

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 18, 2011

CALL SPECIAL MEETING TO ORDER

Mayor Oscovitch called the special joint Planning Board/Township Council meeting to order at 6:30 p.m.

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL

Mayor Oscovitch, here; Councilwoman Raffay, here; Councilman Rafferty, absent, Councilman Thompson, late (7:38); Councilman Olson, here; Township Manager Joe Sabatini, Attorney Tom Collins, Planner Paul Gleitz and Municipal Clerk Doris Flynn were also present.

JOINT SESSION WITH PLANNING BOARD AND COUNCIL TO REVIEW SCHEDULE FOR HIGHLANDS PLAN CONFORMANCE

Township Manager Joe Sabatini noted the primary purpose of tonight's discussion was to review the draft work plan of the Highlands Plan conformance document. The key objective was to make all bodies of government that are impacted by the Highlands grant aware of tasks and earmarked funding associated with each task. Mr. Sabatini added that funding for each task can be transferred to another task if warranted but cannot exceed the total funded amount.

Township Planner Paul Gleitz of Heyer, Gruel & Associates, gave a brief summary of the schedule and indicated that the next task is the Re-examination of the Master Plan that incorporates five requirements which are; Goals and Objectives, Progress Report, Events that Impact the Master Plan, Recommendations to changes of the Master Plan and Review of Redevelopment areas. The Re-exam lays the ground work for the Checklist ordinance.

Mr. Sabatini noted if the Planning Board would like to introduce an ordinance not associated with Highlands Plan Conformance they should let him know now for funding purposes.

Township Attorney Tom Collins stressed to the Board to focus their attention on the Planning, Redevelopment and growth areas, **not** the Preservation area.

OPEN TO THE PUBLIC – Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

ADJOURN SPECIAL MEETING – Motion by Councilman Olson, second by Councilwoman Raffay to adjourn the special joint meeting at 7:58 p.m. All members were in favor. Motion carried.

CALL REGULAR MEETING TO ORDER

APPROVAL OF AGENDA – Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda with the addition of a proclamation for Fire Prevention Week and Community Planning Month. Marie Raffay would also like to add a discussion item regarding scheduling a joint semi-annual committee chair meeting. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Manager's Report:

Route 206 – Traffic Signals:

- Received multiple complaints that the left hand turn lights had been eliminated at the intersection of Route 206, Waterloo Road, and Brookwood Road.
- This had a major impact to the residents of East Brookwood going south during high traffic periods and attempting to make a left on Brookwood Road.
- This issue was immediately escalated to the Project Manager and Engineer of the Route 206 project. Left turn arrows were installed last night.

Quarterly Report – Budget Revenues and Appropriations::

- Mayor and Council received a copy of the quarterly report as of September 30 for 2012 Budget Revenues and Appropriations.
- The Anticipated Revenues received through September as suggesting we will miss our estimated revenue target by approximately \$30,000.
- Court Revenues are significantly off target – estimating missing estimate by \$21,000.

- Interest on Investments are estimating missing estimate by \$8,000.
- This will have an impact on next year's budget and levy CAP calculation. Budget Law prevents estimating more revenue than received in prior year.

Byram Township Leaf Pick-Up Dates (Weather Permitting):

- Weeks of November 14th-18th and December 12th-16th

Councilman Scott Olson

The Open Space Committee will be meeting on Tuesday, October 11 at 7:30 p.m.

Councilwoman Marie Raffay

Planning Board –

- There is a planning board meeting this Thursday, October 20 at 8pm in the meeting room. On the agenda is a variance request from Jefferson Lakes as well as the continuation of CVS use variance at the Barone's property.
- There will be a discussion of the Sustainability Element to the Master Plan that was carried from the last meeting.

Friends of Waterloo Village

- Thank you to all who helped support the efforts of FOWV to restore the Gristmill roof. The event last Thursday grossed over \$7000 to go toward the restoration. Waterloo Village is a great resource in our town and one of the keys to improving the economic vitality of Byram.

Byram Fall Charity Hike

- This year's hike is on October 22 at Hudson Farm on Stanhope-Sparta Rd. The hours have been extended so people can show up to hike anywhere from 7:30 am until 11:30 am. This year will be commemorating the writing of Benton MacKaye who stayed at what is now the restored farmhouse when he wrote the article that envisioned the Appalachian Trail. The trail will be a miniature version of the Appalachian Trail and will feature facts and photos of points of interest along the AT.
- This year's charities for the hike are the Byram Schools, Byram Fire Department, Lakeland Emergency Squad, and the Byram Youth Sports Organizations.

Mayor Jim Oscovitch

- On Monday night the Mayor attended the second annual Mayor's recognition dinner sponsored by the Sussex County Economic Development Partnership. Towns throughout Sussex County were recognized. It was announced that Byram was recognized by New Jersey Future, receiving a 2011 Smart Growth Award and accolades that stated: "Byram Township's Village Center plan accommodates local and regional growth and economic development while protecting the environment and water resources for future generations, serving as a model for other communities in the Highlands region and beyond."
- On Wednesday, October 19th, the Mayor will attend a legislative committee meeting in Princeton.

Councilman Brian Thompson

When we change the time in November, it is time to change your batteries in the smoke detectors. Also, make sure that your chimney is cleaned out by a professional.

PUBLIC PARTICIPATION I - Motion by Councilman Olson, second by Councilman Thompson, to open to public. All members were in favor. Motion Carried.

Skip Danielson, 18 Hunters Lane, asked a few questions regarding Resolution No. 118-2011, which was the Liquor License Transfer from Byram Liquors, LLC to Venture Two, LLC.

Joann Smith, Lake Drive, asked Marie Raffay when the Appalachian Trail presentation will occur during the Hudson Charity Hike. Marie stated that it is planned for 12 noon at the Hudson Farm

Councilwoman Olson made a motion, seconded by Councilwoman Raffay, to close to the public. All members were in favor. Motion carried.

APPROVAL OF MINUTES

- October 4, 2011 Regular Meeting Minutes–Motion by Councilman Olson, second by Councilwoman Raffay to approve the minutes as presented. All other members were in favor. Motion carried.

- October 4, 2011 Executive Session Minutes – Motion by Councilwoman Raffay, second by Councilman Olson to approve the minutes as presented. All other members were in favor. Motion carried.

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 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.

- A. Resolution No. 118–2011 - Person to person Liquor License Transfer from Byram Liquors, LLC to Venture Two, LLC – License No. 1904-33-009-003
- B. Resolution No. 119-2011 – Cancellation of Balance of Taxes for Block 266, Lot 287.07 and Refund of 2011 Taxes Paid
- C. Resolution No. 120-2011 – Authorize Change Order No. 1 For Improvements to Roseville Road – Phase II and Tomahawk Trail
- D. Resolution No. 121-2011 – Authorizing In Rem Foreclosure of the Tax Sale Certificates Shown on the Attached Tax Foreclosure List
- E. Raffle – Lenape Valley Soccer Club – December 10, 2011
Lenape Valley Soccer Club – November 18, 2011 – Casino Night
- F. Proclamation – Fire Prevention Week
- G. Proclamation – Community Planning Month - October

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

BILL LIST OF OCTOBER 18, 2011 - Motion by Councilman Olson second by Councilwoman Raffay to approve the bills. Brian Thompson recused from P.O. 8211, 8432.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

ORDINANCES – Introduction

1. BE IT RESOLVED that Ordinance entitled “Ordinance to Authorize Sale of Non-Conforming Parcels to Contiguous Properties Not Needed for Public Use” be read by title on first reading. Motion by Councilman Olson, second by Councilwoman Raffay to introduce the ordinance.

Joe Sabatini outlined the ordinance:

- Authorizes to convey non-conforming Township owned properties to contiguous property owners.
- Lots sizes are all less than the minimum size required for development under township ordinances.
- Since lots are non-conforming they must first be offered to adjacent property owners before being offered to general public.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

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 November 1, 2011 at 7:00 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 “Ordinance to Authorize Sale of Public Properties Not Needed for Public Use to the Highest Bidder” be read by title on first reading. Motion by Councilman Olson, second by Councilwoman Raffay to introduce the ordinance.

Joe Sabatini outlined the ordinance:

- Convey Township owned properties to the highest bidder.
- Deed of Conveyance shall contain a prohibition against subdivision of the property; prohibition against the construction of any principal structures

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

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 November 1, 2011 at 7:00 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.

DISCUSSION ITEM

North Jersey Municipal Employee Benefits Fund – The fund declared a dividend and Byram will receive \$41,407. Motion by Councilman Olson, second by Councilwoman Raffay, to accept this dividend as a check.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

Softball request – permission to use a motorized vehicle to drag the fields for softball tournament. Motion by Councilman Olson, second by Councilman Thompson, to allow softball to drag the field, and any concerns that the recreation committee has at its meeting tomorrow night would be addressed.

Committee Chair Meeting – Marie Raffay wanted to set a date for the next Committee Chair Meeting. Scott Olson and Marie both felt these semi-annual meetings were beneficial to all the Committees. It was decided that this meeting would take place on November 29th at 7:30 p.m.

PUBLIC PARTICIPATION II

Motion by Councilman Thompson, second by Councilman Olson to open to the public for discussion. All members were in favor. Motion carried. No comments were made.

Jo Ann Smith, 57 Lake Drive, asked what was the resolution about hunting on open space land. Joe is working on it and waiting to get an open access plan.

Skip Danielson, 18 Hunter Lane, met a person from Utah who had been camping near Johnson Lake. Skip asked if camping is not allowed, maybe it could get posted.

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Thompson, second by Councilman Olson, to go into executive session at 8:45 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:

- **Attorney Client Privilege Information** – Sewer Charges/Stanhope Sewer Agreements
- **Contract Negotiations** – Health Benefits
- **Personnel** – Leave of Absence Request – Rice Notice to Carol Healy

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 October 18, 2011.

Doris Flynn, Municipal Clerk

COUNCIL MEMBER	<i>Councilman Olson</i>	<i>Councilwoman Raffay</i>	<i>Councilman Rafferty</i>	<i>Councilman Thompson</i>	<i>Mayor Oscovitch</i>
Motion				x	
2nd	x				
Yes	x	x		x	x
No					
Abstain					
Absent			x		

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Raffay to return to open session at 9:56 p.m. All members were in favor. Motion Carried.

OTHER BUSINESS – Motion by Councilman Olson, second by Councilwoman Raffay, to grant a 6 month unpaid leave of absence to Finance Clerk Carol Healy due to medical issues.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

ADJOURN

On the motion by Councilman Thompson, second by Councilman Olson, and with all members in favor, the meeting was adjourned at 9:57 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor