

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 21, 2012

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 led by Mayor Oscovitch

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 Luaces, here; Councilwoman Raffay, here; Councilman Olson, here; Councilwoman Kash, here; 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 removing Resolution 47-2012 – Adoption of a Concession Policy from the consent agenda. All members were in favor. Motion carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Raffay, second by Councilman Olson, to adopt the resolution as read by Attorney Tom Collins to go into executive session. Planning Board Chairman George Shivas will be joining the executive session.

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:

- **Personnel**– Township Planning Consultant

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 February 21, 2012.

Doris Flynn, Municipal Clerk

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Luaces to return to open session at 7:15 p.m. All members were in favor. Motion Carried. The Mayor explained to the public that the Township’s planning consultant Paul Gleitz has given his resignation and the Council met with the attorney and planning board chairman to discuss our options for the future.

TOWNSHIP REPORTS

Manager's Report

WC Award:

- Attended the Statewide Insurance Fund reorganization meeting. Byram Township was presented with a Workers Compensation Special Recognition Award for attention to loss control and safety resulting in improved workers compensation claims experience during 2011.
- This is an excellent example of how the Township employees are working to control indirect costs and manage risk. The Manager thanked his department heads whom regularly manage loss control.

NJ Jersey Transit - Mansfield Bike Trail:

- Received a letter from NJ Transit dated February 10, 2012. This was a follow-up to several meetings the Manager had with representatives from NJ Transit, the Township's Superintendent of Public Works and The Township Engineer to discuss the washouts have occurred on a portion of the Mansfield Bike Trail.
- NJ Transit is agreeing to construct a method to carry runoff water from the Right-of-Way under the bike bath. The agreed preferred method would be to construct a pedestrian bridge in lieu of repairing the underground pipes that were installed by the Township.
- NJ Transit is also agreeing to reconstruct the paved section of the path that washed away.
- Reconstruction is targeted for the fall allowing time to procure both design and construction services.

SWAC:

- Attended the February 14 SWAC meeting since the Byram representative was unavailable for the meeting.
- During the meeting there was a presentation from a UK based company that offered a presentation on an alternative method of managing solid waste which has a bi-product for power generation. This solution has not yet been pursued with the NJDEP.
- In the short-term, the SWAC committee suggested that the county should be pursuing a county operated transfer station as referenced in the September 2011 Closure/Post-Closure Care Plan Support Document and Planning Analysis for Future Solid Waste Disposal.
- SWAC will continue to explore alternatives but the permitting process needs to start for transfer station.
- The County Planning Division agreed to go back to SCMUA Board to request financial data on estimated projected tipping fees for the various solutions outlined in the September report.

Sussex County League of Municipality Meeting:

- Attended the February 8th Sussex County League of Municipality meeting. The agenda item was Sussex County Municipal Utility Authority. Very little additional information was provided on the issues with the future of SCMUA.
- The short-term concern is what is expected with the future tipping fees. At the November 2011 rate hearing SCMUA did raise the tipping fee to \$125/ton before lowering to \$96 per ton or a \$7 increase.
- Stanhope Council Person suggested that Byram and Stanhope should meet to discuss the issue.

Budget Status (See Memo):

- LFN 2012-2 states that the Municipal introduction and approval of the budget needs to be completed by March 9.
- The Township will be introducing the CY 2012 municipal budget for introduction and approval at the regular meeting of the Mayor and Council scheduled for March 6.
- The Governor presented the proposed State FY 2012 budget today. It was reported that Municipal State Aid will remain flat for 2012.
- We were informed that the Township's CFO will be receiving our official statement of State Aid on Thursday.

Councilman Luaces

- Attended the February 8th SCLOM meeting. There was not much information given out, but he did learn that we will be \$18-1/2 million in the hole and that dump costs are going to rise.

- Attended the February 15th Recreation Committee meeting. The concession policy was discussed and sent to the Council. The committee is in need of volunteers to clean up Brookwood Park because a tremendous amount of brush has fallen from trees.
- April 21st will be the opening day for baseball and softball.
- Guest speaker Jackie Woodward gave a presentation on geocaching. The Recreation Committee recommended possibly using Tamarack Park and Cranberry Overlook Trails as a way to introduce geocaching to the community.
- The Committee discussed NJTransit repairing the Mansfield Drive bike path.
- Byram Day Committee will be meeting February 22.

Councilwoman Marie Raffay

- At the last Planning Board meeting, they reviewed plans for improvements at Neil Gylling and approved site plan waivers for NJ Bar and Grill and STS. The site plan process is working very well. The sign ordinance committee is trying to commit to a date to get back to work on this ordinance.
- Complete Streets Workshop at County College of Morris on Wednesday, April 4, at 5:30 p.m. to 8 p.m.
- The Lenape Valley Regional school board meeting meets Tuesday, February 28 at 7:30 p.m.

Councilman Scott Olson

- Environmental Commission meets on February 23rd at 7:30 p.m. The committee is still looking for two members and a liaison to the Open Space Committee.
- Will be attending the Freeholder’s meeting on February 22 with Joe Sabatini. The WMP is on for adoption.
- The EPA has started the clean up at the Mansfield Dump site. The amount of dirt that will be removed from the site is tremendous – 30,000 tons – could be 60 to 70 trips per day.

Councilwoman Nisha Kash

- Attended the SCLOM meeting with the Manager and Carlos Luaces. Nisha reported that they had very little information about the landfill.
- Attended the February 16th Youth Guidance Council meeting and discussed the dances. Nisha stated that it is very hard to get chaperones and sometimes it results in having to cancel a dance.

Mayor Jim Oscovitch

- Will be attending the Legislative Day for Mayors.
- Attended the Sussex County Chamber meeting at Lafayette Village last week.
- Participated on a conference call with the Governor’s office and Joe Sabatini regarding the budget.
- Attended a covenant signing Thursday at Picatinny Arsenal. It was a commitment by Sussex County to help families adapt while their loves ones are off at war.

Patrolman Robert Tierney spoke about participating for the 4th year in the Police Unity Tour. Robert will ride from Florham Park, New Jersey to Washington, DC, which is a total of 357 miles. This tour recognizes law officers who died in the line of duty. It is a great opportunity to let the families know they will never be forgotten.

PUBLIC PARTIPATION I - Motion by Councilman Olson, second by Councilwoman Raffay, to open to public. All members were in favor. Motion Carried. No comments were made. Motion by Councilwoman Raffay, second by Councilman Olson, to close to the public. All members were in favor. Motion Carried.

APPROVAL OF MINUTES

- February 7, 2012 Regular Meeting Minutes – Motion by Councilwoman Kash, second by Councilwoman Raffay to approve the minutes as presented.

COUNCIL MEMBER	<i>Councilman Luaces</i>	<i>Councilwoman Raffay</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Oscovitch</i>
Motion				x	
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

- February 7, 2012 Executive Session Minutes - Motion by Councilman Olson, second by Councilwoman Kash to approve the minutes as presented.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			X		
2nd				X	
Yes	X	X	X	X	X
No					
Abstain					
Absent					

- 2011 Executive Session Minutes - Motion by Councilman Olson, second by Councilwoman Raffay to release the 2011 executive session minutes.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			X		
2nd		X			
Yes		X	X		X
No					
Abstain	X			X	
Absent					

PROCLAMATION – Mayor Jim Oscovitch read the Read Across America Proclamation. Motion by Councilman Olson, second by Councilwoman Raffay to adopt this proclamation. All members in favor. Motion carried.

ORDINANCES – Introduction

- A. BE IT RESOLVED that Ordinance entitled “Ordinance for Authorizing the Sale of Township Property Not Needed for Public Use to the Highest Bidder at Public Sale by Auction” be read by title on first reading. Motion by Councilwoman Raffay, second by Councilman Olson to introduce the ordinance.

PURPOSE STATEMENT: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to convey the Township owned subject property known as Block 226, Lots 21 and 22 to the highest bidder at public sale by auction, because the property is not needed or required for public use. The sale shall be subject to Deed restrictions and a reversionary interest affecting the subject property. The two lots set forth herein shall be conveyed together.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			X		
2nd		X			
Yes	X	X	X	X	X
No					
Abstain					
Absent					

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 March 6, 2012 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.

- B. BE IT RESOLVED that Ordinance entitled “Ordinance to Amend Chapter 48 of the Township Code, entitled Police Department, Article II, 48-24, entitled Outside Services” be read by title on first reading. Motion by Councilwoman Raffay, second by Councilman Olson to introduce the ordinance.

PURPOSE STATEMENT: From time to time there is a request for police services to serve private or quasi-public functions within the Township or neighboring communities. The provisions of this ordinance support the authorization to provide off-duty police officers to perform general safety and police services at a defined contracted rate.

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

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 March 6, 2012 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.

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 Raffav, to approve the consent agenda.

- A. Resolution No. 39-2012 – Place-to-Place Transfer (Expansion of Premises) Byram Beverage, Inc.
- B. Resolution No. 40–2012 – Resolution Opposing the Proposed Legislation Known as the New Jersey Public Water Supply Fluoridation Act (A1811/S959).
- C. Resolution No. 41-2012 - Resolution Granting North Jersey Auto Wreckers, Inc. a License for 2012 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- D. Resolution No. 42-2012 - Resolution Granting Raimos of Stanhope, Inc. a License for 2012 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- E. Resolution No. 44-2012 – Resolution Opposing Proposed Legislation, S-1085, Also Known As Forest Harvest on State Lands

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

RESOLUTION NO. 43-2012 - Resolution Authorizing the Execution of Amendment No.1 to the Interlocal Agreement between Byram Township and Netcong Borough for Construction Department Services. Joe Sabatini explained that in September 2010 Byram Township entered into a shared service agreement with Netcong Borough for construction department services. The revenue received last year exceeded the limits set and triggered a renegotiation of the contract. Motion by Councilwoman Kash, second by Councilman Olson to approve this resolution. Scott thanked the Manager for keeping on top of this and getting additional revenue for Byram.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion				X	
2nd			X		
Yes	X	X	X	X	X
No					
Abstain					
Absent					

RESOLUTION NO. 45-2012 – Resolution Granting Tilcon New Jersey Inc. the Quarry License Renewal for 2012. Tom Collins and Councilman Luaces stepped down. Motion by Councilwoman Kash, second by Councilwoman Raffay to approve the resolution as written.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion				X	
2nd		X			
Yes		X		X	X
No			X		
Abstain					
Absent					

Councilman Luaces and Attorney Tom Collins returned to the meeting.

BILL LIST OF FEBRUARY 21, 2012 - Motion by Councilman Luaces second by Councilman Olson to approve the bills. Carlos Luaces recused from P.O. 1634, 2056, 2444, Scott Olson recused from P.O. 9183, and Nisha Kash recused from P.O. 1634.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	X				
2nd			X		
Yes	X	X	X	X	X
No					
Abstain					
Absent					

DISCUSSION ITEMS

- I. Concession Stand – Neil Gylling Park – Joe Sabatini reviewed his memo dated February 17, 2012. The Manager is recommending that the Council approve this project with the list of conditions outlined in his memo, which is on file in the clerk’s office. The Mayor asked Dan Burlew, member of the Board of the Lenape Blazers Softball League, to come forward to answer any questions. Scott asked if there was any discussion with the location of the building and the wetness in the area. They are not making any changes to the footprint of the building. Scott asked how they would handle the garbage. They would bring garbage to municipal building. Scott asked what they felt about other groups using the equipment that Lenape Blazers have installed in the concession stand. Dan said that he realizes that other people may use it but there is a provision to insure that they would be covered for damages. Councilwoman Raffay asked about residents wanting to use it for private parties.

Resolution No. 46-2012 – Resolution of Acceptance of a Donation exceeding \$7,500 from the Lenape Blazers Softball League to the Township of Byram for the Materials and Labor for Construction Improvements to the Bathroom Facility at Neil Gylling Park to convert to a Concession Stand. Motion made by Councilman Olson, second by Councilman Luaces, to approve the resolution subject to the conditions outlined in the letter from Planning Board Attorney Kurt Senesky and Joe Sabatini’s memo both dated February 17, 2012.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd	x				
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Resolution No. 47-2012 – Adoption of the Byram Township’s Parks and Recreation Concession Policy. Scott Olson asked if the concession policy covered the possibility of residents wanting to use it for private parties. Joe Sabatini felt this should be covered under a separate policy and Category 4 in the Concession Policy addresses this. Scott Olson asked who sets the schedule regarding usage of the concession stand. The Council asked Janet Meisner to come forward to answer questions. Janet stated that the sports group that has primary use of the field has first priority and primary use over the concession stand. Carlos stated that the Recreation Committee did not have any problems with the concession policy. Motion by Councilman Olson, second by Councilwoman Kash to adopt the resolution.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

II. Tamarack Park (Jones Lanes Parcel) – Maintenance Costs – During our last meeting, there was a request to review estimated maintenance costs to maintain this new recreation parcel. Joe Sabatini provided the council with a summary of costs. Scott Olson suggested that the Council continue discussing this at the township’s strategic planning meeting scheduled for February 29th at 6:30 p.m. The Mayor and Council agreed.

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.

Barbara McGloughlin, President of BMRPOA, thanked Scott Olson for preparing the resolution opposing the proposed legislation known as the NJ Public Water Supply Fluoridation Act.

Skip Danielson, 18 Hunters Lane, questioned the executive session topic on consolidation of services, and asked what were the services that the Township was thinking about consolidating. The Mayor stated that the Manager will let the Council know once they go into executive session. Joe Sabatini stated that it will be a continued exploratory conversation, which has occurred in the past whether at a level of consolidation or shared services, or any services that the Township provides or can partner with neighboring communities that would be cost beneficial to the participants. It will be a general discussion and not specific to any one service. Skip commented that the Governor’s budget only talked about income tax relief, not property tax relief. The State budget is going up almost 4%. He asked the Council to request that the State revisit the dedicated fees that we are paying on an annual basis and try to get these funds redistributed. Scott Olson stated that we received a notice today from League of Municipalities regarding the need to get back the energy receipts. The NJLOM suggested that the municipalities participate in discussions and possibly write a resolution requesting the return of the energy receipts. Scott Olson would like to discuss this further with the Council.

Dave Pinkin, 22 Beech Street, asked for an explanation of the fluoride resolution. Scott Olson explained the background of this resolution and provided Mr. Pinkin with a copy. Lori Joudi, resident of West Brookwood, asked for clarification regarding the request by Councilman Luaces for volunteers to help clean up a park. She did not know where Brookwood Park was. Councilman Luaces told her it was newly acquired Township open space parcel located behind PNC bank.

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 8:38 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 Privileged Information/Contract Negotiations** – Possible Consolidation of Municipal Services

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 February 21, 2012.

Doris Flynn, Municipal Clerk

COUNCIL MEMBER	<i>Councilman Luaces</i>	<i>Councilwoman Raffay</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Oscovitch</i>
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Olson to return to open session at 10:28 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:29 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor