BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 21, 2014

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, here; Councilman Olson, here; Councilwoman Kash, (arrived 7:02); Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilman Gray, to go into executive session 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:

a. Personnel – Professional Services Agreements
b. Attorney Client Privilege Information
   - Partridge Run

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 21, 2014.

Doris Flynn, Municipal Clerk

	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 at 7:30 p.m. All members were in favor. Motion Carried.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda with removing Resolution No. 154-2014 from the agenda. All members were in favor. Motion carried.

TOWNSHIP REPORTS
Manager's Report

- Brush Recycling has been extended through Saturday, November 1.
- Next Township Council Meeting **is** Monday, November 3, 2014 @ 7:00 p.m. Executive Session; 7:30 p.m. Regular Session
- The General/Municipal Election is Tuesday, November 4. Polls open from 6 AM to 8 PM

Councilman Olson

- EDAC meeting scheduled for October 9 was cancelled. The next meeting will be November 13.
- Attended the Harvest Moon Festival. It was a fantastic event and great to see what is happening at Waterloo Village.
- On October 14th the Open Space committee met and continued to work on the open space acquisition of Block 337, Lot 9.01. It connects two existing open space parcels.
- Community Advisory Group Meeting was October 20th . There will be 8 wells drilled in the roadway. The first water test will begin the beginning of November.
- Radon Tests are available at Town Hall for free. Please see Cindy Church in the administration offices.

Councilman Gray

- David Gray appreciated the Hudson Farm Charity Hike and their generous support to the Byram Twp. Volunteer Groups.
- The Friends of Waterloo fundraiser event was excellent.
- The Committee Chair meeting will be on 10/29 at 7pm at Town Hall.
- The next EC meeting will be on 10/23 at 7:30 p.m. at Town Hall.

Councilwoman Kash

- Nisha attended the Byram BOE meeting. They had an informational session regarding the new lunch requirements, and found it very informative and interesting. Also, Mr. Fritzky is working with a school in Wisconsin regarding school spirit, and is working on ways to increase Byram's school spirit.
- Nisha will not be in attendance at the next Council meeting because she will be on vacation.

Councilwoman Raffay

- Marie Raffay reported on the Harvest Moon Festival and said it was a huge success, raising $25,000 for the restoration of Waterloo Village.
- Waterloo Halloween event will be on October 26 at 5 p.m.

Mayor Oscovitch

- The Mayor attended the annual charity hike at the Hudson Farm. It was a beautiful day and a great event.
- Attended the Harvest Moon Festival, and was happy to see that it was so successful.
- Appointed Andrea Proctor and Susan Mirz to the Architectural Review Committee. They both came highly recommended by the committee.

PUBLIC PARTIPATION I –Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members were in favor. Motion carried. No comments were made.

Skip Danielson, 18 Hunter Lane, asked several questions regarding the joint court agreement. He asked who appoints the judge, what the current cost to operate the existing court is, questioned the 5 year term and if there was a way out of the agreement if it didn't work, and the impact on police overtime.

Chris O'Rourke Esq., 1178 Route 37W, Toms River, NJ, was representing Steve Pasnasky at 82 Lackawanna Drive, and expressed his client's concern about not having knowledge that this was happening. His client was also challenging the cost savings, and felt that a breakdown should be provided to the public.

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

APPROVAL OF MINUTES

- October 7, 2014 Regular Meeting Minutes –Motion by Councilman Olson second by Councilman Gray 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					

- October 7, 2014 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 Olson, second by Councilwoman Kash, to approve the consent agenda.

- Resolution No. 153-2014 – Resolution of Acceptance of Donations for the Celebration of Byram Day
- Resolution No. 154-2014 – Authorization to Purchase a KME Custom Pumper Fire Apparatus for the Township of Byram Fire Department with Published and Unpublished Options - $395,645.00
- Resolution No. 156- 2014 – Chapter 159 - $1,689.92 – Body Armor Replacement
- Resolution No. 157-2014 – Authorization to Purchase Salt under the Morris County Cooperative Pricing Council and Somerset County Cooperative Pricing System
- Resolution No. 158-2014 – Resolution Authorizing Title Lines to Provide Title Search Services of Block 337, Lot 9.01 for Open Space Purposes
- Resolution No. 159-2014 – Resolution Authorizing L.J. Brill & Associates to Provide Surveying Services for Block 337, Lot 9.01 for Open Space Purposes
- Resolution No. 160-2014 – Resolution Authorizing Envirotactics to Provide Environmental Services of Block 337, Lot 9.01 for Open Space Purposes
- Resolution No. 161-2014 – Resolution Authorizing the Execution of the 2014 Lenape Municipal Alliance Agreement

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

RESOLUTION NO. 155-2014 – RESOLUTION FOR INTER-MUNICIPALITY COURT FOR THE MUNICIPALITIES OF ANDOVER TOWNSHIP, HAMPTON TOWNSHIP, FREDON TOWNSHIP, BYRAM TOWNSHIP AND ANDOVER BOROUGH – Motion by Councilwoman Kash, second by Councilman Olson to adopt the resolution. Councilman Gray commented that he was part of the negotiations and stated that in his opinion this shared service agreement is very much in the best interest of town. It is a big cost savings and also an opportunity to promote good will with our neighboring towns. It is important for Byram to work well with its neighbors. Councilman Olson stated that he has seen the due diligence that Joe has put into this and how he has agonized over the decision. Nisha Kash agrees with what has been said and feels it will be a good thing for Byram. Mayor Oscovitch stated that this hasn't been the first time that Byram has been approached regarding a shared services agreement with the Court. We have weighed all the options and feel this is a very good decision for the Township. Marie Raffay agreed, and stated that this decision has not been taken lightly.

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

APPROVAL OF OCTOBER 21, 2014 BILL LIST – NK/SO

Motion by Councilman Gray second by Councilwoman Kash, to approve the bill list as presented. Marie Raffay recused from Bill No. 13642.

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

ORDINANCE – INTRODUCTION – Councilwoman Raffay recused and stepped down from this matter.

BE IT RESOLVED that Ordinance entitled **Ordinance of the Mayor and Council of the Township of Byram, Accepting the Dedication of Partridge Road and Drainage, Sight Triangle, Conservation Easements and Restrictions and Any Other Easements"** be read by title on first reading.

Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to accept Partridge Road as a public street in the Township of Byram, whereby granting the Township, its agents, assigns and general public a right of way to pass in, over, and upon all or a portion of Partridge Road for travel. In addition, the Ordinance authorizes the Mayor and Council of the Township of Byram to accept the drainage, conservation, and sight triangle easements of the Partridge Run subdivision, as shown on the map entitled "Final Plat Partridge Run" by Pittenger & Keith, Inc., dated March 5, 2007, and recorded in the Sussex County Clerk's Office on April 4, 2007, as Map No. 1431 and the Deed for the Right-of-Way. An express reservation of rights is retained by the Township, to allow the Township to pursue any and all claims and remedies against the Developer (Bell and McConnell) for the failure of Developer to complete all required subdivision improvements to the subdivision, including and not limited to the stormwater management basin for the Partridge Run subdivision.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2nd				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 Monday, November 3 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.

Councilwoman Raffay returned to meeting.

DISCUSSION - Finance Committee – The Manager and CFO have started working on the 2015 budget. The Council discussed what Council members would be on the Finance Committee and it was decided that it would be the Mayor and Marie Raffay. The Capital Committee will be Scott Olson and David Gray.

PUBLIC PARTICIPATION II

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Kash, to go into executive session at 8:50 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

a. Attorney Client Privilege Information
   - PEG Bandwidth proposed agreement
b. Contract Negotiations – Sewer Manhole Repair

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 21, 2014.

Doris Flynn, Municipal Clerk

	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 at 9:30 p.m. All members were in favor. Motion Carried.

ADJOURN
On the motion of Councilman Olson, second by Councilwoman Kash, and with all members in favor, the meeting was adjourned at 9:30 p.m. Motion carried.

_____ _____
Doris Flynn, Municipal Clerk James Oscovitch, Mayor