

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 4, 2011

CALL MEETING TO ORDER

Mayor Oscovitch called the special liability training meeting to order at 6:00 p.m.

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, late (6:07 p.m.); Councilman Thompson, absent; Councilman Olson, here; Township Manager Joe Sabatini, Attorney Tom Collins (arrived at 7:00 p.m.) and Municipal Clerk Doris Flynn were also present. Councilman Thompson has an excused absence due to a medical issue with a family member.

LIABILITY TRAINING SESSION – Presented by D & H Solutions – “Controlling Worker’s Compensation and Liability Costs

CALL REGULAR MEETING TO ORDER

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

APPROVAL OF AGENDA – Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda with. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Manager’s Report:

09/28/11 Storm Event:

- The Manager thanked Ray Rafferty, Chief of Police, Adolf Steyh, Superintendent of Public Works and all those that assisted during the flash flooding of Wednesday, September 28, 2011 which include the Township’s Police Officers, Department of Public Works, Township’s Clerical Staff, members of both the Fire Department and Lakeland Emergency Squad and other emergency management personnel.
- Newspaper reports indicated that 5 inches of rain fell on the Southern portion of Sussex County last Wednesday with over 1 inch falling in a one hour period between 9:00 AM and 10:00 AM.
- The typical flood prone areas were again flooded. (Little Paint Way and Heminover Avenue and downstream area of Lake Lackawanna Dam) – Third time since initial event with Hurricane Irene

Road Infrastructure Issues:

- A section of embankment along Tamarack Road was lost and the road started to collapse. Sections of Carpenter Road, Roger Drive and Stag Pond Road were lost.
- Flooding occurred in many of our neighborhoods. Town Hall received many telephone calls reporting problems and raising concerns. We have and will continue to address these calls over the next couple of weeks.
- The Manager reviewed the August 2011 and Summer 2011 Summary report located on the website of the Office of the New Jersey State Climatologist website. The preliminary report of monthly precipitation in Northern New Jersey for August is at 17.36 inches of rain. This is the highest accumulation of rain fall for the month of August since records started in 1895. There is indication that this September will be the wettest with over 14 inches of rain.

09/30/11 NJHIF Meeting

- The Manager attended the North Jersey Municipal Employee Benefits Fund meeting this past Friday.
- During the meeting the 2012 proposed budget was introduced reflecting an overall increase of 12.6%.
- Byram Township’s 2012 increased assessment is being reported at \$187,284 or 15.6% (Total assessment = \$1,385,364).
- For the preliminary budget, the Manager estimated a 10% increase or approximately \$50,000 less than the proposed assessment.
- Tentatively, the Manager has arranged for the Township’s Benefit Consultant to attend the October 18 meeting for a health benefit presentation and discussion.

Sustainable NJ Grant:

- At the July 19, 2011 Mayor and Council meeting a resolution was adopted requesting a Sustainable NJ Grant in the amount of \$10,000 for a project to improve circulation, appearance, security and signage in the recycling center. Additionally, the grant funds were going to be used for an outreach program, and to discourage illegal dumping.
- During the August 16, 2011 meeting we had a further discussion on the grant. One of the suggestions presented was to elimination of the brush dump or limit the time period the dump is open to accept brush. The Superintendent of Public works feels the dump is being used by residents to avoid paying for tree removal.
- We received notification on September 14, 2011 that the Township was not selected for one of the 2011 Sustainable NJ grants. Although we have not received the grant, we still want to move forward with some of the improvements proposed. The Township will improve the circulation by re-arranging the dumpsters at the center, and will add signage at its recycling depot to improve the efficiency, safety, and attractiveness of the depot and to discourage illegal dumping. The Township will limit the days and hours of accepting brush. The removal of the full time brush will allow better flow to the center. A new E-Waste container has been provided in the DWP Recycling Center to encourage E-Waste recycling. We will expand and update the recycling information on the Town website and will include items accepted at the center, what is not accepted and where it can be taken for disposal.

There is a significant amount of time spent loading and hauling brush. I would like to recommend for discussion this evening the proposal to only have the brush dump open for fall and spring clean ups only.

Diamonds and Dreams:

Recognized Greg Risco from Lake Lackawanna who applied for Chevrolet's 'Diamonds and Dreams' contest and won a \$20,000 field makeover. As part of the Chevrolet 'Diamonds and Dreams' program Chevrolet partnered with The Scotts Company LLC, Ripken Baseball, Ripken Design, Rawlings Sporting Goods, MLB Advanced Media, and Major League Baseball to provide 100 prizes across the country to community youth baseball programs.

The Township's recreation director talked with the president of Hobb Engler Baseball, and the president of Lenape Blazers Softball and it was decided that the township fields had recently had some major renovations. The school fields, which are used primarily by township youth leagues, and are in desperate need of repair. The Board of Education approved the plan. They will realign a field moving it further from the tree line to provide more space for teams and spectators and to assist with drainage, new backstops, dugout areas with benches and safety bases are all included in the plan.

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 6 at 8pm in the meeting room. On the agenda are two site plan waiver requests. One from McDonald's for a building façade change and another for the former CycleWorks building to change to a tire sales and installation establishment. Also, the CVS at the Barone's property is on the agenda as well. There will be a discussion of the Sustainability Element to the Master Plan.

Friends of Waterloo Village

FOWV is sponsoring a Harvest Moon Festival on Thursday, October 13, from 6:30- 9pm at the Museum Shop at Waterloo Village. There will be local restaurants at the event offering food samplings and wine and beer tasting. The event is featuring artwork of Waterloo Village for sale by some well known artists in our area: Joyce Bambach, David Rush, and William Sturm. Tickets are \$30 per person or \$50 per couple in advance. At the door, the price goes up. Both the mayor and Marie have tickets available before the event.

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 we 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 trail.

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

- The Mayor attended a JCP&L meeting regarding the response to recent storms, and they did acknowledge that their communication during the hurricane needed improvement.
- The Mayor participated in the 2011 ShopRite Partners in Caring Day "Help Bag Hunger" event. It was a lot of fun, and he enjoyed helping the needy.

PUBLIC PARTICIPATION I - Motion by Councilman Rafferty, second by Councilman Olson, to open to public. All members were in favor. Motion Carried. No comments were made.

Lee Ann Clark, 6 Joan Drive, expressed concerns about the flooding on Joan Drive. She experienced severe damage to her property from the water. She stated that the detention basin on Joan Drive is in foreclosure and it is failing. It appears that there have been some changes in residential properties that could have attributed to the excessive water run-off.

Helene Towers, 8 Joan Drive, expressed her concerns regarding the storm. She stated that the double drain in front of house was completely clogged with pieces of asphalt. Her driveway has buckled from the tremendous amount of water. She witnessed someone on the day of the storm clearing drains with a bobcat. Ms. Towers feels that the debris from someone's driveway blocked the drains preventing the water from going into the detention basin and destroying her driveway.

William Mandara, 9 Little Paint Way, asked what the Township can do to get Little Paint Way to stop flooding. Joe Sabatini explained that there is a flood mitigation plan for Little Paint Way. The town is in the review process of looking at the draft plan, and should be adopting it soon. Once we adopt the plan, it could open up funding, although there is no guarantee that we would get funding.

Lee Ann Clark, 6 Joan Drive, asked if open space money can be allocated to fix the problems in town.

Bob Freeman, 2 CO Drive, commented on the Little Paint Way issue. He suggested erecting a temporary bridge on Little Paint Way during severe storms so that people would be able to get in and out. He has lived in this area for many years, and this problem only happens in catastrophic storms.

Hung Huynh, 2 Knute Drive, expressed concerns about the life threatening situation on Little Paint Way during the last few storms. He would like to know when this problem will be fixed.

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

APPROVAL OF MINUTES

- September 20, 2011 Regular Meeting Minutes–Motion by Councilwoman Raffay, second by Councilman Olson to approve the minutes as presented. All other members were in favor. Motion carried.
- September 20, 2011 Executive Session Minutes – Motion by Councilman Olson, second by Councilman Rafferty 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.

Resolution No. 117-2011 - Resolution Authorizing the Submittal of the NJDOT Grant Application – Roseville Road-Phase III

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	

BILL LIST OF OCTOBER 4, 2011 - Motion by Councilman Rafferty second by Councilman Olson to approve the bills.

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	

ORDINANCES – 2nd Reading/Public Hearing

- BE IT RESOLVED that Ordinance 13-2011 entitled “Ordinance Establishing That a Business Entity Which Makes Political Contributions to Municipal Candidates and Municipal and County Political Parties in Excess of Certain Thresholds shall be Limited in its Ability to Receive Public Contracts from the Township of Byram in the County of Sussex” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilman Rafferty to approve the ordinance. All members were in favor. Motion by Councilwoman Raffay, second by Councilman Olson to open up to the public. All members were in favor. Scott Olson had questions regarding political contributions exceeding the thresholds from more than one employee from the same company. Tom Collins explained that if they were not the principal owners of the company this did not apply.

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

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 is passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

DISCUSSION ITEM

Recycling Center – Joe Sabatini asked if the Council would be opposed to having the brush dump only open during a specific period in the spring and the fall. The leaf dump would be moved to the old salt dome. There was no opposition from the Council to do this. This would be posted on the website.

PUBLIC PARTICIPATION II

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

Carlos Luaces, 7 Johnson Blvd., asked if people would still be able to bring leaves, and Joe answered yes. Carlos asked if the Township was going to be working on a plan to fix the problems on Little Paint Way and Heminover Street. He asked if there was a problem in the winter in these areas with freeze/thaw.

Dan Rafferty stated that he has never seen Little Paint Way and Heminover this bad in 40 years. It is not the town’s fault. He would love to see the Township’s infrastructure improved, but stated that we don’t have the dollars to do it.

Skip Danielson, 18 Hunters Lane, explained the All-hazards pre-mitigation plan which he was involved in when he worked for the County.

Lee Clark, 6 Joan Drive, stated that our Engineer had told her that the houses on Joan Drive would not have been able to be built today because of the steep slopes.

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 Olson, second by Councilman Rafferty, to go into executive session at 9:05 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
 - i. Jurisdictional Agreements – Route 206 & Sidewalk
 - ii. Nisivoccia Communication – Year of Inclusion
 - iii. Drainage Issues

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 4, 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 9:37 p.m. All members were in favor. Motion Carried.

Motion by Councilman Olson, second by Councilman Rafferty to authorize Joe Sabatini to respond to Mr. Daggett's letter.

ADJOURN

On the motion by Councilman Rafferty, second by Councilman Olson, and with all members in favor, the meeting was adjourned at 9:38 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor