

BYRAM TOWNSHIP COUNCIL MEETING - DECEMBER 6, 2011

CALL 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

Councilman Olson, here; Councilwoman Raffay, here; Councilman Rafferty, late (7:03), Councilman Thompson, absent; Mayor Oscovitch, 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 revised agenda with the addition of Resolution 144-2011, which was added to the consent agenda. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Manager's Report:

Byram Township Leaf Pick-Up Dates (Weather Permitting):

- Blue Diamond last leaf pickup is schedule for the week of December 12th–16th. Leaves must be placed in Biodegradable Bags and placed at the road side.

Halloween Storm Event – Brush, Branch and Tree Limb Disposal:

- On Monday November 28 we started the pickup of brush, branches, and tree limbs due to storm related damage from the 2011 Halloween Snow Storm.

- We have finished chipping in East and West Brookwood and continue to pull brush out of the small side roads in Cranberry Lake.

- An additional chipper has been rented.

- As previously reported, we will continue the operation until we have covered all areas of the Township.

- We continue to encourage residents to bring brush, branches, and tree limbs (no more than 4" diameter) to the Township Recycling Center.

- The Township will continue to accept brush, branches and tree limbs through Dec. 10.

November 16, 2011 Letter from NJ Department of Agriculture:

- The Township received a letter from the New Jersey Department of Agriculture reporting that no major infestations were detected in the Township from their fall gypsy moth egg mass survey.

- They are not recommending any aerial treatment next spring.

Smart Growth America:

- The Township was notified that we have been selected to receive smart growth technical assistance from Smart Growth America.

- This will include a 1 or 2 day training session with a smart growth expert.

- The Township had requested the workshop on 'planning for economic and fiscal health'.

- This technical assistance is being made possible through a grant from the US Environmental Protection Agency's Building Blocks for Sustainable Communities Program.

NJ Department of Environmental Protection:

- We have received notification from the Department of Environmental Protection and the Federal Highway Administration that our grant application under the 2011 Recreational Trails Program has been approved.

- This grant was for funding to complete trail and other improvements at Brookwood Park.

Sussex County Municipal Utilities Authority:

- The Manager attended the Sussex County Municipal Utilities Authority's proposed FY2012 rate hearing on Wednesday, November 23, 2011.

- During this meeting it was reported that SCMUA was not receiving state aid of \$3,000,000.

- Based on projected tonnage of solid waste to be received during the FY2012, SCMUA needed to establish a tipping fee which is competitive and proposed a \$125 per ton rate as the maximum rate to be charged during FY2012.

- It was decided that they would use approximately \$2,100,000 from the SCMUA cell closure account to offset the loss of state aid.

- A landfill cell closure/post closure care analysis was provided for the period 2011-2018. This analysis is projecting a 2018 deficit to be \$18,000,000.

- At the November meeting the SCMUA board adopted the Schedule of Rates, Fees and Charges for FY2012 with a \$125 ID10 Municipal Rate charge. They then passed an amending resolution lowering the rate to \$96 per ton or a \$7 increase from 2011.

- This is estimated to have a \$15,000 to \$25,000 impact on the Township's 2012 budget.
- In October we received a copy of the Closure/Post-Closure Care Plan Support Document and Planning Analysis for Future Solid Waste Disposal that was share with the Solid Waste Advisory Committee.
- This document suggests update/renovate the existing transfer station at SCMUA as a long-term solution after closing the landfill at end of 2018.
- The Manager suggests that the Township remain out ahead of this issue during 2012 and request special meetings with SWAC to discuss this plan and future decisions for solid waste in the county.

Updated Budget Information – December 19, 2011:

- The Manager will provide a budget update at the December 19 meeting.

The reassessment is nearing completion (FROM TAX ASSESSOR):

- 1.) 80% of the properties submitted for inspection have been inspected.
- 2.) 99% of the residential properties are ready for review
- 3.) Efforts to collect, record and analyze all the current sales and listings for purposes of establishing true market value are being finalized.
- 4.) The income and expense information from the commercial properties is being analyzed to establish market rents, expenses and capitalization rates in an effort to set final values.
- 5.) At this time, we expect to send letters of value sometime near December 19th and hold hearings shortly thereafter.

Councilman Scott Olson

- Attended the Sussex County Economic Development Awards Luncheon – Byram was nominated for an award but did not win. The business expansion award was given to ShopRite for the work they did with the Liquor Store and expansion of the produce department.
- Attended the Committee Chair Meeting organized by Councilwoman Raffay. There was a good turn out and great discussion.
- Open Space meets Monday, December 12th at 7:30 p.m.
- The EPA is hosting 2 public sessions on December 8th, which will be supplementing the normal CAG meeting.

Councilwoman Marie Raffay

Planning Board

- The planning board meeting for last Thursday was cancelled.
- The next meeting will be a workshop meeting on December 15, at 8pm. Every so often, the town is required to do a re-examination of the master plan. Since we are working on Highlands Plan conformance, this re-examination is able to be tied into the plan conformance process. We will be working on the re-examination at the December 15 workshop.

League of Municipalities Convention

- Crisis Communications Planning-Dealing with Risk, Facing Responsibility: A panel of professionals in municipal government public relations and media professionals discussed topics that would help governing officials to think and act proactively and be prepared for a crisis. They presented assessing areas of potential risk, conducting a communication's audit, taking preventative steps, creating a crisis communications plan, and working with the media. In light of three major weather events in Byram in two recent months. I felt their information on the use of Twitter, Facebook, websites, and radio were helpful information to have.
- Grant Funding –Impact of 2010 census: This session included information on how census numbers can affect certain fundings and how the information from the census can be used to assist municipalities when applying for neighborhood grants and how to use the numbers to the community's best interest.
- Elected Officials and the Police Department: When does Regulation Constitute Interference. The goal of this session was to discuss the legal parameters of police departments. Panelists discussed the role and difference between police chiefs, appropriate authority, and police directors.
- Volunteerism in Municipal Government- Assets and Liabilities: This session discussed the town's responsibility for the actions of all of its volunteers from coaches to firefighters and emergency squad members.
- Mayors' Box Luncheon: Included an open dialogue with state cabinet officials including DCA, State Treasurer, NJDEP, NJDOT, and Education.

Committee Chair Meeting

- This was our third meeting of the committee chairs and we discussed more projects this time around.
- We had a lengthy discussion on volunteers on committees and how we can try to attract more members to the vacancies on our boards.
- Discussed some of the parks and open space goals for Jones Lane Field and Brookwood Park.
- We decided to have another meeting in about 6 months.

New Fertilizer Law in NJ – There is a ban on fertilizing lawns from November 15th to March 1st.

Mayor Jim Oscovitch

1. November 15th – Attended the NJLOM Annual Conference.
 - a. Met with Amy Cradic, DEP Assistant Commissioner for Natural and Historic Resources
 - b. Participated in the NJLOM Nominating Committee. Considered candidates for several vacancies on the Board.
 - c. Attended the Joint Session with the NJ Planning officials: Commissioner’s Roundtable-The State of the State Plan. The panel consisted of DCA Commissioner Lori Griffa, DEP Commissioner Bob Martin, DOT Commissioner James Simpson and Agriculture Commissioner Douglas Fisher.
 - d. Attended Tool Kit Reforms – One Year Later
 - e. Attended Mayors Luncheon with Joe Sabatini and Marie Raffay. This was an open discussion with key cabinet officials from the Governor’s office.
 - f. Attended League Session “Who moved my tool kit?” Legislative leaders talk about the tool kit.
 - g. Attended League Workshop: Crisis Communications Planning – Dealing With Risk, Facing Responsibility
2. November 29th – Attended “Parents Who Host Lose The Most” kick off campaign at the Lamp Post Inn in Vernon. This is a program put on by the Sussex County Center For Prevention and Counseling. This program targets underage drinking and lets parents know it is against the law to allow underage drinking. The Mayor attended this with Jackie Cinotti, Byram BOE President.

PUBLIC PARTIPATION I - Motion by Councilman Olson, second by Councilwoman Raffay, to open to public. All members were in favor. Motion Carried.

Boy Scout Kyle Bryer and Alex Matthews were in attendance this evening. They informed the Council that they were observing the Council meeting for their citizenship and communication badges.

Joann Smith, 57 Lake Drive, asked about the status of the Mansfield Bike Trail and if it will be repaired. Joe Sabatini stated that we did file an application with FEMA but we are also still trying to pursue the problem with NJTransit. The Manager has involved Cory Stoner in the matter. Joe, Adolf and Cory have met with representatives from NJTransit and reviewed several solutions. He feels he has a good working relationship now with NJTransit. The next critical milestone for NJTransit is obtaining permits.

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

APPROVAL OF MINUTES

- November 14, 2011 Regular Meeting Minutes–Motion by Councilwoman Raffay, second by Councilman Olson to approve the minutes as presented.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion		x			
2nd	x				
Yes	x	x			x
No					
Abstain			x		
Absent				x	

- November 14, 2011 Executive Session Minutes – Motion by Councilman Olson, second by Councilwoman Raffay to approve the minutes. Motion carried.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	x				
2nd		x			
Yes	x	x			x
No					
Abstain			x		
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 unless a citizen or Township Council Meeting Minutes 3 December 6, 2011

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. Scott Olson commended the Manager and staff for all the work that went into obtaining the grant Clean Communities and Brookwood Park grants. Motion by Councilwoman Raffay, second by Councilman Olson, to approve the consent agenda.

- A. Resolution No. 133 – 2011 - Chapter 159 – Clean Communities Grant - \$16,000
- B. Resolution No. 134-2011 – Resolution Approving the Sale of Conforming Township Properties to Highest Bidder at Public Auction
- C. Resolution No. 135-2011 – Resolution Approving the Private Sale of Non-Conforming Township Properties to Adjoining Property Owners
- D. Resolution No. 136-2011 – Resolution Approving the Private Sale of Non-Conforming Township Property Block 307, Lot 1919 to Adjoining Property Owner
- E. Resolution No. 137-2011 – Resolution Authorizing the Cancellation of Outstanding Checks in Various Township Accounts from the Period Prior to 2011
- F. Resolution No. 138-2011 – Resolution Authorizing the Tax Collector to Cancel Certain tax Payments Under Two Dollars
- G. Resolution No. 139-2011 – Resolution Authorizing the Removal of Deer Carcass by Space Farms
- H. Resolution No. 140-2011 – Resolution Authorizing Budget Transfers for 2011 Current Budget - \$5,475.00
- I. Resolution No. 141-2011 – Resolution Authorizing a Refund of Balance of Escrow – Blk. 53/Lot 100-\$220.00 and Block 119/Lot 3-\$41.75
- J. Resolution No. 142-2011 – Chapter 159 – Brookwood Park 2011 RT Grant - \$19,165.00
- K. Resolution No. 143-2011 – Resolution Authorizing MSI Service to Provide Computer Services to the Township of Byram not to exceed \$2,000.00
- L. Resolution No. 144-2011 – Resolution Authorizing the Execution of an Agreement Between Byram Township and Andover Township for Snow Removal Services on the Forest Lakes Section of Road of Andover Township

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 DECEMBER 6, 2011 - Motion by Councilman Olson second by Councilwoman Raffay to approve the bills. Scott Olson and Marie Raffay recused from P.O. No. 8672.

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	

ORDINANCE 16-2011 – 2nd Reading/Public Hearing

BE IT RESOLVED that Ordinance 16-2011 entitled “AN 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 second reading and a hearing held thereon. Motion by Councilman Olson, second by

Councilwoman Raffay to approve the ordinance. 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 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.

PUBLIC PARTICIPATION II

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

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Raffay, to go into executive session at 8:35 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** – Byram Plaza Flood Issue
- **Contract Negotiations**
 General Liability and Worker’s Compensation Renewal – W. Dietz
 BARKS
 Netcong Construction Agreement

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 December 6, 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 8:36 p.m. All members were in favor. Motion Carried.

The Council discussed including the newly elected officials Nisha Kash and Carlos Luaces in closed session. Councilman Rafferty did not feel it was appropriate because they haven't been sworn in yet. He stated that their term starts January 1, 2012. Councilman Olson and Councilwoman Raffay agreed with Councilman Rafferty. Tom Collins stated that the majority of the Council has determined that the newly elected Council would not be invited to closed session.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilman Rafferty, to go into executive session at 8:42 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

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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 Councilwoman Raffay, second by Councilman Olson to return to open session at 9:18 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion by Councilwoman Raffay, second by Councilman Rafferty, and with all members in favor, the meeting was adjourned at 9:19 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor