

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 1, 2014

CALL MEETING TO ORDER

Mayor Oscovitch called the meeting to order at 6:00 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, late (6:15p.m.); Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

TRAINING EDUCATION SESSION presented by Carol Spencer, who is employed by the County of Morris as the Digital and Social Media Manager and the Web Manager for the IT Division. This was arranged through our Risk Management Consultant John Whitley from Skylands. Carol Spencer presented an excellent power point presentation on social media.

ADJOURN- Motion by Councilman Olson, second by Councilwoman Raffay to adjourn this portion of the meeting at 7:05 p.m.

CALL MEETING TO ORDER

Mayor Oscovitch called the meeting back to order at 7:20 p.m.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Kash, second by Councilman Olson, 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 Information
 - General
- b. Contract Negotiations
 - Health Benefits

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 April 1, 2014.

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 7:37 p.m. All members were in favor. Motion Carried.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda as presented. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Manager's Report

- **2014 Budget Schedule:** Public Hearing and Adoption is scheduled for April 15
- **2014 Dog Licensing:** Licenses must be renewed by April 30, 2014. A free township rabies clinic will be held at the township garage on Saturday April 5th from 9:00am – 12:00 noon. Call [973-347-2500](tel:973-347-2500) x125 for details.
- **NJ Transit Repairs to the Byram Township Bike Path:** Contract (Union Paving) was given a Notice to Proceed with the path reconstruction on March 13th. They are on site and have started to complete preliminary work (removing trees). The project is expected to be completed in 5 months.

Councilwoman Kash

- Nisha Kash reported that she attended the BOE meeting on 3/19/14 and noted that Byram Schools will be introducing their budget on April 30th. Nisha stated that she is looking forward to being Teacher for a Day on April 15 for a first grade class at the Byram Lakes School.

Councilman Olson

- Scott attended the Board of Health meeting on March 25 but there wasn't a quorum. Scott also attended the EC meeting on March 27.
- Scott attended the Friends of Waterloo Village annual meeting and was very excited to hear that the caterer will be Jeffrey Miller Catering from Philadelphia. They are an East Coast renowned catering company. He heard that the company is going to spend over a million dollars on restoring the meeting house.
- Scott reported on the Amphibian Crossing which took place on the weekend.
- The Musconetcong Watershed Association has its annual clean up scheduled for April 19, from 9 to Noon. Please contact Margaret McGarrity if anyone is interested in volunteering.

Councilwoman Raffay

- Marie stated that she was honored to attend Alex Matthew's Court of Honor for Eagle Scout with the Mayor.
- Friends of Waterloo had their annual meeting last Saturday. Marie thanked everyone for attending. The NJDEP announced that they have a contract with a concessionaire to do events at the Meeting House.
- The next Planning Board meeting is Thursday, April 3. At the last PB meeting, Dave Kunz gave the GIS mapping presentation. The PB was totally on board with the GIS mapping, and they are hoping that the Council is supportive of Byram getting involved because staff support will be needed. They also discussed the Highlands Master Plan element, which was presented by Planner Paul Gleitz.

David Gray

- David stated the Environmental Commission met last Thursday and Dave Kunz from the Sussex County GIS office gave a presentation on a mapping service. It is the future of the way a Planning Board or any other committee can look at a particular parcel of land and see on an internet-based program all the things going on. The EC was 100% on board with this service. David Gray talked at length to Dave Kunz about any costs involved. There would not be any hard costs, but it would involve some administrative input that would have to be done on our end.
- David gave a report about the NJDOT parcel that had 3 leaking underground storage tanks, which were removed in 1997. In 2004 the NJDEP asked for a re-evaluation to be done, which to date has not been performed. The EC is working on a letter to the Council requesting that the Mayor and Council contact the NJDOT to implement the re-evaluation.

Mayor Oscovitch

- Attended the Eagle Scout Court of Honor for Alex Matthews. The event was held at the Stanhope Methodist Church, which is where he did his Eagle Scout project. He refinished the stage at the church.
- The Mayor read a thank you letter from Tammy Quasius expressing her gratitude to the Mayor and Council for recognizing MS Awareness Month and for inviting her to speak at the March 4th council meeting.

- The Mayor reported that the Chamber of Commerce is changing the name from Byram/Andover Chamber of Commerce to the Southern Sussex Chamber of Commerce.
- The Mayor read the following email from Attorney Tom Collins. *”As Township Attorney I am confirming that Mr. Sabatini, the Byram Manager, has no conflict of interest, in any way, in connection with the Police Contract arbitration and negotiations. Mr. Sabatini as Township Manager has successfully, effectively, reasonably and ethically carried out the policies of the Mayor and Council and Township of Byram in all respects relating to the arbitration and negotiations. I have advised you that Mr. Sabatini may and should continue to work on these matters on behalf of Byram Township.”*

The Mayor stated that 8 years ago he voted no to hire Joe Sabatini as the Township Manager, and Joe has proven him wrong. The Mayor said that he loves being proven wrong in situations like that. He stated, “Joe is honest, hard-working, ethical, family-oriented and a good friend. He asked if the Council would show a vote of confidence for Joe Sabatini.

Scott Olson made a motion that the Council show a vote of confidence for Joe Sabatini. He also stated that he voted no to hire Joe as the Manager, and agreed with the Mayor that Joe proved them wrong. Scott Olson feels that Joe Sabatini has dutifully carried out the wishes of the Council the entire time he has been here. Councilwoman Raffay seconded the motion.

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

PUBLIC PARTICIPATION I –Motion by Councilman Olson, second by Councilman Gray to open to the public. All members were in favor. Motion carried. No comments were made.

Alex Rubenstein, 3 Partridge, asked if his street would be cleaned by the street sweeper. Joe Sabatini stated that it would not because it hasn’t been accepted by the Township yet. Alex asked about the status of the street. Tom Collins stated that he has talked with the developer’s attorney, Mr. Spasaro. Mr. Spasaro stated that he will talk to his client regarding the few outstanding items that still need to be addressed before the Township can accept the road. The Mayor inquired if the Manager will ask the developer to sweep the street. Alex asked about the STS appeal and Joe Sabatini reviewed the resolution outlining the refunds that will be given to STS, which is on the consent agenda. Alex asked about the letter that LLIC sent to the township regarding the encroachment on to LLIC’s property. The Manager stated that they will be setting up a meeting soon between the Township and LLIC.

Joann Smith, 57 Lake Drive, asked if Joe had any specific details about the Mansfield Bike Path. Joe stated that they plan to build a bridge and repave the section that got washed out.

Kristie Horten, 7 Broad Avenue, asked if the Council could request that the NJDOT plant bushes around the detention basin at the Acorn Street. Scott Olson referred her to a landscape plan that is in the main office which would show exactly what is planned. Kristie asked about increasing the garbage pickups. Joe Sabatini stated that there is one more year on the garbage contract, and nothing could change right now.

Luann Byrne, 34A Richmond Ave., asked about the resolution on the agenda for New Jersey Conservation. Joe Sabatini stated that we received a grant from Sustainable New Jersey to do easement monitoring. A professional is being hired through New Jersey Conservation and will get paid through the grant.

Harvey Roseff, 33 Sleepy Hollow Road, commented on the conflict of interest statement from the attorney. He stated that he questioned this last year and asked the Attorney to explain his decision. Tom Collins stated that Mr. Sabatini is the Township Manager, and the role of Manager is not in conflict of interest with managing the employees of the municipality or negotiating their contract. Harvey also stated that he felt that it is a conflict to have Frank Covelli as our Health Benefit Consultant, because he benefits financially if Byram stays in the NJHIF. If Byram moves to the SHBP, he would not get any commission. Tom Collins did not feel a conflict exists. Harvey Roseff disagreed with the attorney’s decision. Harvey stated that he does not feel the Township should be giving buy-outs if a person does not take the health insurance, and he asked the Township to remove the provision.

Mrs. Gilligan, 17 Sleepy Hollow Road, asked how other municipalities handle this insurance issue, and if we are doing better than other townships or not as well—she is looking for benchmarking

information. She also asked retiree benefits. Her knowledge has been that contracts covering active employees, govern the retirees who used to be under that contract. If benefits change with the contract for the active employees, it would also change for the retirees. Mrs. Gilligan stated that in the private sector she has never seen an employee get a large pay out for not taking benefits. Joe responded to her questions. He stated that coverage varies by agency because of the makeup of the covered class, the size, the portion of retirees, the experience of claims, etc. Byram has 58 employees—33 are active employees and 25 are retirees. The retirees age from late 40's into early 80's. There are many towns that are interested in going into SHBP and there are many towns that are coming out of SHBP. It depends on the situation of the groups and the labor agreements they have with those groups. Joe stated that the active members of the PBA do not bargain for their retired members. When an employee retires, it is written that they are entitled to the same level of benefit that they received on their last day of active employment. Mrs. Gilligan asked what the standard practice was across the state with regards to a buy-out for health insurance. Joe stated that a 50% buy-out was not uncommon in various governmental agencies. In May of 2010 the State passed a law that stated that anyone who had not already waived benefits and wanted to, were subject to the new law that capped buy-outs to a max of \$5000. Mrs. Gilligan asked if we could look into if any municipalities have modified or plan on modifying buy-outs given prior to 2010 if they were higher than \$5000.

Kristie Horten, 7 Broad Avenue, also asked about programs that could preserve the plot of land opposite the Exxon Station. Scott Olson commented on this from an open space standpoint.

Barbara McLoughlin, 42 River Road, commented on the parcel across from the Exxon and stated that one concern was the impact that the development would have on the West Brookwood neighborhood.

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

AUTISM AWARENESS MONTH – APRIL 2014

Mayor Oscovitch recognized Kara Valeich and Joan Corey, special education teachers from the Byram Lakes School, who were in attendance to bring awareness to Autism. The Mayor commented on the wonderful decorations made by the teachers and children of Byram Lakes School that they hung in the court/council room. Kara Valeich informed the public that April is Autism Awareness Month and stated that for the last 8 years Byram Township Schools have been running fund raisers and programs to educate the community, students and teachers on the autism spectrum disorders. They have recently come out with new rates, which are 1 in 68 children are diagnosed with an autism spectrum disorder. In New Jersey it is 1 in 45, and it is 1 in 24 male children that are diagnosed.

PROCLAMATION – Autism Awareness Month – April 2014 – The Mayor read the proclamation. Motion by Councilwoman Raffay, second by Councilman Gray, to adopt this proclamation.

COUNCIL APPOINTMENT – Recreation Committee Member – Alternate II

Motion by Councilwoman Kash, second by Councilman Gray, to appoint Giovanni DiMeo to the unexpired seat of Alternate II on the Recreation Committee. The term expires December 31, 2014. Scott Olson said that he was glad to see Giovanni getting involved.

APPROVAL OF MINUTES

- March 18, 2014 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					

- March 18, 2014 Executive Session 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					

PROCLAMATION – AUTISM AWARENESS MONTH – APRIL 2014

	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.

- Resolution No. 52-2014 – Tax Sales Certificate Redemption #2013-010
- Resolution No. 53-2014 – Resolution Supporting the Distracted Driving 2014 Crackdown of April 1-21, 2014
- Resolution No. 54-2014 – Approval of Application for a \$1,500 Grant from the Association of NJ Environmental Commissions to Purchase Park and Trail Signs
- Resolution No. 55-2014 – Person-to-Person Liquor License Transfer BBG Restaurant LLC, Plenary Retail Consumption License Number 1904-33-003-009
- Resolution No. 56-2014 – Authorization to Submit a Five-Year Strategic Plan for the Lenape Valley Municipal Alliance for July 2014-June 2019
- Resolution No. 57-2014 – Refund of 2009-2013 Taxes – Block 365/1.02 – State Appeal
- Resolution No. 58-2014 – Cancellation of Outstanding Checks
- Resolution No. 59-2014 – Award of Contract for Professional Services to New Jersey Conservation Foundation

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

APPROVAL OF APRIL 1, 2014 BILL LIST

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

DISCUSSION ITEMS

- Joint Meeting Date with EDAC – The Council decided to have a joint meeting with the ECAC committee on Thursday, May 8th. The clerk will schedule it as a special meeting.
- Pension Payment Reductions – The Manager stated that after the Township introduced the budget we received notice from the New Jersey Division of Pensions that they were going to adjust the pension bills. There is an overall reduction of approximately \$42,000. We can do a budget amendment and adoption of the budget on the same night. It was the consensus of the Council to pass that savings along to the taxpayers. Motion by Councilman Olson, second by Councilman Gray to direct the Manager to reduce the amount from the budget and take the necessary steps regarding a budget amendment. All members were in favor.
- Ordinance Establishing Procedures Regarding Placement, Replacement or Removal of Public Utility Poles - The Manager explained this ordinance, which would address the double poles that are scattered around town. There was consensus that the Township Council wanted to move forward with this ordinance.

PUBLIC PARTICIPATION II

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

Alex Rubenstein, 3 Partridge, asked if anyone pays a franchise fee besides the cable company. Verizon used to pay a franchise fee, but that has been discontinued. Alex asked why we are waiting on the SHBP. Tom Collins stated that this is still a negotiation. Alex asked why there have been gaps between meetings. Joe explained briefly the activity that has happened between December and March.

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

RESOLUTION FOR EXECUTIVE SESSION PART II – Motion by Councilman Olson, second by Councilwoman Raffay, to go into executive session at 9:15 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:

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on April 1, 2014.

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 10:59 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 11:00 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor