

**BYRAM TOWNSHIP COUNCIL MEETING - NOVEMBER 1, 2011**

**CALL SPECIAL MEETING TO ORDER**

Mayor Oscovitch called the Township Council meeting to order at 7:00 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, here, Councilman Thompson, absent, Councilman Olson, here; Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

**APPROVAL OF AGENDA** – Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda with the addition of a brief executive session prior to the township reports. All members were in favor. Motion carried.

**EXECUTIVE SESSION**– Motion by Councilman Rafferty, second by Councilman Olson, to go into executive session at 7:04 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** – Run Off Election Regulations

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 November 1, 2011.

Doris Flynn, Municipal Clerk

<b>COUNCIL MEMBER</b>	<b>Councilman Olson</b>	<b>Councilwoman Raffay</b>	<b>Councilman Rafferty</b>	<b>Councilman Thompson</b>	<b>Mayor Oscovitch</b>
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 7:19 p.m. All members were in favor. Motion Carried.

**TOWNSHIP REPORTS**

**Manager’s Report:**

- In accordance with 40:69A-96 of the New Jersey Statutes, all Department Heads during the month of November are required to present their requests for appropriations for the 2012 Budget at a public hearing. This meeting is being scheduled for Monday, November 14 at 9:00 AM.

- Byram Township Leaf Pick-Up (Weather Permitting) during the weeks of November 14th-18th and December 12th–16th
- Election Day is November 8. The polls are open from 6:00 AM to 8:00 PM. The municipal office is closed for Election Day.
- Halloween Storm Event: The Manager thanked Ray Rafferty, Chief of Police, Adolf Steyh, Superintendent of Public Works and all those that assisted during the recent snow storm and post which includes the Township's Police Officers, Department of Public Works, Township's Clerical Staff, members of both the Fire Department and Lakeland Emergency Squad.
  - Tree branches can be brought to the municipal complex.
  - DPW crews are going around town cleaning up and will pickup fallen branches from the storm at curbside.
  - Non-potable water available at Cranberry Lake Firehouse.
  - Shop-Rite (water & ice) - \$5 gift card
- Veterans Day Ceremony - Friday, November 11 at 11:00 AM - at the Township's Veterans Memorial.

### **Councilman Scott Olson**

- This year the Veteran's ceremony will be extra special because it is the 20<sup>th</sup> year anniversary of the war memorial.
- The Environmental Commission meets next on Tuesday, November 22.
- Scott Olson thanked the Mayor, Joe Sabatini, Janet Meisner and staff for quickly putting together Trunk and Treat event at the school. It was an excellent collaboration of the town, community and the school. It worked out great.
- Scott Olson read a letter from the Byram School Board thanking the Township for allowing them to share in the block grant awarded to Byram. They have installed devices on the boilers to save fuel at no cost to the tax payers. The savings realized on fuel will be allocated to instruction.

### **Councilwoman Marie Raffay**

- Along with Joe Sabatini, Marie attended a meeting in the County with the 24<sup>th</sup> District. The topics discussed were reworking the school funding formula and SCMUA increases.
- Marie recognized the DPW, Police Department, Fire Department, Lakeland Emergency Squad and the Township staff for handling the storm in the manner in which they did. She feels everyone did a great job.
- Marie appreciated all the work that the town and the school to make a successful Trunk and Treat. She gave a special thanks to the Fire Department for coming with their fire truck and lighting up the parking lot, and the Police Department for directing traffic after the event was over.

**Friends of Waterloo Village** –Waterloo is having a traditional thanksgiving feast on November 12<sup>th</sup>. There will be food tastings and food historian on site. The first 100 Byram residents get in for free.

### **Mayor Jim Oscovitch**

- The Mayor thanked everyone who helped people in the storm, including all the Township volunteers and staff, as well as people in the community.
- The Mayor attended the Legislative Committee meeting for the NJSLOM. The committee had the opportunity to look at all the bills going through the Assembly and State Senate. He thought it was great seeing democracy in action.
- The Mayor received a resignation letter from Sue Wise. She is now a member of the Board of Education, which conflicts with the Environmental Committee meetings. The Mayor thanked Sue for her contributions and wished her good luck on the school board.
- Tina Stopa has been an employee for over 25 years as clerk in the Byram Police Department and has now retired. She has been a fabulous employee throughout her time with Byram and will be missed.

**Fire Chief Greg Matthews** stated that the Fire Department has answered 218 fire calls so far this year. In September alone, the Fire Department had 41 calls. The equipment has taken its toll, especially after all the recent storms. They have been trying to work with the DPW mechanic to get things up and running.

**Attorney Tom Collins** – Byram has a referendum on the ballot at the November election that asks the residents whether the municipality should abandon run-off requirements for Byram. Tom Collins had previously thought that Byram would need to take advantage of this referendum in order to eliminate a requirement of run-offs, but he has changed his opinion after doing additional research. There is an option in the Faulkner–Council Manager Form of government without run-off elections. After reviewing the petition from 1984, the attorney has verified that the petition did not use the phrase “with run-off elections to be held thereafter if a sufficient number of votes...” Attorney is satisfied that Byram does not require run-off elections. Tom Collins stated that the clerk will let all the candidates know this before the election. The outcome of the referendum question will not matter.

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

Adrian Gonzalez, 22 Sherwood Forest Drive thanked everyone for putting together the Trunk and Treat – it was great. He mentioned that his in-laws who live at 33 Lockwood Avenue have not been able to get a bulk pick up. The Manager stated that he will have Cindy Church look into it.

Adrian asked questions regarding the hunting activities at the Westby Farm. He stated that this past Saturday there was 45 minutes of constant shooting and thousands of shots went off. He read excerpts from Face book discussing the excessive gunshot sounds. He called the Division of Fish and Wildlife and spoke to someone there regarding the amount of birds that a hunter can kill.

Township Attorney Tom Collins stated that the governing body does not enforce zoning. He informed Mr. Gonzalez that he would have to bring the complaint to the Zoning Officer. Tom Collins also referred him to the Division of Fish and Wildlife. The commercial shooting preserve license is under the jurisdiction of the NJDEP.

Tom Collins stated that if Westby Farm is not charging for people to hunt the property, then it is not a commercial activity.

The Mayor stated that John Gutwerk will call the Division of Fish and Wildlife and speak to the person that Adrian Gonzalez spoke to and get clarification.

Merwyn Lee, 45 Winding Way, feels it is the responsibility of the town to check out the shooting at Westby Farm further, and go on the property to see who is actually hunting on the property. He is asking the governing body to get involved.

Frank Gonzalez, 34 Sherwood Forest Drive, lived in the Township for 45 years, and Saturday was the loudest gunshots he has ever heard. We have a noise ordinance and feels that the Township should follow through on this.

Harold Wyckoff, 7 Acorn Street, stated that regarding the storm, he has noticed lots of branches and trees that have come down. He asked what can be done about the larger trees that have come down that are lying on the edges of people’s property. Joe Sabatini stated that if it was a property owner’s tree that fell, it is the responsibility of the property owner to remove it. Branches 4” in diameter or small can be put curb side, but the homeowner would have to dispose of anything larger themselves.

Joanne Smith, 57 Lake Drive, asked that if someone calls the police and has a complaint about noise, wouldn’t the police have the authority to go on someone’s property. The attorney explained that it would depend on the circumstances.

Merwyn Lee, 45 Winding Way, stated that a police officer told them that gun shots were not in violation of the Township’s noise ordinance.

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 18, 2011 Regular Meeting Minutes–Motion by Councilman Olson, second by Councilwoman Raffay with a minor correction in the roll call vote. All other members were in favor. Motion carried.

- October 18, 2011 Executive Session Minutes – Motion by Councilwoman Raffay, second by Councilman Olson to approve the minutes with a minor correction in the roll call vote. 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 Rafferty, second by Councilman Olson, to approve the consent agenda.

- A. Resolution No. 122-2011 – Resolution to Renew North Jersey Municipal Employee Health Benefits Fund for Three (3) years
- B. Resolution No. 123-2011 Resolution to Accept Tamarack Park Trail Plan
- C. Resolution No. 124-2011 - PSA for Heyer, Gruel & Associates do Supplement Work on the Master Plan Reexamination Report not to exceed \$3000.00
- D. Resolution No. 125-2011 – PSA for Laddey, Clark & Ryan LLP in connection with revisions to the Byram Township Personnel Policy Manual not to exceed \$1,500.00
- E. Resolution No. 126-2011 – Change Order – Tilcon NY - \$5,069.57
- F. Resolution No. 127-2011 - Resolution of Adoption of the Sussex County All Hazards Pre Disaster Mitigation Plan
- G. Resolution No. 128-2011 – 2011 Budget Transfer - \$7,500.00
- H. Resolution No. 129-2011 – Authorization to Purchase a Hypress Standard Vertical Compressor and Optional Equipment for the Byram Township Fire Department
- I. Proclamation – National Family Caregivers Month, November 2011

<b>COUNCIL MEMBER</b>	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 NOVEMBER 1, 2011** - Motion by Councilman Rafferty second by Councilwoman Raffay to approve the bills. Councilman Rafferty recused from P.O. 8555.

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

**ORDINANCES** – Introduction

BE IT RESOLVED that Ordinance entitled “Ordinance Making the Provisions of Subtitle One of Title 39 with Various Traffic Regulations Applicable to the JTK Industrial Park and Regulating the Use and Operation of Motor Vehicles on Said Roadways, Streets, Driveways, and Parking Lots by Revising Chapter 230 of the Byram Township Code” be read by title on first reading. Motion by Councilman Olson, second by Councilman Rafferty to introduce the ordinance.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	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 December 6, 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.

**ORDINANCES** – 2<sup>nd</sup> Reading/Public Hearing

1. BE IT RESOLVED that Ordinance 14-2011 entitled “Ordinance to Authorize Sale of Non-Conforming Parcels to Contiguous Properties Not Needed for Public Use” 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 Councilman Olson, second by Councilman Rafferty to open up to the public. All members were in favor.

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 Rafferty	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.

2. BE IT RESOLVED that Ordinance 15-2011 entitled “Ordinance to Authorize Sale of Public Properties Not Needed for Public Use to the Highest Bidder” be read by title on second reading and a hearing held thereon. Motion by Councilwoman Raffay, second by Councilman Olson to approve the ordinance. All members were in favor. Motion by Councilman Rafferty, second by Councilwoman Raffay to open up to the public. All members were in favor.

Motion by Councilman Olson, second by Councilwoman Raffay 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. The public auction has been set for November 22, 2011, at 10 a.m.

**DISCUSSION ITEM**

SCMUA Proposed Increases – The Manager informed the Council that there is a rate increase hearing on Wednesday, November 23 at 4 p.m. They are proposing to raise the cost for solid waste by \$7.00/ton. They also are raising the tire disposal rate by 3 times the present cost. Collectively, the township is looking at approximately a \$30,000 increase.

Marie Raffay expressed her disappointment with the choice of day and time of the rate increase hearing. She asked if the County has any other options besides raising the rates. Mayor Oscovitch stated that they were absolutely going to raise the rates. Last year, the increase was scaled back because they did get a significant increase in solid waste and the State did come through with the debt service payment at the last moment.

The Manager expressed concerns about the eventual closing of the landfill, which is scheduled for 2017. The Manager has not fully investigated the options when the landfill is closed. Joe mentioned that our garbage contract expires January 31, 2013. We will be going out to bid in the fall of 2012, and he reviewed briefly several options that we can look at.

Councilman Dan Rafferty stated that it is the shell game--the State passes it to the County, the County passes it to the Township. The residents of Byram look to the Council to control taxes. The Council has been trying to do that but it becomes almost impossible when the State and County keep passing the buck to the Township.

**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.

Skip Danielson, 18 Hunter Lane, stated that they did curb side trick or treating on their street and it worked out great for the children. He stated that the EMS community is experiencing the trickledown effect. The cost to train a new EMT is about \$2,500. The State is mishandling the funds that were dedicated to EMS training.

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

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Rafferty, second by Councilwoman Raffay, to go into executive session at 9:30 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** – Water Company Issues
- **Contract Negotiations** – Shared Services – Snow Removal Agreement with Andover Twp.  
- Civic Center

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 November 1, 2011.

Doris Flynn, Municipal Clerk

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	

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilwoman Raffay to return to open session at 9:50 p.m. All members were in favor. Motion Carried.

**ADJOURN**

On the motion by Councilman Thompson, second by Councilman Olson, and with all members in favor, the meeting was adjourned at 9:51 p.m. Motion carried.

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Doris Flynn, RMC

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James Oscovitch, Mayor