

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 15, 2010

CALL MEETING TO ORDER

The Mayor 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 by forwarding the annual notice to the New Jersey Herald, the Township Journal, posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

ROLL CALL

Councilman Olson, here; Councilwoman Raffay, here; Councilman Rafferty, here; Councilman Thompson, here; Mayor Oscovitch, here; Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

RESOLUTION FOR 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:

- Pending/Ongoing Litigation – PSE&G
- Personnel – Township Manager Evaluation
- Attorney Client Privileged Information
 1. Lake Mohawk Charges
 2. Village Center Designation
 3. COAH Highlands Scarce Resource Order
- Contract Negotiations
 1. Clerical Union
 2. Open Space

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 foregoing resolution on March 15, 2010.

Doris Flynn
Municipal Clerk

Return to Public Session – Motion by Councilman Olson, second by Councilman Rafferty to return to public session at 7:29 p.m. All members were in favor. Motion carried.

CALL REGULARLY SCHEDULED MEETING TO ORDER – The Mayor called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

APPROVAL OF AGENDA – Motion by Councilman Rafferty, seconded by Councilman Olson, made motion to add Resolution 31-2010, Resolution requesting that Governor Chris Christie extend the Byram Township Village Center under the State Plan for five years, to the consent agenda and approve the agenda. All members were in favor.

PUBLIC PARTICIPATION I – Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members were in favor.

Sanford Epstein, 8 Acorn Street, expressed his concerns regarding the condition of Acorn Street. The Township Manager was aware of his concerns and stated that the DPW would be addressing the

drainage concerns in the spring. The Manager informed Mr. Epstein about the township's road restoration plan for the area and will further investigate this with DPW Superintendent Adolf Steyh.

Mike Strada introduced himself and stated that he was a candidate running for Sussex County Sheriff. Motion by Councilman Olson, second by Councilman Rafferty to close to the public. All members were in favor.

REPORTS

Manager's Report:

Weekend Weather Issues:

- Thanked the Byram Twp Fire Department, Police Department and Department of Public Works for the support of issues related to the weekends flooding. Referenced that two people were evacuated from a home on Richmond Road.

SUSSEX COUNTY MUNICIPAL MANAGERS/ADMINISTRATORS/CLERKS:

- Monday, March 8, the Manager attended a meeting of the Sussex County Municipal Managers and Administrators.
- Amount the items discussed included:
 - The Joint Meeting option for shared services
 - Hardyston Twp Snow Removal Policy
 - Solid Waste Flow Control
 - 9-1-1 Consolidation

2010 Budget:

- The Byram Township Mayor and Council last met on March 8 with the Township Auditor for a 2010 Municipal Budget workshop.
- The proposed 2010 budget proposes a modest increase which results in an approximate increase of \$92.00 to the average homeowner.
- The Township's Auditor's recommendation is stay the course of modest increases so the Township can continue to position itself well with the appropriations and levy CAPs and keep from the state making decisions for the Township.
- This budget proposal is dependent on the Governor's budget address that is schedule for March 16. The Township has not received any status of its expected state aid for 2010. In 2009, the Township received \$790,292 in state aid.
- The plan is to introduce and approve the 2010 municipal budget at the April 5 Council Meeting.

General Announcements:

- Spring Walk-in Registration for Recreation Programs started Today (3/15). Mail-In registration started March 10th, 2010. Check Township website for details.
- Free Rabies Clinic is scheduled for Saturday, March 27 from 9:00 AM to Noon at the Byram Township DPW Facility.
- Renewal of Dog Licenses begins: Thursday, April 1, 2010 - LATE FEE WILL BE ASSESSED AFTER MAY 1, 2010 (\$5.00 PER MONTH)
- Lakeland Emergency Squad Easter Egg Hunt: Date Saturday, April 3, 2010. 10:00 a.m. at Wild West City. Open to all Byram kids under the age of ten.
- Leaf Dump reopens April 3.

Councilman Thompson

- The next Board of Health meeting will be March 23rd at 7:30 p.m.
- Reminded everyone to change the batteries in their smoke detectors and replace their CO2 detectors if they are five years old or older.
- Thanked the DPW and Police Department for help on the weekend during the storm
- Reported that residents could get an application from Frank at the Recycling Center for the Fire Department issued street numbers at a cost of \$10.00.

Councilman Rafferty

- Reported that Coleen Ruth has resigned from the Recreation Committee
- Updated the Board on topics discussed at the Recreation Committee meeting and the progress being made with regard to a few on-going projects
- Thanked the Fire Department, DPW and Police for all their assistance during the weekend storm

Councilman Olson

- Tri Community Trails Grant Committee will meet on March 18th
- Environmental Commission will meet on March 25.
- Reported that several residents stopped by during the Saturday Council hours and stated what topics were discussed
- Reported on the film Food Inc. that was shown at the Byram Schools hosted by the Environmental Commission. It was well-attended and people thought it was very informative.

Councilwoman Raffay

- Commented on the film, Food Inc., and thought it was a very educational evening
- Reported that the Planning Board will meet on March 18, and the town’s Planner, Paul Gleitz, will be giving an update on the Highlands
- Thanked all the people involved who helped with the storm on the weekend. Lake Lackawanna area was hit hard. Councilwoman Raffay stated that there was some confusion regarding bussing on Monday morning after the storm. Mrs. Raffay feels there needs to be a more thorough collaborative effort in communication between the schools, the bus company and the Police Department.

Mayor Oscovitch

- Announced that today was the Census kickoff and he urged everyone to fill out their census application as soon as they received it and mail it back
- Stated that he was a judge at the Byram Spelling Bee, which was a great event
- Attended the Sussex County League of Municipalities meeting with Councilwoman Raffay
- Attended the ELC meeting last week and Senator Oroho was the speaker

Township Attorney

- Updated the Council on the work he has been doing with Paul Gleitz and the Highlands Council regarding conformance. He outlined the upcoming schedule and the various meetings that will need to occur between the Planning Board and the Council.

SPECIAL PRESENTATIONS

- **MS Awareness** - Tammy Quasius, 39 Lockwood Avenue, thanked the Council for allowing her to come speak and spread awareness of MS. It is a disease that affects the nervous system and it could affect all ages, any race or sex. Tammy recently was in Washington, DC lobbying for funding to find a cure.

Mayor Oscovitch thanked Tammy for coming to the Council meeting and he read the Proclamation aloud.

- **Census Proclamation** - Mayor Oscovitch announced that it was the kickoff of Census 2010 and he read the Proclamation aloud.

APPROVAL OF MINUTES - February 24, 2010 Special Budget Workshop Minutes – Motion by Councilman Rafferty, second by Councilman Thompson, to approve the minutes as presented.

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

March 1, 2010 Regular Minutes – Motion by Councilwoman Olson, second by Councilman Rafferty to approve the minutes with two minor corrections to the voting charts.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor-Oscovitch
Motion	X				
2nd			X		
Yes	X	X	X	X	X
No					
Abstain					
Absent					

March 1, 2010 Closed Session Minutes – Motion by Councilwoman Raffay, second by Councilman Rafferty to approve the minutes as presented.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor-Oscovitch
Motion		X			
2nd			X		
Yes	X	X	X	X	X
No					
Abstain					
Absent					

March 8, 2010 Special Budget Workshop Minutes – Motion by Councilman Olson, second by Councilwoman Raffay, to approve the minutes as presented.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor-Oscovitch
Motion	X				
2nd		X			
Yes	X	X	X	X	X
No					
Abstain					
Absent					

APPROVAL OF MARCH 15, 2010 BILL LIST – Councilman Rafferty, seconded by Councilman Thompson, made a motion to pull Bill No. 5400 and approve the bill list as presented. Councilman Thompson recused from Bill No. 5504 and 5507.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor-Oscovitch
Motion			X		
2nd				X	
Yes	X	X	X	X	X
No					
Abstain					
Absent					

CONSENT AGENDA: All items with an (*) 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.

A. Resolution No. 30 – 2010 – Reduction of Performance Guarantee for Public Improvements to Partridge Run Major Subdivision to \$114,186.00

- B. Resolution No. 32 – 2010 – Refund of Engineering Escrow – Blk. 342, Lots 1-3-\$670.00
- C. Resolution No. 33 – 2010 – Refund of Engineering Escrow – Blk. 365.04/Lot 10 - \$64.50
- D. Resolution No. 34 – 2010 – Appropriation Reserve Budget Transfers for 2009 Budget
- E. Raffle – Sussex County Sheriff’s Crime Stoppers – May 7th at Adam Todd
- F. Resolution No. 31 – 2010 – Resolution Requesting that Governor Chris Christie Extend the Byram Township Village Center Under the State Plan for Five Years

ORDINANCE – Introduction

BE IT RESOLVED that an Ordinance entitled “ORDINANCE TO AMEND ADMINISTRATION, SUPERVISORY & CLERICAL SALARY AND WAGES FOR THE YEARS 2010-2012” be introduced and read by title by the Township Clerk and passed on first reading. Motion by Councilman Olson, second by Councilwoman Raffay to pass on first reading.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Raffay	Councilman Thompson	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 the 5th of April, 2010 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.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance with the Notice of introduction thereof, in the official designated newspaper according to law.

DISCUSSION -

ANJEC Grant – Councilman Olson stepped down during this discussion. The Manager briefly summarized the recommendations:

- o Open Space Committee – Open Space and Recreation Plan Update – Existing plan is over ten years old.
- o Environmental Commission – Lake Lackawanna Storm Drain Management Study. Councilwoman Raffay stepped down during this discussion.

It is a \$10,000 grant, which requires a \$2,500 cash match and \$2,500 in-kind match Motion by Councilman Rafferty, seconded by Councilman Thompson to open to the public. All members were in favor.

Brett Klingener, 221 Lake Drive, expressed his concerns regarding the condition of Lake Lackawanna and stated that he felt the study was needed.

Scott Olson, 191 Glenside Trail, explained why the Environmental Commission placed priority on recommending Lake Lackawanna for the grant. He stated that this grant would be seed money for other grants.

Daven Baez, 201 Lake Drive, spoke on behalf of the Environmental Commission and explained why this study is needed. Lake Lackawanna has a record of working with the Township with regard to trying to save the lake by supporting the septic management program and supporting a phosphorous-free ordinance. He stated that there were 32 drains in Lake Lackawanna. The majority is township drains and a few are county storm drains. The storm drains are in desperate need of repair and are causing the most damage to the lake. If this study is done, Lake Lackawanna may be able to obtain future grants to help pay for the necessary repairs or to do further studies.

Joe Sabatini asked if LLIC would consider paying the cash contribution of \$2,500 if the township is awarded this grant. Daven stated that he would bring that question to the board of LLIC.

Ed Klingener, 109 Lake Drive, expressed the importance of this study for Lake Lackawanna and the Township of Byram.

Andrea Proctor, 45 Lake Drive, expressed her support for the submission of the Lake Lackawanna study.

Marc Weinberg, 27 Lake Drive, does not think that LLIC should have to contribute the cash match of this grant. He stated that the Lake Lackawanna residents are already contributing \$150 for the dredging grant.

Michael O'Hagen, 139 Lake Drive, stated that some of the drains are a safety hazard. He expressed that the Lake Lackawanna community has been actively engaged in saving the lake. There are benefits beyond their community for improving this lake.

Donna Griff, 71 Brookwood Road, commented on the proposal from the Land Conservancy of New Jersey regarding the Open Space Plan. She felt the Land Conservancy's fee was high. Ms. Griff stated that there are many grants available and Byram should definitely consider a grant writer.

Pat Moschella, 22 Mountain Avenue, stated that she thought LLIC should contribute the cash match of the grant.

Councilman Thompson agrees that the township could benefit from hiring a grant writer as long as the salary for the position was paid out of the grants that were acquired.

Motion by Councilman Rafferty, seconded by Councilman Thompson to close to the public.

Resolution 35-2010 - Execution of ANJEC Grant for Lake Lackawanna Storm Drain Management Plan

Motion by Councilman Rafferty, seconded by Councilman Thompson to adopt this resolution

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion			X		
2nd				X	
Yes			X	X	X
No					
Abstain					
Absent		recuse			

Councilman Rafferty made a motion, seconded by Councilman Thompson to use up to \$12,500 of open space funds for an Open Space/Recreation Plan and to authorize Joe Sabatini to negotiate to have the plan drawn up.

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

- **2010 Adopt a Beach Spring Cleanup** – Joe Sabatini explained this program and informed the public how to sign up if they were interested.

Participation II – Motion by Councilman Rafferty, second by Councilman Thompson to open to the public. All members were in favor.

Donna Griff, 71 Brookwood Road, asked if there were funds available for residents that were hard hit by the storm.

Chris James, student from St. Michaels, observed the Council meeting for his Boy Scout Civic Project.

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

CLOSED SESSION

Motion by Councilman Olson, second by Councilman Rafferty to go into closed session at 10:30 p.m. and adopt the below resolution. All members were in favor. Motion carried.

RESOLUTION FOR EXECUTIVE SESSION

RESOLUTION
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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the foregoing resolution on March 15, 2010.

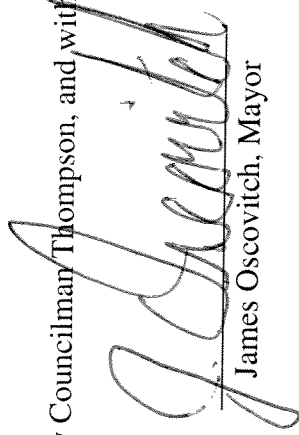
Doris Flynn
Municipal Clerk

Return to Public Session – Motion by Councilman Olson, second by Councilman Rafferty to return to public session at 11:20 p.m. All members were in favor. Motion carried.

ADJOURN

On the motion by Councilman Rafferty, second by Councilman Thompson, and with all members in favor, the meeting was adjourned at 11:21 p.m.


Doris Flynn, RMC


James Oscovitch, Mayor