

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 6, 2015

CALL MEETING TO ORDER

Deputy Mayor Gray 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, absent; Mayor Oscovitch, absent. 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 Councilwoman Raffay, to go into executive session and adopt the below resolution. Attorney Tom Collins will recuse from the discussion of Crown Atlantic in closed session. Mr. Collins will rejoin the council for the remainder of the closed session.

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

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. Pending Litigation - Crown Atlantic
- b. Attorney Client Privileged Communication
 - General
 - Jefferson Lakes Leasehold Interest
 - PSE&G
 - Seasonal Sales Permit
- c. Contract Negotiations
 - PBA
 - BARKS

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 6, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Raffay to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

CALL REGULAR COUNCIL MEETING TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Raffay, to approve the agenda with removing Resolution 146-2015 and 154-2015 from the consent agenda and adding Crown Atlantic Cell Tower and Jefferson Lakes Leasehold Interest as discussion items. All members were in favor. Motion carried.

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

Earl Riley, 5 Louis Drive, announced that there were still tickets available to the Harvest Moon Festival at Waterloo Village.

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

TOWNSHIP REPORTS

Township Manager

Recycling :

- November 6 starts the new recycling pickup schedule.
- Curbside single stream recycling (residential) will be picked up every other Friday – Town wide.
- The Township recycling center will no longer be accepting single stream recycling (paper, boxes, aluminum cans, plastic and glass)

Byram Day:

- Thanked all individuals including the Byram Day Committee, Township Employees and all Volunteers that contributed to making this a very successful Byram Day.

Byram Fall Charity Hike – Hudson Farm:

- Saturday, October 17 at the Hudson Farm. Hikers may enter trail 7:30 AM – 11:00 AM
- The Hudson Farm Byram Fall Charity Hike is held on the grounds of the 3,800-acre private club. Hudson Farm will donate \$1 per year of age of each hiker and \$2 per year of age for those who preregister.
- This year's beneficiaries of the hike will be Byram Township Schools, Byram Township Volunteer Fire Department, Lakeland Emergency Squad and Byram youth organizations.
- A free lunch of hamburgers, hot dogs and soft drinks will be provided.

Byram Survey:

- The Byram Township Mayor and Council are working to make our community a more desirable place to live, work, shop, dine and visit. As part of their efforts, they've launched an online survey to learn what kind of stores, restaurants, and other businesses should be recruited, and what other changes will make the area more appealing to people who live, work, and visit here. Please take a few minutes to complete the survey so that your opinions may be heard. If you have any questions regarding this survey, please contact Councilman Scott Olson at [\(973\) 726-8867](tel:9737268867)

EMEX Reverse Auction: Participated in the reverse auction this morning. The last contract was for 24 months at a rate of .0858—the new contract that we signed today was for 24 months at a rate of .0804. The JCP&L rate is .09645.

Budget: The budget process has been started for 2016. There was an initial meeting with the Finance Committee.

Councilman Gray

- Thanked everyone who put together Byram Day and who helped make the day so great. A wonderful time was had by all.

Councilman Olson

- Attended the first public workshop for Sustainable Economic Development. There was good discussion, although it was disappointing that no business owners attended. The next steering committee meeting for the group is October 7, and the next public workshop is scheduled for October 27th at 7:30 p.m.
- Attended the employee appreciation lunch, organized by Joe Sabatini. It was very well received and the employees were given an extended lunch to enjoy the time together.
- Attended Byram Day which he thought was great. Congressman Frelinghuysen was there and told Scott that he thought it was the best Byram Day in a perfect location.

Councilwoman Raffay

- At the last Planning Board meeting, Quick Check was there for an informal meeting to present a concept plan for a store and gas station next to the new CVS.
- Committee Head meeting last week was a great group discussion. It seems that everyone looks forward to this meeting and Marie looks forward to arranging it for next year.
- Thanked everyone who helped out with Byram Day. Marie thought it was a great event.

APPROVAL OF MINUTES

- September 15, 2015 - Regular Meeting Minutes – Motion by Councilwoman Raffay second by Councilman Olson 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	x

- September 15, 2015 - Executive Meeting Minutes –Motion by Councilwoman 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	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. 147-2015 – Resolution Authorizing the Execution of an Agreement Between Byram Township and Andover Township for Snow Removal Services on the Forest Lakes Section of Andover Township
- Resolution No. 149-2015 – Chapter 159 – Hazard Mitigation Grant - \$25,000
- Resolution No. 150-2015 – Chapter 159 – Amended Highlands Plan Conformance Grant - \$25,000
- Resolution No. 151-2015 – Resolution Authorizing Execution of Change Order No. 1 for Bituminous Chip Sealing of Various Roads in Forest Lakes, Byram Township
- Resolution No. 152-2015 – Resolution Authorizing the Execution of a Contract with New Jersey Housing and Mortgage Finance Agency (HAS) for the Administration of Affordable Units in Byram Township
- Resolution No. 153-2015 – Resolution to Submit a Grant Application and Execute a Grant Contract with the NJDOT for the Amity Road – Phase II Project
- Resolution No. 155-2015 – Resolution of the Township of Byram, County of Sussex, State of New Jersey, Authorizing a 2015 Tax Sale on October 20, 2015 at 10:30 a.m.

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

Resolution No. 146-2015 – Resolution of Acceptance of Donations for the Celebration of Byram Day. Motion by Councilman Olson, second by Councilwoman Raffay to adopt the Resolution.

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

Resolution No. 154 – 2015 - – Resolution Accepting Resignation of Township Police Chief Raymond F. Rafferty for the Purpose of Retirement effective December 31, 2015. Councilman Olson read a section of the resolution aloud, “Now, therefore, be it resolved, that the Byram Township Mayor and Council with appreciation for his loyalty and service to the residents of Byram Township, hereby accepts the resignation of Township Police Chief Raymond F. Rafferty for the purpose of retirement effective December 31, 2015.” Motion by Councilman Olson, second by Councilwoman Raffay to adopt the resolution.

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

APPROVAL OF OCTOBER 6, 2015 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		
2nd	X				
Yes	X	X	X		
No					
Abstain			Recused 15146		
Absent				x	x

ORDINANCES– Introduction/1st reading

- Be it Resolved that Ordinance entitled, “**An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Raccoon Trail, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21**” be read by title on first reading. Motion by Councilwoman Raffay, second by Councilman Olson.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd	x				
Yes	x	x	x		
No					
Abstain					
Absent				x	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 Monday, November 2, 2015 at 7:30 p.m. at the Byram Municipal Building, 10 Mansfield Drive, 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, “**An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Cove Drive Also Known as Cove Road, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21**” be read by title on first reading. Motion by Councilman Olson, second by Councilwoman Raffay.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd	x				
Yes	x	x	x		
No					
Abstain					
Absent				x	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 Monday, November 2, 2015 at 7:30 p.m. at the Byram Municipal Building, 10 Mansfield Drive, 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, “**An Ordinance to Amend Chapter 240 of the Byram Township Code Entitled “Zoning” to Modify the Village Business Mixed Use District (VB)**” be read by title on first reading. Motion by Councilwoman Raffay, second by Councilman Olson.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2nd			x		
Yes	x	x	x		
No					
Abstain					
Absent				x	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 Monday, November 2, 2015 at 7:30 p.m. at the Byram Municipal Building, 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

ITEMS FOR DISCUSSION

Motion by Councilman Olson, second by Councilwoman Raffay, to allow our conflict attorney Tom Prol from Laddey, Clark & Ryan and our assessor, Penny Holenstein, to enter into a settlement agreement with Crown Atlantic. All members in favor. Motion carried.

Motion by Councilman Olson, second by Councilwoman Raffay, to authorize Joe Sabatini, Penny Holenstein and Tom Collins to prepare a draft letter as discussed in executive session to the governor to be signed by the Mayor regarding leasehold interests on State properties. All members in favor. Motion carried.

Brookwood Park Clean-up Day – The Environmental Commission is planning a clean up on October 24 at the park. In accordance with Chapter 182, there are certain activities that can't be done unless they are granted by the Mayor and Council. EC member Jim Reinhold recently was certified to operate a chain saw. Joe will be assisting the EC on the clean-up day. Scott Olson said that we should try to get members from the Recreation and Open Space Committees to volunteer for these activities. Marie Raffay said that Giovanni from the Recreation Committee did express interest. Motion by Councilman Olson, second by Councilwoman Raffay to allow the EC and other groups to go onto the Brookwood Park property on October 24, and a follow-up date if necessary, to do the clean up. All members in favor. Motion carried.

Resolution No. 148-2015 – Best Practices Inventory Certification – Joe Sabatini explained this annual requirement. This year there are 50 questions, and 5 questions are new. This has to be reviewed by the Governing Body at a council meeting, and the certification has to be returned by October 16, 2015. The CFO has certified the results, along with the Township Manager and Clerk. We received a score of 98%, which entitles us to our final state aid payment. Motion by Councilwoman Raffay, second by Councilman Olson to adopt this resolution and submit the certification.

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

PUBLIC PARTICIPATION II

Joann Smith, 57 Lake Drive, asked if the Township has thought about restructuring the Chief of Police position and filling it with a civilian like Ogdensburg has done. The Township Manager stated that we have to follow the ordinances that are in place—if the Mayor and Council wanted to change the structure of the Police Department, they would first have to change the ordinance.

Earl Riley, 5 Louis Drive, asked if the Township will be addressing the lease hold interests in all the State properties in Byram, specifically Jeffrey Miller Catering at Waterloo Village. He was told yes, the Town will be addressing it.

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Raffay, to go into executive session and adopt the below resolution.

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

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on October 6, 2015.

Doris Flynn, Municipal Clerk

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

OTHER BUSINESS

Motion by Councilwoman Raffay, second by Councilman Olson to authorize Joe Sabatini and Tom Collins to accept the settlement with PSE&G for Mt. Heights Park basketball court and landscaping. 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 9:40 p.m. Motion carried.

Doris Flynn, Municipal Clerk

David Gray, Deputy Mayor