this budget. By moving money around, Scott stated that we were able to avoid bonding for our capital projects that we are undertaking this year.

Jim thanked Scott and David who are on our Capital subcommittee, for all the work done on making the decisions on getting capital projects completed.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x	x	
2nd					
Yes	x	x	x	x	x
No					
Abstain					
Absent					

PUBLIC PARTICIPATION I

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members in favor. Motion carried.

Skip Danielson – 18 Hunter Lane – thanked the Township for recognizing Autism Awareness Month. Skip also asked the Council to consider naming the new fields at Tamarack Park Veteran's Field and Volunteer's Field. Joe stated that two of the fields at COJ were given these names and signs have been posted. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

COUNCIL APPOINTMENT – Motion by Councilman Olson, second by Councilwoman Kash, to appoint Don Borgardus of the Board of Health to represent Byram on the Policy Advisory Committee. All members in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager's Report:

- **Rabies Clinic:**
 - A free Township rabies clinic is scheduled to be held at the township garage on Saturday April 8th, 2017 from 9:00am – 12:00 noon.
 - Licenses must be renewed by April 30, 2017. State law requires that proof of rabies vaccination, valid at least through February 28, 2018, be presented prior to issuance of a dog license.
- **PB Workshops – Thursday April 13 and 27 – 7:00:**
 - Advertised as a Special Joint Meeting of the Byram Township Planning Board and the Mayor can Council.
 - The PB already had two (Jan. and Feb.) planning workshops on the ordinance amendments related to the scope of work for the updates associated with the Highland Land Use Ordinances (Module 6).

Tamarack Park Grand Opening – Saturday, May 13:

- We are kicking off the day at 10 a.m. with a morning hike on Tamarack Trail which begins at the trail head on Roseville Road across from C.O. Johnson Park.
- Parking is available at the COJ park, and a shuttle bus will be running to bring you back to your car.
- The opening ceremonies will start at noon with a flag salute, ribbon cutting and a barbecue.
- Events will wrap up by 2:00.

Second Saturday (and One First Saturday) Hikes - 05/13/2017 - 10/14/2017 – The first hike will be the Tamarack Park Trail Hike on May 13. We will be promoting these hikes on our website along with other means of advertisement.

Councilman Olson – Attended 3/29 Byram Historical Society meeting. Discussed maintenance at the cemetery and old Byram schoolhouse.

- EPA will be doing groundwater testing over the next two weeks in relationship to the cleanup of the Mansfield Drive dump site.
- Open Space meets 4/10 at 7:30 p.m.

Councilwoman Kash – Attended Recreation Committee meeting March 29 – there is a trail clean up on April 15 on Briar Ridge Trail.

Councilman Gray – no report

Councilwoman Raffay - Attended the LVR Wall of Fame at the Farmstead. Lenape Valley recognized many LVR alumni who contributed greatly in many different ways over the years. It was a wonderful event.

Mayor Oscovitch – no report

APPROVAL OF MINUTES

- March 21, 2017 – Regular Minutes - Motion by Councilman Gray, second by Councilman Olson, to adopt the minutes as presented.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2nd			x		
Yes	x	x	X	x	x
No					
Abstain					
Absent					

- March 21, 2017 - Executive Meeting Minutes – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	x	x	X	x	x
No					
Abstain					
Absent					

CONSENT AGENDA: These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda. Motion by Councilman Gray, second by Councilwoman Raffay to approve the consent agenda.

- Resolution No. 63-2017 – Resolution Authorizing the Submission of a \$1,500 Grant from the 2017 ANJEC Open Space Stewardship Grants for Environmental Commission Application
- Resolution No. 65-2017 - Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2017
- Resolution No. 66-2017 - Authorization to Purchase Fuel Oil #2 (Heating Oil) under the Morris County Cooperative Pricing Council for Budget Year 2017
- Resolution No. 67-2017 – Resolution of the Township of Byram Authorizing Amendment of a Contract for Professional Services with Greener By Design, LLC

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd	x				
Yes	X	x	X	x	x
No					
Abstain					
Absent					

APRIL 4, 2017 BILL LIST

Motion by Councilman Gray, second by Councilman Olson, to approve the bill list as presented.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2 nd			x		
Yes	X	x	X	x	x
No					
Abstain					
Absent					

ORDINANCE – 2nd Reading / Public Hearing

Ordinance 2-2017 - Be it resolved that ordinance “**Ordinance for Administrative & Hourly Positions – Salary and Wages for Year 2017**” be read by title on second reading and a hearing held there thereon. Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. Motion by Councilman Olson, second by Councilman Gray to open to the public for comments. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Be It Resolved that Ordinance 2-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ORDINANCES – Introduction / First Reading

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for the Replacement of North Shore Road Culvert to Provide Funding in the Amount Not To Exceed \$70,000.00**” be read by title on first reading.
Purpose Statement: Replacement of North Shore Road Culvert including materials, equipment, site work and engineering costs fully funded by the Capital Reserve for Drainage.
 Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 18th at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for the Acquisition of New Vehicular Equipment for Use by The Department of Public Works of the Township to Provide Funding in the Amount Not To Exceed \$70,000.00**” be read by title on first reading.
Purpose Statement: Acquisition of new vehicular equipment for use by the Department of Public Works of the Township.
 Motion by Councilman Olson, second by Councilwoman Raffay to introduce this ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd	x				
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 18th at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for Drainage Improvements on Little Paint Way to Provide Funding in the Amount Not To Exceed \$52,500.00**” be read by title on first reading.

Purpose Statement: Drainage improvements on Little Paint Way including materials, equipment, site work and engineering costs fully funded by the Capital Improvement Fund and the Capital Reserve for Drainage.

Motion by Councilwoman Raffay, second by Councilwoman Kash to introduce this ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 18th at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for Improvements at Tamarack Park to Provide Funding in the Amount Not To Exceed \$110,000.00**” be read by title on first reading.

Purpose Statement: existing well and drilling of new well at Tamarack Park including materials, equipment, site work and engineering costs necessary therefor or incidental thereto fully funded by Open Space Funds.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 18th at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance Amending Chapter 213 Entitled “Streets and Sidewalks” of The Code of The Township of Byram to Amend Article I Entitled “Street Excavations” to Add New Sections 213-11a through 213-11d to Authorize a Deadline for Excavation of Streets to be Paved**” be read by title on first reading.

Purpose Statement: The purpose of this Ordinance is to provide written notice of street paving to owners of utility infrastructure located in or under affected streets and to provide a 45-day time limit for the completion of work in the road or right of way prior to the street paving.

Motion by Councilman Gray, second by Councilwoman Kash to introduce this ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 18th at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

FUTURE MEETINGS ON PRESENTATION OF FUTURE MUNICIPAL BUILDING PLANS

The Council discussed hosting a couple “open house” style meetings to provide an opportunity for the public to view the plans, tour the building, and ask questions. The Council agreed on Saturday, April 29 from 10-1 and Wednesday, April 26, from 7:30-9:30. The Council may add May 6th as an additional date.

The architect, Scott Olson, Joe Sabatini and Doris Flynn will be attending the Senior’s meeting on April 13 at 1 p.m. to discuss the proposed municipal building floor plans. Joe will work on making a Frequently Asked Questions list. He asked the Council to email Doris or Joe with any questions. The Mayor said that he would call Bruce at the NJHerald to set something up for him to come down to Town Hall.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members in favor. Motion carried. Rich Schneider, agreed with Councilwoman Raffay and thought the meetings about the municipal building plans should be at the Municipal Building. He urged the Council to get the word out to the North end of town.

Skip Danielson said that there is military surplus equipment that is available to municipalities. He thought the Township should look into it.

Motion by Councilwoman Raffay, second by Councilwoman Kash to close to the public. All members in favor. Motion carried.

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Raffay and with all members in favor, the meeting was adjourned at 9:58 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor