

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 3, 2015

CALL MEETING TO ORDER

Mayor Oscovitch 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; Mayor Oscovitch, here. 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 Kash, 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. Attorney Client Privilege Communication – General
 - Partridge Run
- b. Anticipated Litigation – Gordon Byram Associates
- c. Personnel
 - Zoning Officer Position

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 3, 2015.

Doris Flynn, Municipal Clerk

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.

CALL REGULAR COUNCIL MEETING TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

ROLL CALL

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda with the addition of Resolution 37-2015. David Gray, Scott Olson, Nisha Kash and James Oscovitch were in favor. Marie Raffay recused. Motion carried.

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.

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

SPECIAL DISCUSSION - Sign Ordinance

Joe Sabatini stated that a subcommittee of the Planning Board (PB) had worked very hard over the past several years on revising the sign ordinance. In 2013, the Zoning Officer reviewed a draft and

suggested allowing sandwich signs. The final draft dated November 2013 did not include sandwich signs. In August 2014 the Zoning Officer provided a memo and photographs that depicted the signs that were in violation of the Township Code. Basically every business was in violation under the present ordinance and would still be in violation under the proposed ordinance. The Manager shared this report with the EDAC and provided his own comments as well.

Paul Gleitz stated that the current ordinance had sign sections in different areas of the ordinance, which made it very difficult to locate. In February 2013 Paul took the subcommittee's draft and rewrote it based on the structure of our current ordinance. The PB looked at it several times and finally in November the PB finalized the draft. What they tried to do is take the work from the sign subcommittee and the best parts from the village center ordinances and liberalize them with the (5.20). We have larger tenants and smaller tenants along the Route 206 corridor. Many properties were affected by the Route 206 improvements, and they had to come back to the PB for waivers. The PB took the position that if they had a sign before they would approve it again. The PB was taking the smaller lots into consideration when they were proposing the size of the signs. Paul thought the final draft of the ordinance was a good starting spot. John Gutwerk's report shows many violations and the pictures were not the way the PB wanted Byram to look.

Planning Board member Mike Walsh said that they made one stop shopping with clarity by putting the sign ordinances in one place, making it much easier to understand. It was not an effort to create more restrictions, but to make it user friendly. This proposed, amended ordinance is a little more flexible than the existing ordinance.

Councilwoman Raffay remembers asking Paul Gleitz for a sample of a good sign ordinance. Paul at the time could not recommend one in particular because it is very difficult to find a really good one. The subcommittee looked at many sign ordinances in towns all over New Jersey, and came up with recommendations using ideas from several other towns.

George Shivas stated that it is a living document and can be amended at anytime. This ordinance is much easier to read and understand

Councilman Gray said he was curious to know EDAC's comments with respect to the proposed ordinance as far as its restrictions to businesses.

EDAC member Nancy Eisenberg expressed the concerns of the EDAC committee. She stated that they understand and agree there are parts of Route 206 that are not attractive because of signage. As part of the EDAC's mission, they would like to help and attract businesses, but they do not want it to be a restrictive process. Nancy stated that we need to be sensitive as a group to the business owners.

Marie Raffay talked about Chester and how they have a very restrictive sign ordinance, and their downtown is very vibrant.

Scott Olson talked about businesses being able to come into the Planning Board under a simple process to get approval for signage.

EDAC Member Vic Pocarobba stated that today the government has to be friendly towards people to keep them here and paying taxes. Trying to find a way to keep people in business but be responsible. He stated that we are country of entrepreneurs. The Township should be concerned with safety but allow a little freedom.

Paul Gleitz stated that there is a land use issue and free speech issue. It's about size, location and standards, and controls on signage can help businesses. Paul stated that first we need to adopt an ordinance. There can be a measured approach with coming into compliance. The board has adopted a site plan waiver policy. This process can help businesses streamline requests.

George Shivas talked about how the PB has already streamlined the process for site plan waivers. Many times you only have to go to the zoning officer.

Joe Sabatini stated that he would like to see some frame work to work out for seasonal signs and sandwich signs.

David Gray asked if the EDAC was planning on getting involved with talking with the businesses regarding the sign ordinance, and doing outreach.

Joe Sabatini said it would be the zoning officer's responsibility to reach out to all the businesses to inform them of the new ordinance. Nancy Eisenberg stated that if the outreach did come from the

EDAC it may soften it a bit. It is an opportunity for the EDAC to do outreach in an educational way, possibly along with Zoning Officer.

Tom Collins stated that the Township could license the temporary signs which would include sandwich signs, and keep it outside of zoning.

Paul can revisit the definition on special events. There are other avenues to get messages out from business. Temporary signs for 30 days and it could be regulated by giving an amount not to exceed each year.

Joann Smith, 57 Lake Drive, asked about the rollout of this ordinance and questioned if the zoning officer was going to be able to handle this. Joann also stated that she feels we should address the sandwich board signs now and get it into the proposed ordinance.

Mike Walsh stated this ordinance does not make new restrictions-- it only clarifies the old ordinance.

Scott Olson would like to see the Council introduce and adopt the proposed ordinance with minor changes, and then work on addressing sandwich board signs and other possible changes. He feels we need to get something in place now. George Shivas stated that it is a living document and can be amended at any time.

Paul Gleitz suggested that the EDAC could run a ‘best sign in Byram contest’ to promote making the downtown area look great.

David Gray suggested looking at Vernon’s sandwich board sign ordinance. He would like to see sandwich signs allowed in this ordinance.

Paul will revise the definition of special events, add an amount of temporary signs allowed each year, and write up a purpose statement for the proposed ordinance.

Paul is willing to work on the sandwich board signs but will wait for direction from Joe.

TOWNSHIP REPORTS

Manager’s Report:

Budget will be introduced at the March 17 meeting and adoption is planned for April 21, 2015.

Rabies clinic scheduled for Saturday, April 18 at 9 a.m. – 12 noon at the Byram DPW garage

Councilman Olson

Participated in the Capital budget meeting on February 3.

Attended the Board of Health meeting on January 29. Scott summarized the Sussex County meeting that was held with the town officials regarding the County Health Services.

Open Space will meet on February 9 at 7:30 p.m.

EDAC will meet on February 12 at 7:30 p.m.

Councilwoman Raffay

PB meeting February 5 at 8:00 p.m.

Thank you to the DPW for all their late nights and hard work in the past snow storms.

COUNCIL APPOINTMENT – Motion by Councilman Olson, second by Councilwoman Kash to appoint Don Bogardus to the Board of Health to fill a vacancy. Bill Koelhoffer was appointed at reorganization and now the Board of Health has a full board.

APPROVAL OF MINUTES

- January 20, 2015 - 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	x
No					
Abstain					
Absent					

- January 20, 2015 - Executive Meeting Minutes –Motion by Councilwoman Kash 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	x	x
No					
Abstain					
Absent					

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 Councilwoman Kash, second by Councilman Gray, to approve the consent agenda.

- Resolution No. 35-2015 – Resolution Appointing a Municipal Housing Liaison for the Township of Byram
- Resolution No. 36-2015 – Resolution Authorizing Execution of a Rights-of-Way Use Agreement between Byram Township and PEG Bandwidth NJ, LLC

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

RESOLUTION NO. 37-2015 - Resolution of the Mayor and Council of the Township of Byram Endorsing and Approving the Professional Services Invoices of the Township Planning Board Engineer Louis R. Slaby, P.E., P.P. and Township Attorney Thomas F. Collins, Jr. Esq. Regarding Professional Services Rendered in Connection with the Partridge Run Development Subdivision of Applicants Bell and McConnell and Denying the Bell and McConnell Request for Remediation or Adjustment. Motion by Councilman Olson, second by Councilwoman Kash to adopt the resolution.

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

APPROVAL OF FEBRUARY 3, 2015 BILL LIST

Motion by Councilman Olson second by Councilwoman Kash, to approve the bill list.

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

DISCUSSION - Youth Guidance Council

Joe researched Title 9, Chapter 22 which defines structure and duties of a Youth Guidance Council (YGC). In our code book, Chapter 73 is the Youth Guidance Council. There can be a joint YGC with a contiguous town. We could eliminate the YGC or reduce the membership. The Municipal Alliance Council does a lot of the duties outlined under the YGC statute. Nisha said that maybe the PTA can take over the dances. The Fire Department could take over the Christmas Tree Lighting Party. There is a \$1400 budget which could be transferred to the Recreation budget, and used to supplement the school dances and a small portion for the Christmas Tree Lighting.

Motion by Councilman Olson, second by Councilwoman Kash to move the line item for YGC to the Recreation Department, but earmark the money for school dances and the Christmas Tree Lighting.

PUBLIC PARTICIPATION II

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

Earl Riley, 5 Louis Drive, asked if he could send an email to the council and manager with his points regarding the sign ordinance.

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 and adopt the below resolution.

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on February 3, 2015.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	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 Councilwoman Kash to return to open session at 12:01 a.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 12:01 a.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor