

BYRAM TOWNSHIP COUNCIL MEETING - NOVEMBER 21, 2017

EXECUTIVE SESSION – 7:00 P.M.

REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor 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, absent, Councilman Olson, here; Councilwoman Kash, late 7:10 p.m.; 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
 - Workman’s Comp Liability Insurance
 - Stanhope – 7th Heaven Market / Delta Gas
- b. Personnel – Staffing
- c. Contract Negotiations
 - Labor Negotiations- PBA, DPW, Clerical

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 November 21, 2017. Doris Flynn, Municipal Clerk

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

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

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:30 pm. 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 Raffay to approve the agenda with the addition of the discussion of the NJ Herald’s Vision Magazine. All members were in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report

- Township offices will be closed Thursday and Friday in observance of Thanksgiving.
- Next leaf pick up date is scheduled for December 11.
- Attended the NJLOM Conference and sat in on several informative seminars. Joe also had the pleasure of presenting Jim Oscovitch with the Elected Official’s award at the NJ Municipal Manager’s Luncheon on Wednesday, November 15.

Nisha Kash – Attended the NJLOM conference and attended several sessions; i.e. Solving the problem with vacant properties, and Chapter 78. All the seminars were very informative, and she was glad she attended.

Councilwoman Raffay – Congratulated Jim and David Danzis on their awards. Marie also attended the NJLOM conference and reported on the seminars she attended; i.e. Traffic Safety, Engineering and Enforcement, which talked about some funding opportunities that could be available and Municipal Stormwater System Requirements.

Councilman Olson – Congratulated Jim on his award given by the NJ Municipal Manager’s Association. He also congratulated Marie’s husband, Russ Raffay, who is the Mendham soccer coach on being State Champions again this year.

SPECIAL GUESTS – LENAPE VALLEY PATRIOTS MARCHING BAND – 2017 STATE AND NATIONAL CHAMPIONS – Approximately 40 marching band members came before the Council in uniform and marched around the room. The Mayor read the following proclamation and all Council members congratulated the Marching Band on their significant accomplishment.

**Township of Byram
PROCLAMATION**

Lenape Valley Regional High School Marching Band State and National Champions

WHEREAS, the Township of Byram, within the County of Sussex, State of New Jersey acknowledges the outstanding accomplishment of the Lenape Valley Regional High School Marching Band for claiming 1st place in both the US Bands Group IIA NJ State and National Championships on November 4, 2017; and

WHEREAS, at the National Championships held in Allentown, PA, the Lenape Valley Regional High School Marching Band finished with the winning score of 93.313 and captured additional awards of best color guard and best overall effect; and

WHEREAS, at the NJ State Championships held in Middletown, NJ, the Lenape Valley Regional High School Marching Band finished with the winning score of 96.438 and captured additional awards of best music, best visual, best effect, and best color guard.

WHEREAS, these fine musicians and color guard performed with commendable talent and skill throughout this remarkable season resulting in being the first Lenape Valley Regional High School Marching Band to accomplish a 1st place position in both National and State Championships in Lenape Valley Regional High School history; and

WHEREAS, through their determination, skill, talent and enthusiasm, and under the direction of Mr. David Digrazia, the Lenape Valley Regional High School Marching Band put in over 235 hours of practice throughout the summer and fall;

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 commend the Lenape Valley Regional High School Marching band for their historical accomplishment and our best wishes for continued success in all their future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and the caused seal of the Township of Byram to be affixed, the 21st day of November, in the year 2017.

Motion by Councilman Olson, second by Councilwoman Raffay – All in favor. Motion carried.

PUBLIC PARTICIPATION I

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

William Hayden, Franklin, NJ, commented on Resolution 186-2017, and asked the Council to reconsider.

Bill Gregor, Byram, NJ, stated that he initially came here to ask the Council to table this resolution and reconsider. He commented on assault weapons, and went through the resolution and made many comments. He feels that the Council should support a push to have the schools reinstitute the Eddie Eagle program.

Kevin Danielson, Hackettstown, asked to pass the resolution supporting changing the workman’s compensation laws. He opra’d information on a council person and received it. He expressed his disappointment on the actions of Scott Olson.

Daniel Smatcherd, Warren, NJ, attorney in Bergen County, talked about sporting rifles. He reviewed in detail all the rules and laws that people have to go through to get a gun permit in New Jersey. He felt that the law abiding citizens will be punished and the criminals will not be affected.

Marcus Richmore, Fairlawn, NJ, said we should want to cure the violence, and not label it gun violence. There is a lot of violence in the world happening in many ways.

Skip Danielson, 18 Hunter Lane, asked for the resolution to be passed in support of changing Chapter 34:15.7-3 for the betterment of all EMS, Fire and Police. He also expressed his concerns about the comments made by Councilman Olson.

James Breheny, Fairlawn, NJ, has a DD214, served 13 years in the military. He can carry in 38 states. He follows all the laws that are in place in order to go to the range. He does not support this resolution.

Amy Margolin, Parsippany, NJ, expressed concerns about the resolution preventing gun violence and asked that the Council table the resolution.

Amanda Levy, Byram, NJ, expressed her concerns about the laws in New Jersey. She does not want her right taken away to own a gun. She wants to be able to protect her child.

Rachel Meltz, Byram, NJ, stated that AR15’s should be kept at gun ranges, not in resident’s hands. She owns a hand gun, but feels that automatic weapons do not belong in a residence. She is in support of the resolution.

Derrick Bordeson, Marlborough, NJ, talked about the second amendment. He doesn’t want that right taken away.

David Gang, Byram, NJ stated that he moved to Byram in 1980. He has a DD214, and has a right to carry a gun. He expressed concerns about losing freedom. Only the criminals will be left with the guns.

Luigi Porcelli, Wharton, NJ, stated that there are many other ways to kill people than with guns. He stated that gun laws in NJ are very restrictive. There are 30,000 gun laws on the books. He does not support the resolution.

Debbie Angenito, Byram, NJ, told two stories about her children who were in harm’s way of violence. She stated that healthcare is the problem. She stated that the law abiding citizens are not the problem, and the Council should work on curbing violence, instead of passing resolutions.

Sean Creran, Boonton, NJ, commented on the resolution preventing gun violence. He stated that the Council needs to remove their emotions and take action that benefits the residents of Byram. He asked that the Council table the resolution to review it further and find out what the residents of Byram want. He did say that the people in the room were all against illegal trafficking of guns.

John Warwick, Wantage, NJ, feels the resolution is well-intentioned but misguided. He asked if we had a plan for having better mental health care or harsher punishment for criminals. He found a few inaccurate statements, and does not support the resolution.

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

APPROVAL OF MINUTES

- November 6, 2017 – Regular 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
No					

Abstain					
Absent		x			

- November 6, 2017 - Executive Meeting Minutes –Motion by Councilman Olson, second by Councilwoman Raffay, to adopt the minutes as presented.

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

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 Olson, second by Councilwoman Raffay to approve the consent agenda.

- Resolution No. 178-2017 – Final Acceptance of Proposed North Shore Road Culvert Replacement
- Resolution No. 179-2017 – North Jersey Municipal Employee Benefits Fund Resolution to Renew
- Resolution No. 180-2017 – Resolution to Transfer 2017 Budget Appropriations – Current Fund
- Resolution No. 181-2017 – Confirming the Redemption of TTL# 2016-021 – Block 260 Lot 12
- Resolution No. 182-2017 – Refund State Tax Appeal for 2014 and 2015 – Block 27 Lot 380.01
- Resolution No. 183-2017 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 219, Lot 3.01 for a Portion of Tax Year 2017; Beginning May 24, 2017; The Cancellation of Taxes from October 1, 2017 to December 31, 2017 and Refund of Taxes Paid from May 24, 2017 to September 30, 2017 – Block 219 Lot 3.01
- Resolution No. 184-2017 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
- Resolution No. 187-2017 - Resolution Authorizing an Agreement with American Fidelity Assurance Company to Provide Administrative Services for the Township’s Section 125 – Flexible Spending Accounts in Accordance with the Regulations Promulgated by Chapter 78 of the Laws of the State of New Jersey
- Resolution No. 188-2017 – Authorize the Purchase of Blauer Uniform Shirts and outer Bullet Resistant Vest Carriers for the Byram Township Police Department

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

RESOLUTIONS

- Resolution No. 185-2017 - A Resolution of the Mayor and Council of Byram Township to Commit to Preventing Gun Violence

Motion by Councilwoman Raffay, second by Councilman Olson, to adopt the resolution. The Mayor asked the Township attorney to explain what a resolution is. Tom Collins stated that a Resolution is a formal action by a motion but does not create a law or a regulation.

Councilwoman Raffay stated that she listened to everyone tonight, and reviewed her reasons for supporting this resolution. She feels this Resolution is an attempt to open the lines of communication. Marie stated that she heard a lot of good comments this evening. She expressed her concerns about military style weapons and the harm they have done in our society.

Mayor Oscovitch thanked everyone for coming and making their comments. Jim has done a lot of research in light of this resolution. Jim feels that we can’t fix the problem at our level, and discussion needs to happen at a higher level. Jim feels by passing this resolution, it is an attempt by Byram Township to get our legislators talking together.

Councilman Olson listened to the people this evening and suggested that the fourth whereas should change and delete the reference to semi-automatic weapons.

Nisha Kash feels that we should table it and look at this closer. She doesn't feel we should pass a resolution at this time.

Councilwoman Raffay, seconded by Councilman Olson, amended their motion to include the changes in the 4th Whereas deleting the reference to semi-automatic weapons. Roll call was taken.

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

- Resolution No. 186-2017 – Resolution Awarding Contract for Collection and Disposal of Solid Waste, Recyclables and Bulk Waste
Motion by Councilman Olson, second by Councilwoman Kash to adopt the resolution.

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

NOVEMBER 6, 2017 BILL LIST

Motion by Councilman Olson, second by Councilwoman Raffay 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
No					
Abstain					
Absent		x			

DISCUSSION ITEMS

- **BUDGET PLANNING** – Joe is looking to go further into the budget process. He is asking for two council members to be a part of a subcommittee along with the Council elect. Scott would like to stay on the capital committee. Nisha volunteered to be a part of the budget committee. Doris will ask David if he would also participate. The first public budget meeting would be most likely be held at the middle to end of January.
- **NJ VISION MAGAZINE** – The Council discussed advertising in the NJ Herald Vision Magazine, which is published every 2-3 years. We could highlight the trails, Waterloo Village, etc. Scott will coordinate with Doris on the ad. The Council was in favor of taking a full page ad not to exceed \$1200.

Motion by Councilman Olson, second by Councilwoman Raffay, to authorize a purchase order for an ad in the NJ Vision Magazine not to exceed \$1200. Mayor Oscovitch opened to the public for comments. No comments were made.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members in favor. Motion carried. Alex Rubenstein asked why 188-2017 was on the agenda. Joe Sabatini stated that he felt the police chief was having a new policy for their uniform....

Harvey Roseff, Byram Township, NJ asked if we ever applied for a fire fighter grant. Joe stated that the FD has applied for a federal grant for a ventilation system at Cranberry Lake Fire House. Harvey asked if we could get a grant for a fire truck. Scott explained that it is a very competitive process, and the size of Byram makes it difficult to get grants. Would a grant writer be of assistance. Can we group with neighboring emergency

services to have a stronger application. Motion by Councilwoman Kash, second by Councilwoman Raffay to close to the public. All members in favor. Motion carried.

RESOLUTION

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on November 21, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay to go into closed session and adopt the above resolution at 10:10 pm. All members in favor. Motion carried.

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

Councilwoman Kash left the meeting prior to the start of the second closed session.

RETURN TO OPEN SESSION - Motion by Councilwoman Raffay second by Councilman Olson to return to open session. All members were 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 11:00 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor