

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 9, 2015

CALL MEETING TO ORDER

Councilman Olson called the meeting to order at 7:02 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, absent (excused); Councilman Olson, here; Councilwoman Kash; Mayor Oscovitch, late (7:04). 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 Councilwoman Raffay, to go into executive session and adopt the below resolution.

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

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 Information – General
- b. Contract Negotiations – Shared Services : Andover Borough
Snow Plowing
Fire Prevention
County Dispatch
- c. Personnel - Employee Handbook

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 March 9, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Raffay to return to open session at 7:32 p.m. All members were in favor. Motion Carried.

CALL REGULAR COUNCIL MEETING TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilwoman Raffay, second by Councilman Olson, to approve the agenda with the removal of the MS Proclamation, to be moved to the March 17th agenda. All members were in favor. Motion carried.

COUNCIL APPOINTMENT TO THE RECREATION COMMITTEE – Allyson Botto – Motion by Councilman Olson, second by Councilwoman Raffay to appoint Allyson Botto to the Recreation Committee. The Mayor welcomed Allyson and thanked her for becoming a volunteer.

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

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

Earl Riley, 5 Louis Drive, stated that the NJDOT property on the corner of Route 206 and Hi Glen is in violation for not shoveling the snow off the sidewalk. He asked for this to be addressed. Joe Sabatini stated that letters have been sent to all the businesses on the Route 206 corridor alerting them to the ordinance regarding removal of snow on sidewalks. Many of the businesses have complied.

Alex Rubenstein, 3 Partridge Run, stated that a poll was taken with regards to the speed limit on Route 206 in Byram. The results of the poll: There were 368 responses, 91% lived in Byram. What did they think about the speed limit: ok 7%, slower 1.5%, faster 57%, 3.5% did not care. There is no street sign yet for Partridge Run.

Skip Danielson, 18 Hunter Lane, commented on the recommendations of the pension committee, and asked the Council to push to have the NJSLOM involved, because it could be a disastrous financial hit to local governments. Bill Dressell said that the NJLOM wants a seat at the table.

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

RESOLUTION NO. 47-2015 – SELF EXAMINATION OF BUDGET RESOLUTION – Motion by Councilman Olson, seconded 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					
Absent		x			

INTRODUCTION OF 2015 BUDGET

Township Manager Joe Sabatini prepared the following budget message for the introduction of the 2015 budget.

Every year the Township Council is called upon to establish municipal policy through the adoption of the Municipal Budget. While the Manager and staff prepare recommendations in the form of a draft document, the Council must ensure that the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township.

The approval and adoption of the Municipal Budget includes the budget for the Open Space Tax and the Sewer Utility.

The Township’s Open Space Dedicated Trust Fund is funded through the dedication of an Open Space Tax that is not to exceed \$0.02 per \$100 of assessed valuation of each annual tax levy. For 2015, the Township anticipates raising \$110,430 or \$.01 for each \$100 of assessed valuation. The Open Space Tax cannot be eliminated as future receipts were committed to cover the debt service of Open Space Bonds that were issued in 2005 and are scheduled to expire in 2024. Also, the funds are used to support the maintenance and development of open space parcels that have been purchased with the open space tax.

The Township’s Sewer Utility is supported by fees collected from users of the system. The Sewer Utility has its own separate budget. The 2015 Operating Budget has been restructured reducing the Salary and Wage and Operating Expenses portion of the budget by \$30,244. Also, on the revenue side of the budget the Township is eliminating the dependency of fund balance to cover the operating expenses of the utility. If the budget is approved, there will be a recommendation through ordinance for the Mayor and Council to reduce the user fees by five percent. In 2017, there may be the

opportunity for a more significant reduction of the user fees when the legacy debt obligations for the establishment of the utility are fully paid.

The 2015 municipal budget including the Capital Improvement Program and Private Programs Offset by Revenues totals \$10,868,325.

APPROPRIATIONS

Appropriations are the platform that allows local government to deliver services to its residents. Overall, this budget plan is presenting an increase in appropriations totaling \$230,028 after excluding Public and Private Programs (Grants) Offset by Revenues. This includes an increased pay down of debt service of \$100,000.

General Government, Public Safety, Public Works and Community Programs include all the Salary & Wages and Operating Expenses for each of the Township's departments. Overall these categories of expenses resulted in a \$129,880 increase. Summary of changes include:

- Applied Changes to Departmental Salary and Wages:
 - PBA contractually receives an increase of 2.0% in 2015.
 - Clerical and DPW contractually receives an increase of 1.75%. The same increase was applied to non-union employees.
 - Accounted for changes in longevity (PBA) and contractual steps (PBA & DPW).
- Tax Collection Operating Expenses includes Shared Services Agreement with Newton for Tax Collector.
- Anticipated an increased amount of salary for anticipating of hiring or promoting an employee to Tax Collector.
- Applied Changes due to Joint Court:
 - Removed S&W \$92,500 and O&E \$10,100.
 - Added \$125,000 to O&E for agreement with Andover Township for Joint Court.
 - Removed \$25,000 for Prosecutor.

Other expenses of the Township that are not tracked by department include utilities, insurances, statutory expenses, pension expenses, garbage, debt service, deferred charges, capital improvements and the reserve for uncollected taxes. Overall these increased \$67,341.

Significant dollar changes were seen in the following appropriations:

Debt Service	Increased	\$ 99,815
Reserve for Uncollected Taxes	Increased	\$ 12,361
Group Insurance	Decreased	\$ 30,000

REVENUES

Municipal Operations and the Capital Improvement Program are supported by a variety of revenues. These sources include current property taxes (75.03%), Miscellaneous Revenues including State Aid (9.30%), Fund Balance (surplus) 12.33% and Receipts from Delinquent Taxes (3.12%).

The Township received notification that the State Fiscal Year 2016 budget proposes level aggregate funding for Consolidated Municipal Property Tax Relief Aid (CMPTRA) and Energy Tax Receipts (ETR). The proposed State aid CMPTRA and ETR for 2014 total \$575,475 or 5.30% of the total revenues. Also, we received notification that the Township should anticipate Garden State Trust PILOT (Payment in Lieu of Taxes) funding at the same level. The Township will receive \$41,920 in PILOT funding.

Other Miscellaneous revenues anticipated comprise 3.62% of the revenues. These anticipated revenues include Court Fees, Uniform Construction Fees, Interest on Investments, Interest and Costs on Taxes, and Fees and Permits.

The amount of Fund Balance committed to the 2015 budget is \$1,340,102 an increase of \$100,000.

This budget plan has property taxes representing 75.03% or \$8,154,343 in revenues. In 2014, budgeted property taxes totaled \$8,036,815 of the revenues. This budget plan is a 1.46 % or \$117,528 increase of the tax levy.

TAX RATE

The 2015 municipal budget calls for an estimated municipal rate increase of .016 for each \$100 of assessed value using the net valuation of \$926,659,300. This increase represents an estimated \$36.57 annual municipal tax increase for the average assessed home of \$253,014.

SUMMARY

In summary, the challenge with this budget and future budgets is to be able to maintain the same level of services for the Township residents while costs continue to increase, the growth of the Township’s ratable base remains restricted, and miscellaneous revenues decrease resulting in a higher reliance on property taxes. The Township continues to hold the line on departmental operating expenses.

The 2015 municipal budget plan, as presented, limits impacts to current service levels in a difficult operating environment. These services are being preserved as best they can be in accordance with the expectations of the Township’s residents which add to the quality of life for all taxpayers in Byram.

Motion made by Councilwoman Kash, second by Councilwoman Raffay to introduce and approve the 2015 budget. The Mayor asked if there was any discussion among the Council.

Councilman Olson stated he was considering voting no on the budget, not because he thought it was too much spending, but not enough.

He explained that he is worried the Council has focused too much on keeping tax increases to a minimum over the past few years, and some of our services to residents are in danger of suffering if we aren’t careful. He stated that the Manager has done a fantastic job doing more with less, and he went on to describe in detail a list of his concerns about staffing, vehicles and equipment, and township facilities not receiving the funds they may need.

He said that we seem to be at the bottom of the tax chain, and are the only ones being forced into these difficult decisions. Unlike the schools, our population hasn’t decreased by 20%, yet they continue at the same levels of staffing and a regular increase in budget.

Councilman Olson and Mayor Oscovitch then briefly discussed the added burdens placed on the town in the past few years by the County – like the mandate of flow-control at SCUMA and now the issues with the solar projects and how those items are beyond the town’s control as well.

Additionally, he stated that the state-imposed 2% levy cap has hindered us in our ability to be flexible in planning, and that the “robbing of our Energy Tax receipts and CMPTRA funds by the State – money that belongs to us,” has meant that the municipalities are suffering and cutting drastically while the state continues to balance their budget on our backs. He encouraged the council to take up this issue with a resolution that the State return aid levels to what they should be at a future meeting.

He thanked the Council and Manager for listening to his lengthy list, but felt it has been a concern of his for the past several years and did not want to let this year pass without stating it before a vote was taken.

Councilwoman Raffay shared Councilman Olson’s concerns and said that when the next budget process is started, we should look to fund some needed improvements or address staffing needs if needed. Councilwoman Raffay would like to cut taxes, but if we cut too much it doesn’t leave you much room for the following year, which is the result of the 2% cap.

Councilman Olson also stated that he wanted to see that funds be made available this year to do the fire department facilities and equipment study that was agreed upon when purchasing the new engine last year, since the department has two additional engines requested on our long term capital budget. He stated the study would be important to show whether we need three engines and three fire houses, or if consolidation of equipment into two locations could be done, and thus saving money on heating bills, electricity, etc. It would also ensure that the equipment we have meets our needs, or if we should look into shared services like we have with Stanhope and their ladder truck if possible.

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

TOWNSHIP REPORTS

Manager’s Report:

- Rabies clinic scheduled for Saturday, April 18 at 9 a.m. – 12 noon at the Byram DPW garage
- 2015 Municipal Budget Adoption will be on April 7th at 7:30 p.m.
- Will be attending kick-off Hazard Mitigation meeting on April 1
- March 19 and 20 – NJ Clean Communities – New Jersey Clean Kids - is having a clean-up program at Waterloo Village. Students will have an opportunity to tour the village while participated in the clean-up project. The hosting group is still looking for adult volunteers to help coordinate the program.

Councilman Olson

- Open Space meeting was held on February 23.
- Attended the Read Across America on March 6. Byram Rocks Respect is a school project this year--rocks were donated by Sunnyside Landscaping. The rocks were personalized by the students, and it is a way for the children to show that everyone is different, but we should all get along and show respect.
- EDAC meets March 12 and also plan on coming to the March 17th Council meeting to share their goals and objectives
- FOWV annual meeting is on March 21 – membership is \$25/year/family

Councilwoman Raffay

- The Planning Board meets on March 19 at 8 p.m.
- Thanked the DPW for all their hard work with the roads – tremendous job. Very impressed with the great job the guys are doing!

Councilwoman Kash

- Attended the Fire Department installation dinner on February 28th
- Attended the March 6th Read Across America program at the Byram Lakes School

Mayor Oscovitch

Thanked the DPW for an excellent job on keeping up with the storms. He stated that he has gotten several emails complimenting the DPW staff.

Attorney Tom Collins

New Jersey Planning Officials is having a seminar for Planning and Zoning Board members at SCCC on Saturday, March 21, and Tom will be one of the instructors.

Tom Collins was the recipient of the William M. Cox Award, which was an award established to recognize an attorney or judge who has become distinguished in the field of land use law. The Council congratulated Tom on this outstanding accomplishment.

APPROVAL OF MINUTES

- February 17, 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		
2 nd				x	
Yes	x		x	x	
No					
Abstain					x
Absent		x			

- February 17, 2015 - 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		
2 nd				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 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 Olson, second by Councilwoman Raffay, to approve the consent agenda.

- Resolution No. 42-2015 – Resolution Authorizing the 2015 Renewal of North Jersey Autowreckers, Inc. Junkyard License
- Resolution No. 43 -2015 – Resolution Authorizing the 2015 Renewal of Raimos of Stanhope Junkyard License
- Resolution No. 44 -2015 – Resolution Authorizing the 2015 Renewal of Tilcon NY Quarry License

- d. Resolution No. 45-2015 – Resolution Establishing Fees for the Parks and Recreation Department for the Year 2015
- e. Resolution No. 46-2015 – Resolution Designating Interim Zoning Officer
- f. Resolution No. 48-2015 – Resolution Approving the Replacement by N.J. Transit of the Bus Shelter on Route 206 South, Mid-Block Between Waterloo Road and Acorn Street, with a New Shelter

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

PROCLAMATIONS

Read Across America – March 2, 2015 - Mayor Oscovitch read the Proclamation and talked about the wonderful presentation that was put on at the Byram Lakes School by Mrs. Corey’s kindergarten class. Motion by Councilwoman Kash, second by Councilman Olson to adopt this proclamation.

Mayor Oscovitch announced that last week was MS Awareness Week. We will be having Byram resident Tammy Quasius speak about MS at our next meeting.

APPROVAL OF MARCH 3, 2015 BILL LIST

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

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

ITEMS FOR DISCUSSION

- **Byram Day** – On February 13, Scott Olson, Janet Meisner, Joe Sabatini, Jeffrey Miller & Co., and State Park representatives met to discuss hosting Byram Day at Waterloo Village. Jeffrey Miller Catering will be doing high-end weddings on most weekends and using the area that was used for Byram Day. Joe and Scott thought it will work well in the historic area of the Village. It will be like walking back in time. While we may not be able to have the bigger rides, Andrea Proctor informed them that some of the buildings could be open for tours and colonial time games could be played with the youth. We may be able to have kayaking tours run by the Musconetcong Watershed Association. Parking would need to be worked out. Joe is recommending applying to the State for September 26, and holding the event in the historic part of the village. Joe recommends that we meet with the Byram Day Committee to see how we can shrink the time, and Scott Olson suggested we could try to find a grant or a donor to purchase a portable stage that could be used. Motion by Councilman Olson, second by Councilwoman Kash to have Byram Day in the historic area of Waterloo Village on September 26.

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

- **County Solar Project** – The Mayor stated that he was disappointed with the County Freeholder’s position on this. The County said they will owe \$7 million, but Jim stated that now it is looking more like \$24 million. The Mayor would like to see a resolution or a letter from the Council demanding a total audit of this project from the beginning to the end. Scott stated that it is very frustrating that they are dealing with the same people. It is another fee to the residents. Scott stated he was so frustrated that they brought the same people back who were involved from the beginning, and put them in charge of the project to finish it. Jim suggested a letter signed by all of the Council. Tom Collins suggested doing this at the next

meeting. Scott suggested having Senator Oroho or Assemblyman Parker Space to come and speak at our next meeting regarding this.

Senator Oroho contacted the Mayor about the Transportation Trust Fund letter that he wrote. He appreciated Byram's support.

Scott Olson stated that in December we passed a resolution in support of State Parks and the reinstatement of funding. It has now been passed by 8 municipalities in Sussex County. In the governor's budget and the Senate budget committee, the funding has been almost all restored. It just goes to show that speaking out makes a difference.

PUBLIC PARTICIPATION II

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

Skip Danielson, 18 Hunter Lane, stated that he was glad to hear the comments by the Council on the County solar project and encouraged them to stay on top of this issue. It will be affecting all the tax payers of Sussex County.

Motion by Councilman Olson, second 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 Kash, to go into executive session at 9 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:

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 March 9, 2015.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	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 10:35 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Kash, and with all members in favor, the meeting was adjourned at 10:35 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor