

**BYRAM TOWNSHIP COUNCIL MEETING - NOVEMBER 17, 2014**

**CALL MEETING TO ORDER**

Deputy Mayor Raffay 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, here; Mayor Oscovitch, absent. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilwoman Kash, second by Councilman Olson, 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. Contract Negotiations
  - Liability/Workman’s Compensation – Wayne Dietz
  - 7 Waterloo Road
- b. Personnel – Tax Collection & Zoning
- c. Attorney Client Privilege Information
  - General.

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 17, 2014.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 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 the swearing in of Councilman David Gray following the approval of the agenda. All members were in favor. Motion carried.

**SWEARING IN OF COUNCILMAN DAVID GRAY** – David Gray was sworn in by Deputy Mayor Marie Raffay, with his wife holding the bible and his children at his side.

**TOWNSHIP REPORTS**

**Manager’s Report**

## **Letter to Grace Hanlon, Director NJ Division of Travel and Tourism:**

- Thanked Margaret McGarrity for reporting some incorrect information in the 2014 Travel Guide to New Jersey. The Manager asked her draft a letter to Grace Hanlon, Director of NJ Division of Travel and Tourism to request corrections. Several businesses and parks are not listed as being located in Byram Township. It appears mailing address is being used to identify location.

## **Route 206:**

- Received a telephone call (November 13) from Scott Stevens and Debbie Hirt of the NJDOT. They wanted to inform the Township that Tilcon is making progress and has a number of small items remaining. They have given them an extended window of ten days to complete. Originally, the NJDOT gave Tilcon until November 14 or the NJDOT was to declare Tilcon in default of contract. We are still awaiting a formal response to a November 10 letter I sent to Commissioner regarding several issues.

**Office Closed:** November 27 and 28 for Thanksgiving Holiday

**Next Regular Meeting of Mayor and Council Meeting:** Tuesday, December 2.

## **Councilman Olson**

- Congratulated David Gray for being elected and Scott is looking forward to working with him over the next 12 months.
- Attended the Historical Society meeting on November 10, which was incredible. Bob Dennis gave a presentation on railroads in Byram. He was extremely knowledgeable. Scott spoke to Andrea Proctor and they would like to film this presentation to be put in the Historical Society.
- EDAC met last week and has four resolutions to give to the Council. The Council will hold a joint meeting with them before the end of the year.
- Scott and Joe met with NJDOT regarding the color of the stones in the wall by Lubbers Run. There still are some significant issues to be addressed.
- On November 25 Board of Health meets at 7:30 p.m. in the Council room.
- Thanked Marie for getting the refreshments for Veterans Day.

## **Councilman Gray**

- Thanked the residents of Byram for voting for him. He stated that he will continue to work hard and make the best decisions he can for the residents of Byram.
- Attended the November 11 Veteran ceremony. It was a wonderful ceremony, and the Mayor gave a great speech and Judge Bowe put together a terrific ceremony.
- David is interested in playing a larger role in the EDAC committee and is looking forward to the joint meeting.

## **Councilwoman Kash**

- Attended the Recreation Committee meeting held on November 12 at Town Hall, and had a post Byram Day discussion.
- Nisha would like to talk about ideas for Byram Day, grants, and Recreation Committee policies at the next Council meeting.

## **Councilwoman Raffay**

- Wilbur McConnell, a retired DPW worker, passed away this week, and Marie asked to keep his family in our thoughts.
- Attended the Sussex County Strategic Growth Meeting – This is a lot of information posted on the County website regarding the report that was presented. There is a population decline, because the millennials are moving to the Hoboken and Morristown areas. The County will be looking for the towns to pull together and figure out how the towns can do things together to get people to stay in our county. Tom Collins also attended the meeting and said that it was ironic that although the population is shifting from Sussex to Hoboken, Jersey City, etc, the COAH numbers have increased for Sussex.
- Thanked Rich Bowe for putting together the Veteran's ceremony. Marie was thrilled with the big turnout.
- LVRS – BOE meeting Tuesday, November 18.

**PUBLIC PARTICIPATION 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.

Virginia LePore, 32 Richmond Road, said that every 3 years she gets a notice to get her septic pumped. Ms. LePore asked why the whole town does not have to pump. Scott Olson explained the origin of the septic management plan, and stated that Byram is in the Highlands and the entire town at some point in the future could be required to do this. She asked what the \$15 is for. Joe explained that the costs go towards maintaining the proprietary software. The Township collects approximately \$3000/year.

Luann Byrne, 51 Richmond Road, commented about the \$15.00 fee for the septic and stated that septic pumping is mandated by the Township and doesn't feel there should be a fee.

Earl Riley, 5 Louis Drive, asked about the location of the NJ Transit bus stop. Joe explained the location and why they had to move the bus stop.

Jackie Espanoza, JCP&L regional representative, stated that JCP&L will be doing some liability work in Lake Lackawanna area, but residents should not be affected.

Harold Wyckoff, 7 Acorn Street, stated that a resident on their street has a business and has collected a tremendous amount of cardboard boxes, which he leaves outside of his house. It is an eyesore. Joe will report this to the Zoning Officer.

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

**APPROVAL OF MINUTES**

- November 3, 2014 Regular 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	
No					
Abstain					
Absent					x

- November 3, 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	
No					
Abstain					
Absent					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 Kash, to approve the consent agenda.

- Resolution No. 166-2014 – Resolution of the Mayor and Council of the Township of Byram Dismissing and Denying with Prejudice the Appeals of Catherine Varian of the Resolutions of the Planning Board of the Township of Byram in the C Variance Matters of Ms. Bernadette Scully (App. No. Z10-13), Mr. John Seekamp (App. No. Z14-2013 and Mr. Brian Lanci (App. No. Z05-2014)
- Resolution No. 167-2014 – Resolution of Support to Relocate New Jersey Transit Bus Stop on Route US 206 Northbound at Tamarack Road
- Resolution No. 168 – 2014 – Person-to-Person Liquor License Transfer - Levkovitz to 239 Route 206 LLC
- Resolution No. 169 – 2014 – Authorization for the Purchase, Installation and Training of Web Trac Software Supporting On-Line Registration for the Township of Byram Recreation Department
- Resolution No. 170-2014 – Authorization to Execute Change Order No. 1 Township of Byram for DPW Garage Floor Replacement

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

**APPROVAL OF NOVEMBER 17, 2014 BILL LIST**

Motion by Councilman Olson second by Councilwoman Kash, to approve the bill list with the addition of the payment to Edge Maintenance.

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

**ORDINANCE– 1<sup>st</sup> Reading/Introduction**

BE IT RESOLVED that Ordinance entitled “**AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY REPEALING CHAPTER 3, “ADMINISTRATION OF GOVERNMENT,” ARTICLE VII, “MUNICIPAL COURT,” AND ARTICLE VIII, “MUNICIPAL COURT PROSECUTOR’ AND ADDING NEW CHAPTER 3, “ADMINISTRATION OF GOVERNMENT,” ARTICLE VII, “JOINT MUNICIPAL COURT”**” be read by title on first reading.

**Purpose Statement:** The Township of Byram has entered into an Agreement to form a Joint Municipal Court with the Township of Andover, Township of Hampton, the Township of Fredon and Andover Borough. Collectively these five municipalities will be part of the Andover Joint Municipal Court effective January 1, 2015.

Motion by Councilman Olson, second by Councilwoman Kash, to introduce this ordinance. Scott Olson thanked the Manager and David Gray for all the work that was done to make this happen. David Gray said that this is a definite cost saver for the Township but when you enter into a shared service it is a delicate balance between saving money and what is best for the township. David Gray feels we are doing both of these things.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 Tuesday, December 2 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.

**DISCUSSION**

Holiday Lights – Joe Sabatini prepared a memo for the Council outlining the costs for putting up the holiday lights. He requested that Tilcon replace the holiday light brackets that were removed when the Route 206 project was started. The plan is to start installation of the 24 lights the week of December 8 and start removing the week of January 12, 2015. JCP&L will charge \$3.76/light/day for 40 days = \$3,609.60. The lift rental would be approximately \$1,400, for a total of \$5,009.60. We would utilize police officers and 3 DPW employees for 3-4 days within their regular work schedule, to avoid overtime. There are funds available in the Street Lighting budget to cover the JCP&L costs. The cost of the rental will be taken from Department of Public Works operating budget. The Council was supportive of the holiday lights being put up.

Byram Day Committee put their post comments together. Joe would like to see the committee have more structure. It is an event run by the township, and should have

more leadership from the Council. Joe suggested having a subcommittee from the Council; and Scott and Nisha volunteered to be a part of it. Joe stated that the Byram Day Committee has done a fabulous job especially the last two years at Waterloo Village. There will be some changes at Waterloo in the future because of the area leased by the caterer, which will make it challenging. But he feels confident that we can work together and continue to host Byram Day at Waterloo.

**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.

- Skip Danielson, 18 Hunter Lane, thanked Joe for getting the holiday lights back up. It was a great idea to get the lights put back on the poles at no cost to the Township.

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 8:25 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:

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**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on November 17, 2014.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 Kash to return to open session at 10:05 p.m. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilman Olson, second by Councilman Gray, and with all members in favor, the meeting was adjourned at 10:05 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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Marie Raffay, Deputy Mayor