

## BYRAM TOWNSHIP COUNCIL MEETING - MARCH 1, 2011

### CALL MEETING TO ORDER

Mayor Oscovitch called the meeting to order at 7:00 p.m. at Byram Lakes School for the purposes of listening and participating in the Read Across America Program

### 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

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

### FLAG SALUTE

## CALL REGULAR SESSION COUNCIL MEETING TO ORDER

APPROVAL OF AGENDA –Motion by Councilman Rafferty, seconded by Councilman Thompson to approve the agenda as presented. All members were in favor. Motion carried.

### TOWNSHIP REPORTS

#### Township Manager

##### Budget Plan:

- LFN 2011-2 states that the Municipal introduction and approval of the budget needs to be completed by March 11.
- A special meeting has been scheduled and advertised for Tuesday, March 8 at 8:00 for introduction and approval of the budget.
- Plan to have public hearing on budget at April 5 meeting.
- LFN 2011-8 stated the March 11 budget introduction date is now modified only to extend the introduction date for budgets to the next regularly scheduled governing body meeting after March 11.
- We can consider introducing budget at March 15 meeting with public hearing April 19.

##### Dog Licenses:

- Notifications for dog license renewals were sent yesterday.
- Licenses must be renewed by April 30.
- A \$5.00 per month late fee will be assessed starting May 1.
- Volunteers are needed for the April 2 (Saturday) Township sponsored free rabies clinic from 9:00 AM to 12:00 Noon.

##### NJLM professional development program – Interest Arbitration and 2% Cap:

- On Wednesday, February 23, the Manager attended a NJLM professional development program regarding the recent law on interest arbitration reform and the 2% cap.

##### New Jersey Legislature:

- On Tuesday March 29, the Manager will attend a meeting with the representatives from the 24<sup>th</sup> District (Assemblywoman McHose, Senator Oroho and Assemblyman Chiusano) to continue dialogue with the local municipal officials about issues of concern in the community.

##### Township 2011 Calendar and 2010 Annual Report:

- The Township 2011 calendar and 2010 annual report will be posted to the Township website by the end of the week. Copies will be available in the office upon request.

##### Councilman Scott Olson

- The Environmental Commission will meet on Thursday, March 24<sup>th</sup> at 7:30 p.m.
- Attended a Sustainable New Jersey meeting with Byram's Green Team. The event was hosted in Sparta.
- Scott Olson will be participating in a NJDEP task force on road utility permitting. He was asked by the Commissioner's office to attend. There will be a follow up meeting on March 29<sup>th</sup>. Shareholders from all different communities to look at the permitting process and try to refine it.
- There is Roxbury Open Space committee meeting on April 2<sup>nd</sup> and they are inviting all the neighboring municipalities to take part in the discussions. Byram will have a representative present.

##### Councilman Dan Rafferty

- Next recreation committee meeting is on March 16<sup>th</sup> at 7:30 p.m.

- At the last recreation meeting, they reviewed the Jones Lane plan and have made a strong recommendation to have Cory Stoner move forward with the pre-application process. Dan Rafferty volunteered to attend the NJDEP meeting if Council approves the PSA this evening.

**Councilwoman Marie Raffay**  
**Planning Board**

- At last month's meeting, the planning board approved the application for JTK which will be on the lower quarry parcel behind Shop Rite.
- The next planning board meeting is on March 3 at 8 pm.

**Waterloo Village**

- Looking for volunteers for the Waterloo Music Festival on May 14 and 15. Volunteers needed!

**Green Team**

- Scott and Marie, along with a large membership of the Green Team attended the Sparta Green team sponsored discussion and presentation.

- Sparta spoke about their solar project and their future farmers market. They were looking for input on what customers need or want from a farmer's market.

**Sussex County League of Municipalities**

- Just a reminder that the next meeting of the Sussex County League of Municipalities is next meeting is on Wednesday, March 9th. Sheriff Mike Strada will be presenting information about a county 911 system. I strongly urge all council members to attend.

**Town Camping**

- On Friday, May 20, we are planning a one night community campout at the Jones Lane field off of Rt. 206. We are still in the planning stages but we would like to offer activities for people of all ages including biking, hiking, bird watching, campfire songs, and kayaking. As the date gets closer we will have more information. The easiest place to get information is from our recreation director, Janet Meisner, Marie Raffay, or on the Township website. The event will be open to both residents and non-residents. If anyone has an area of expertise they would like to share with the community at this event, please let us know.

**Mayor Jim Oscovitch**

- Attended Mayor's legislative day in Trenton – over 200 Mayors attended. Round table discussion focusing on the 2% cap and the budget.
- We have been nominated for award by Highlands – we should find out in June. (10)
- Mayor's Book Club – The Mayor has been given the opportunity to go into the Byram Lakes School and read a book to the 1<sup>st</sup> graders 3 times over the next few months. If the whole first grade reads one thousand books by the middle of May, the school will receive \$1,000 for their library.

**Tom Collins** – Advised the Council about a recent decision of the Appellate Division which invalidated COAH's guidelines. This was deemed invalid because they didn't follow rule-making. Tom Collins suggested that he could be of assistance at the pre-application meeting with the DEP for Jones Lanes if the Council passes the resolution for the PSA for Harold Pellow & Associates.

**ORDINANCE NO. 2-2011 – Second Reading and Public Hearing**

BE IT RESOLVED that Ordinance entitled “**Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank**” be read by title on second reading and a hearing held thereon. Motion by Councilman Rafferty, second by Councilwoman Raffay for second reading. Motion by Councilman Olson, seconded by Councilman Rafferty, to open the public hearing. All members were in favor. Motion carried.

Joe Sabatini summarized the purpose of this ordinance. Township Auditor Ray Sarinelli stated that the Cap Bank has been around since 1977. He stated that Byram has adopted this resolution in the past and recommended that Byram pass this ordinance to allow ourselves flexibility for the future.

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

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

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.

**DISCUSSION** – The Governor’s Budget Message was given on February 22. He announced that the formula for State Aid will remain the same. Byram will receive \$575,475 this year. The Governor also stressed that he wanted municipalities to continue to follow the Best Practices Guidelines.

Auditor Ray Sarinelli suggested increasing our pay down to debt service by \$50,000. In view of rising fuel costs, Joe Sabatini decided to only increase the pay down to debt service by \$25,000 and shift around some line items to increase our fuel budget. These changes did not increase the budget, and our proposed increase is 2.33%. Ray Sarinelli stated that Byram has a great budget, and he feels the tax increase from other towns will be higher.

Scott Olson asked several questions about surplus. Last year we used \$1,138,142 of surplus. We regenerated a little over \$1.2 million.

Scott Olson thanked Ray Sarenelli for lowering his fees this year.

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

No comments were made.

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

**APPROVAL OF MINUTES**

January 18, 2011 Regular Meeting Minutes – Motion by Councilman Rafferty, second to Councilman Thompson to approve the minutes.

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

January 18, 2011 Executive Session Minutes - Motion by Councilman Olson, second to Councilman Rafferty to approve the minutes.

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

February 15, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second to Councilwoman Rafferty to approve the minutes.

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

February 15, 2011 Executive Session Minutes - Motion by Councilwoman Raffay, second to Councilman Rafferty to approve the minutes.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion		X			
2nd			X		
Yes	X	X	X		X
No					
Abstain					
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 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. Councilwoman Raffay asked to pull Resolution 30-2011 to allow the Planning Board to review. Councilman Rafferty said he would like to see a dual track. Motion by Councilman Olson, second by Councilman Rafferty, to approve the consent agenda with removing Resolution 30-2011 for separate discussion.

- A. Resolution No. 31-2011 – Authorization the Appointment and Agreement for a Hearing Officer for a PBA disciplinary action
- B. Resolution No. 32-2011 – 2010 Appropriation Reserve Budget Transfer
- C. Resolution No. 33-2011 – Authorizing the Township of Byram to enter into a Cooperative Pricing Agreement with the Middlesex Regional Educational Services Commission
- D. Proclamation – “Read Across America Day” – March 2, 2011

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

**RESOLUTION**

Resolution No. 30-2011 – Authorizing PSA with Harold Pellow & Associates to prepare and attend a pre-application meeting with the NJDEP regarding the Jones Lane Parcel

Motion by Councilman Olson, second by Councilman Rafferty, for discussion purposes. Scott Olson suggested authorizing the PSA but schedule the NJDEP meeting after the Planning Board reviews it. A member of the planning board could attend the DEP meeting if desired.

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

**BILL LIST OF MARCH 1, 2011** - Motion by Councilman Olson second by Councilman Rafferty to approve the bills. Councilwoman Rafferty recused from P.O. No. 7189, 7313, and 7366. Councilman Olson recused from P.O. 7366. Councilman Thompson recused from 7349, 7225, and 7357.

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

**Ordinance – Introduction and First Reading**

1. **BE IT RESOLVED** that an Ordinance entitled “**Ordinance Directing that the Clerk of the County of Sussex Submit a Binding Referendum to the Voters of the Township of Byram at the Next General Election**” be introduced and read by title by the Township Clerk and passed on first reading. Joe Sabatini explained the purpose of this ordinance, which will eliminate run-off elections.

- Approval of this Referendum by the voters will eliminate the current procedure whereby one candidate has to receive 50% plus (1) vote in order to be elected to office, otherwise a runoff election is required.
- If approved, the candidates receiving the greatest number of votes will be elected to office.
- Eliminating runoff elections will save the added expense of a runoff election, and reflects the sentiment of the voters at the election by putting into office the candidate(s) who receive the greatest number of votes.

Motion by Councilman Rafferty, second by Councilman Olson to pass on first reading. Councilman Rafferty amended the motion to add “general” to next election

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on the March 15, 2011 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.

**ITEMS FOR DISCUSSION**

- Route 206 Jurisdictional Agreement

Joe Sabatini had DPW Superintendent Adolf Steyh review the agreement and make comments. The Manager's primary concern is the increase in the scope of work that will be needed to be done in the future to the treatments that are installed. There is a large section of pavers at the corner of Lackawanna Drive and Route 206. Pavers will require maintenance and it will become very expensive. Councilman Rafferty is in favor of reopening discussions with NJDOT regarding the context sensitive design to see if we can alter it to install something less expensive to maintain. Joe Sabatini suggested having a subcommittee of the Council look into this matter. Dan Rafferty and Scott Olson volunteered to be a part of the subcommittee with Joe Sabatini. Adolf suggested talking with the NJDOT landscaping design group.

**PUBLIC PARTICIPATION II**

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

Skip Danielson, 19 Hunters Lane, asked what commodity were we looking to purchase with the Middlesex Regional Education Services Commission. Joe Sabatini explained that the Township

Motion by Councilman Olson, second by Councilman Rafferty to close to the public. All members were in favor. Motion Carried.

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Thompson, second by Councilman Rafferty, to go into executive session at 8:47 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:

- Pending/Ongoing Litigation – Fire Department
- Contract Negotiations – Shared Services – Technology/BOE, Court and Animal Pound
- Attorney Client Privilege Communication - Sewer

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 1, 2011.

Doris Flynn, Municipal Clerk


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

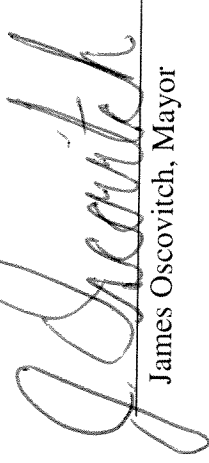
**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 10:30 p.m. Councilman Thompson left the executive session meeting prior to the discussion of the Fire Department Grant. All members were in favor. Motion Carried.

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

**ADJOURN**

On the motion by Councilman Olson, second by Councilman Rafferty, and with all members in favor, the meeting was adjourned at 10:31 p.m.

  
 Doris Flynn, RMC

  
 James Oscovitch, Mayor