

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 15, 2009

CALL MEETING TO ORDER

The Mayor called the meeting to order at 6:30 p.m.

STATEMENT BY CLERK

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meeting Act.

ROLL CALL

Councilman Olson, here; Councilman Rafferty, here; Councilman Thompson, here; Councilman Oscovitch, here; Mayor Danielson, here. Township Manager Joe Sabatini, Attorney Tom Ryan and Municipal Clerk Doris Flynn were also present.

CLOSED SESSION

Motion by Councilman Olson, second by Councilman Thompson to go into closed session at 6:35 p.m. and adopt the below resolution.

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:

Contract Negotiations - PBA Update

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 foregoing resolution On June 15, 2009.

Doris Flynn
Municipal Clerk

Return to Public – Motion by Councilman Olson, second by Councilman Oscovitch to return to public session at 7:25 p.m. All members were in favor. Motion carried.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:35 p.m.

STATEMENT BY CLERK

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meeting Act.

ROLL CALL

Councilman Olson, here; Councilman Rafferty, here; Councilman Thompson, here; Councilman Oscovitch, here; Mayor Danielson, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

FLAG SALUTE AND MEDITATION - The Mayor asked for a moment of silence in memory of Tom Piscotti, a long time resident of Byram and retired employee, the father of retired Police Officer Buddy DeSmit, and the brother of Township Employee Don Borroughs.

APPROVAL OF MINUTES

- June 1, 2009 Regular Session Minutes – Motion by Councilman Oscovitch, seconded by Councilman Olson to approve the minutes as written.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:				X	
2nd	X				
Yes	X	X		X	X
No					
Abstain			X		
Absent					

- June 1, 2009 Closed Session Minutes – Motion by Councilman Olson, seconded by Councilman Oscovitch to approve the minutes as written.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	X				
2nd			X		
Yes	X	X	X	X	X
No					
Abstain			X		
Absent					

CONSIDERATION OF BILLS – June 15, 2009 – Councilman Olson, seconded by Councilman Rafferty, made a motion to accept the bills. Councilman Rafferty recused from Bill No. 3803.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	X				
2nd		X			
Yes	X	X		X	X
No					
Abstain			X		
Absent					

Resolution No. 80-2009 – Contract Agreement By and Between Byram Township and PBA Local 138 for January 1, 2009 through December 31, 2012 – Motion by Councilman Oscovitch, seconded by Councilman Thompson to approve the Resolution. Councilman Olson stated that he would be voting no against the resolution. He has looked around at what is happening in our town today and in view of so many people being unemployed, he feels that the terms of this proposal, which will net out to 17% over four years, is improper in these economic conditions. He stated that although he does support the Police Department and appreciates the work that they do, he feels that some consideration has to be given to the economic times. Councilman Oscovitch stated that for some of the same reasons that Councilman Olson stated, he is approving this resolution. Based on the amount of money that it would cost the town to go to arbitration, he feels it is in the town's best interest to approve this agreement. Councilman Thompson agreed with Councilman Oscovitch. Based on comments made by our Township Manager and Labor Attorney, it seems that it will save the Township money if we stay out of arbitration.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:				X	
2nd			X		
Yes		X	X	X	X
No	X				
Abstain		X			
Absent					

Manager's Report

PSE&G Update:

- Comments were provided to Highlands Council by the June 12 deadline regarding the PSE&G Highlands Applicability Determination Review that was noticed May 21. The Manager thanked the Environment Commission and Scott Olson for the comments that were sent under his signature.
- The amended version of the PSE&G Highlands Applicability Determination Application was noticed in the NJDEP Bulletin on June 10. This notice opens a 30 day public comment period. The Environment Commission was forwarded notification and asked if they plan to provide comments.
- **Reminder:**
There are still two remaining Public Hearing that are an opportunity to hear for the public so that the Board of Public Utilities and parties have the benefit of public thoughts and concerns on the project as the matter moves forward.

June 18, 2009 - Sussex County Community College Theater - 7:00 pm
June 30, 2009 - Frelinghuysen Auditorium - 7:00 pm

NEWS and NOTEWORTHY: **PASSPORT DAY AT BYRAM TOWNSHIP:**

- **LOCATION:** Byram Municipal Courtroom
- **DATE:** Friday, June 19th, 2009
- **TIME:** 2:00 p.m. - 7:00 p.m.

Free Blood Pressure Screening

- A Sussex County Public Health Nurse will be available to do **Blood Pressure Screenings** for anyone who is interested. This is open to anyone. No need to set up an appointment.

- **When: Monday, June 22, 2009**

- **Time: 10:00 a.m.-11:30 a.m.**

- **Where:** Byram Township Municipal Building Court Room

Byram Township's First Annual E-Waste Day:

- **SATURDAY, JUNE 27, 2009** from 9:00 AM – 1:00 PM
- At the BYRAM TOWNSHIP MUNICIPAL BUILDING

Councilman Olson

- The EC will meet on June 25 at 7:30 p.m.
- The ARC scheduled for June 16 at 8:30 p.m. has been cancelled.
- There is a Sussex Branch Trail clean up on June 27.
- There is a meeting at the Highlands Council on June 25 at 1 p.m. in Chester regarding the PSE&G Highlands applicability determination.
- The Planning Board will meet on June 18 at 8:00 p.m.

Councilman Oscovitch

- The next Recreation Committee meeting is on June 17. They have decided to combine the Honorarium and Volunteer subcommittee.

Councilman Thompson told Mayor Danielson that it has been a pleasure serving on the Council with him for the past two years. He hoped that he would stay involved.

Councilman Rafferty

- Thanked Mayor Danielson for his service to the Council and stated that he enjoyed working with the Mayor over the past two years.
- Expressed his gratitude to the Youth Guidance Council for all their dedication and hard work. There are two openings if anyone is interested in being a member.

Mayor Danielson

- Attended two Eagle Scout Ceremonies on Sunday.
- He will be attending the State Legislative Committee meeting at the end of the month and will give an update at the July 6th meeting.

The Township Manager presented Mayor Danielson with a plaque for his valuable service given to the Township of Byram from 2002 to 2009.

Mayor Danielson presented Police Chief Raymond Rafferty with a National and State Award for Employer Support of the Guard and Reserve. Lieutenant Zabita and Patrolman Moreland nominated him for these awards.

PUBLIC PARTICIPATION I

George Albrecht, South Shore Road, expressed his thanks to Mayor Danielson, on behalf of his wife Meryl and son Bart, for being Mayor and supporting the town.

Paul Conklin, Fire Chief, expressed his thanks to Mayor Danielson, on behalf of the Fire Department, for all the work that he has done for Byram.

Chief Raymond Rafferty thanked the Mayor for his service and assistance he has given to the Police Department over the years.

Harvey Roseff, 33 Sleepy Hollow Road, submitted a copy of minutes from Andover Township with regard to the Commercial Shooting Preserve permit. He also thanked the Mayor for his years of service to Byram Township.

Donna Griff, 71 Brookwood Road, thanked the Mayor for his service. Ms. Griff asked what were the terms of the PBA contract. Joe Sabatini informed her that it was a four-year contract, with 2% raises every six months. Overall, it will be an increase of 17.1% over four years but it will have a budget impact of 3% each year. The Township Manager explained the arbitration/mediation process that has taken place over the past several months.

Kim Hiscano, Stag Pond Road, personally thanked the Mayor for his kindness over the years.

Close to the public.

ORDINANCES – Ordinance entitled **“ORDINANCE OF THE TOWNSHIP OF BYRAM CREATING CHAPTER 113 CONTINUING CERTIFICATE OF OCCUPANCY”** will be reintroduced on July 6.

Consent Agenda – Motion by Councilman Oscovitch, second by Councilman Rafferty to approve the consent agenda.

- A. Resolution No. 68 – 2009 – Execution of Grant Application with NJDOT for Bike & Walking Paths at C.O. Johnson Park
- B. Resolution No. 69 – 2009 – Execution of Grant Application with NJDOT for Tomahawk Trail
- C. Resolution No. 70 – 2009 – Execution of Professional Services Agreement with Heyer, Gruel & Associates for Module 2 – Land Use and Resource Capacity Analysis - \$10,000
- D. Liquor License Renewals – 2009/2010
 1. Resolution No. 71-2009 – 2009/10 Liquor License Renewal – Byram Beverage Inc./Trading as Shop Rite Liquors
 2. Resolution No. 72-2009 – 2009/10 Liquor License Renewal – Byram Liquors LLC
 3. Resolution No. 73-2009 – 2009/10 Liquor License Renewal – June M. Wallace, trading as Tomahawk Lake
 4. Resolution No. 74-2009 – 2009/10 Liquor License Renewal – BBG Restaurant LLC, trading as NJ Bar and Grill West
 5. Resolution No. 75-2009 – 2009/10 Liquor License Renewal – The Pink Elephant of Cranberry Lake, trading as Golden Nugget Saloon
 6. Resolution No. 76-2009 - 2009/10 Liquor License Renewal – Adam Todd Inc.
- E. Bid Awards
 1. Resolution No. 77–2009 – Bid Award for Byram Township Vehicle Wash Facility – Tony’s Concrete Construction Co., Inc. - \$42,500.00

2. Resolution No. 78-2009 – Bid Award for Byram Township Vehicle Wash Facility-Building Only – Cover-All Buildings of NJ - \$57,100.00

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:				X	
2nd		X			
Yes	X	X	X	X	X
No					
Abstain					
Absent					

Resolution 79-2009 – Authorizing Melick-Tully and Associates to Provide Environmental Consulting Services for Preparation of a Biennial Certification for the Byram Municipal Complex not to exceed \$2900.00.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	X				
2nd			X		
Yes	X	X	X	X	X
No					
Abstain					
Absent					

Discussion Items:

Councilman Olson informed the public that the Township received an interested party notification from New Jersey Transit regarding the Lackawanna Cut-off, which has been found to have no significant environmental impact. There is a comment period extended to July 17, 2009, regarding the environmental assessment. This document is available at several libraries and on-line.

Donna Griff, 71 Brookwood Road, expressed her concerns regarding the findings of no environmental impact with regard to the Lackawanna Cutoff.

Greg Matthews, Assistant Fire Chief, expressed concerns regarding the Lackawanna Cut-off and the realignment of the tressels.

Kim Hiscano, Stag Pond Road, expressed concerns regarding the determination from NJ Transit of no significant environmental impact. Kim Hiscano asked if the Manager received a response from the State regarding the Commercial Shooting Preserve.

Joe Sabatini stated that he received a response today and read the letter to the public. Kim Hiscano would like time to review this response and speak about it at an upcoming meeting. Councilman Rafferty noted that the State did not give a response to the definition of “prior reasonable public interest” as requested in the Manager’s letter. The Manager will make a second request to the State for this definition.

Paul Conklin, Fire Chief, discussed the option of borrowing a fire truck from another Fire Department. There seems to be many unanswered questions regarding the liability in doing this. The Council will be discussing this in closed session.

Participation II

No comments were made.

Closing remarks from Mayor Eskil S. Danielson

The Mayor read a speech that he prepared, which is available in its entirety in the Clerk’s office. Highlights of the speech are noted below:

Mayor Danielson thanked the residents of Byram for the opportunity to serve as Mayor since 2002. He reviewed many of the recent achievements of the Council which are noted below:

- Hiring an additional police officer for the first time in over a decade of rapid development in the 1990’s.
- Acquiring new fire apparatus and firefighter safety equipment for the Byram Township Fire Department.
- Replacing the Lakeland Emergency Squad rescue truck and approving a new ambulance.
- Improving Department of Public Works equipment.
- Expanding and improving recreational opportunities at C. O. Johnson Park and elsewhere in the township.
- Acquisition of Open Space for both passive and active recreation.
- Getting the NJDOT to approve Rt. #206 improvements that are to start in just a matter of weeks.
- Continuing efforts toward economic development.
- Increasing grants, shared services and other cost savings.
- Hiring highly trained and effective staff and professionals.
- Establishment of a ‘donations-based’ seasonal lighting program.

The Mayor discussed the May 12th election results, the defeated school budget and the Faulkner, non-partisan election dates.

He took the opportunity to thank all of the people who have been so supportive of his efforts for Byram over the past 38 years, especially his wife Judy and his family. He stated, “The sacrifices they have made in order for me to do what I could to make Byram a better place to live have been countless. I love my Judy, my family, my friends and colleagues and I love Byram Township. God Bless Byram Township and God Bless America!”

Closed Session

Motion by Councilman Olson, second by Councilman Rafferty to go into closed session at 8:40 p.m. and adopt the below resolution.

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

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
- B. Anticipated/Pending Litigation
PSE&G Update

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 foregoing resolution
On June 15, 2009.

Doris Flynn
Municipal Clerk

Return to Public – Motion by Councilman Olson, second by Councilman Oscovitch to return to public session at 9:26 p.m. All members were in favor. Motion carried.

Resolution No. 81-2009 – Execution of Municipal Intervenor Agreement regarding PSE&G

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	x				
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Resolution No. 82-2009 – Execution of Escrow Agreement regarding PSE&G

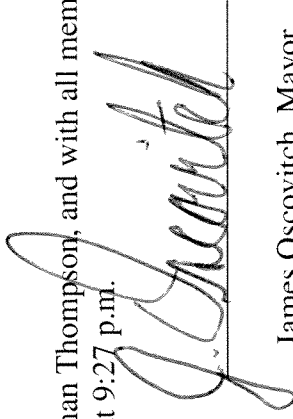
COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	x				
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ADJOURN

On the motion by Councilman Olson, second by Councilman Thompson, and with all members in favor signifying by “Aye”, the meeting was adjourned at 9:27 p.m.



Doris Flynn, RMC



James Oscovitch, Mayor