

**BYRAM TOWNSHIP COUNCIL MEETING - APRIL 21, 2015**

**CALL MEETING TO ORDER**

Mayor James 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, here; 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.

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

**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/Anticipated Litigation - Hopkins vs. Byram Twp.
- b. Attorney Client Privilege Communication
  - General
  - VESP
  - COAH
  - PSE&G
- c. Contract Negotiations
  - Architect Proposals
  - BARKS
- d. Personnel – Employee Handbook
  - Emergency Management Coordinator

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 21, 2015.

Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilwoman Raffay 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**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda with the addition of the discussion of the Route 206 bridge. All members were in favor. 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.

Jackie Espinoza, JCP&L, attended the meeting to inform us about a project they filed with the GPU. It is a new transmission line from the Whippany Substation to the Montville Substation that will benefit both Sussex and Morris Counties. Jackie distributed a pamphlet on this project to the Council. She is hoping that they will start construction in one year.

Elaine Carr, 8 Broad Avenue, stated that the owner of the property on the corner of Acorn and Route 206 is willing to donate the property to the Township with a deed restriction. She would like the township to accept this property and leave it in its natural state.

Scott Olson stated that Ms. Horton had come to the Open Space Committee about 1 year ago requesting this. The Open Space Committee and the Township Council did not feel it met the criteria to be donated as open space. Scott talked with Christie at that time at length and discussed different options, including the BMRPOA acquiring the lot.

Christie Horton, 7 Broad Avenue, expressed her concerns regarding the vacant lot on the corner of Route 206 and Acorn Street. Christie has been talking with the Township and Open Space Committee for the past several years hoping the Township would acquire this lot. She stated that the Highlands Council said they would support a conservation easement. Christie feels the town is putting up road blocks. She expressed her concerns about the development of this lot. Christie stated that Mr. Payson is allowing her to act as his agent.

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

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

**TOWNSHIP REPORTS**

**Manager’s Report:**

-Joe Sabatini provided an update on the Sussex County Multi-Jurisdictional Hazard Mitigation Plan. The Township is scheduled for a workshop on April 23, 2015 at 10:00 AM at the County OEM office in Newton.

-Rabies Clinic: The rabies clinic held on Saturday April 18, 2015 was a huge success--247 dogs and 36 cats were vaccinated and 82 dogs were licensed on that day.

The Manager expressed thanks to the following the volunteers and employees who supported the clinic:

Employees: Cindy Church, Cheryl White, Don Boroughs, Adolf Steyh

Board of Health Volunteers: William Schenkel, Caryn Segal

Other Volunteers - Boroughs, Sara Schenkel, Victoria Tullo

Veterinarian: Dr. Carlos, of the Byram Animal Hospital

Dog Licenses must be renewed by April 30, 2015.

-Brush and Leaf Dump: Leaf Dump opening April 22. Brush Dump will be open April 25 – May 16. Tire Recycling in June

**Councilman Gray** – Board of Health meets May 26 and Environmental Commission meets April 23.

**Councilman Olson**

-Open Space meeting was held on April 13 at 7:30, and they discussed stewardship and forest management.

-The CAG group also met on April 13 – they are making progress.

- Attended opening day at COJohnson with the Mayor and Nisha Kash. It was a great day.
- Easement monitoring meeting on 4/20 – the brochure is finished and being distributed to staff and committees for review
- The FOWV annual meeting is scheduled for April 23 at 6:30 p.m.

**Councilwoman Raffay**

The Planning Board met on April 16. CVS requested a revision to their resolution so that they could begin site work. The next meeting is May 7<sup>th</sup> at 8 p.m.

**Councilwoman Kash** – Recreation Committee met and toured the recreation fields in Byram.

**Mayor Oscovitch** – Attended Opening Day and thanked the DPW for doing such a great job with the fields.

- The Mayor asked to keep the families of Past Fire Chief Frank Binger, Robert Welsh and Don Lawshe, who recently passed away.
- Mayor Oscovitch appointed Joe Sabatini as Emergency Management Coordinator.

**PROCLAMATION** - Child Abuse Prevention Month – April – Mayor Oscovitch read the Proclamation. Motion by Councilman Olson, second by Councilwoman Kash made a motion to have the Mayor sign the proclamation. All members in favor. Motion carried.

**APPROVAL OF MINUTES**

- April 7, 2015 - Regular Meeting Minutes –Motion by Councilman Gray 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
No					
Abstain				x	
Absent					

- April 7, 2015 - Executive Meeting Minutes –Motion by Councilman Gray 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
No					
Abstain				x	
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 Councilman Olson, second by Councilwoman Kash, to approve the consent agenda.

- Resolution No. 69-2015 – Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2015 not to exceed \$120,000
- Resolution No. 70-2015 – Authorization to Purchase Fuel Oil #2 (Heating Oil) under the Morris County Cooperative Pricing Council for Budget Year 2015 not to exceed \$70,000
- Resolution No. 71-2015 – Resolution Adopted the Byram Township Employee Handbook
- Resolution No. 72-2015 – Resolution Authorizing the Submittal of the Updated Emergency Operation Plan for Byram Township
- Resolution No. 73-2015 – Resolution Authorizing Submission of \$4000 Fire Grant
- Raffles
  - 50/50 and Tricky Tray Raffle – 11<sup>th</sup> Hour Animal Rescue at Waterloo Village on June 28, 2015 - 10 a.m. - 6 p.m.
  - 50/50 Raffle – Warren County Comm. College at Wild West City on May 8, 5:30 p.m.-12
  - 50/50 and Tricky Tray Raffle – Byram Education Foundation held on March 21st at Byram Intermediate School

	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 21, 2015 BILL LIST**

Motion by Councilwoman Kash second by Councilman Olson, 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					

**ORDINANCES**

**ORDINANCE NO. 3 - 2015**

Be it Resolved that Ordinance 3-2015 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENT ING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Kash.

**Purpose Statement:** The purpose of this Ordinance is to organize, consolidate and supplement signage regulation in the Byram Township Land Use Development Code, so as to facilitate compliance with said regulations and allow for more efficient review and enforcement by the Township.

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

Barbara McLaughlin, River Road, thank the Council for passing the sign ordinance. Alex Rubenstein, 3 Partridge Run, asked what changes were made to the sign ordinance. Marie Raffay told him that the sign ordinance was relocated to one section of the code to make it more business-friendly, and sandwich board signs were added.

Scott Olson thanked Marie Raffay and the subcommittee for working on this. The Municipal Clerk called for the vote on the ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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.

**ORDINANCE NO. 4 – 2015** – Township Manager Joe Sabatini and Councilman David Gray stepped down.

Be it Resolved that Ordinance 4-2015 entitled, “AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION, PROPER ADMINISTRATION, AND REPAYMENT OF LOAN MONIES FOR THE FOREST LAKES DAM REHABILITATION TO THE 2003 DAM, LAKE AND STREAM REVOLVING LOAN FUND AND/OR NJDEP PURSUANT TO DAM REHABILITATION LOAN” be read by title on second reading and a hearing held thereon. Motion was made by Councilman Olson, second by Councilwoman Kash.

Purpose Statement: The purpose of this ordinance is to authorize a special assessment to ensure the collection, proper administration, and repayment of the loan monies to NJDEP for the Forest Lakes

Club, Inc. Dam pursuant to the Forest Lakes Dam Rehabilitation Loan and Co-Borrowers Agreement between and among Forest Lakes Club, Inc., Byram Township and Andover Township.

Attorney Tom Collins summarized the ordinance. The township entered into an agreement with Forest Lakes Club and Andover Twp. to be a co-borrower up to \$1.5 million for repair of the dam. The Township has hired Appraiser Scott Holzauer, an expert in his field, and the assessments will be rendered in the near future. All the Township's costs will be paid for by the loan, through the special assessment. The expected costs are less than the projected \$1.5 million. The expected costs should be in the range of \$1.1 - \$1.3 million. If the assessment ordinances are adopted, there will be an opportunity to discuss the specific assessments that are determined by the assessment committee and the appraiser.

Mayor Oscovitch introduced Eileen Borne who is the Forest Lakes Club Attorney and she stated that she would answer any questions the public or Council had.

Alex Rubenstein, 3 Partridge Run, asked what the term of the loan is. Tom Collins stated that the term is up to 20 years, and the Township is considering a ten year term. Tom explained that the assessment process will determine what the cost will be to each property.

Jeff Cummings, 57 Winding Way, asked if there was going to be a flat fee for each property. Tom Collins told him that the Appraiser will determine that shortly. He stated that he was glad to see the poster for autism. He is in the process of purchasing the lot next to him and would then like to merge it to his house lot to avoid having two assessments. Penny Holenstein advised him to have his attorney contact her before the property closes.

Harvey Roseff, 33 Sleepy Hollow Road, received the ordinance one month ago. He commented at length about it. Because there was not any detail in the ordinance, he went to the town to review the file. Throughout the process with Forest Lakes Club, the members were told it would be a 20 year, low interest loan and now he finds out the Township is pursuing a 10 year loan. The 10 year term was suggested in a letter from Tom Collins. Harvey feels that should come from the Township not an unelected official. He also complained about the excessive administrative fees, and especially the high audit fee. Harvey stated that \$5000 per year is extremely high.

Klaus Duch, 12 Lake View Drive, asked if the township will know individual balances of the loan on a yearly basis. Tom Collins informed him that the Township would know each property owner's balance at all times. Mr. Duch asked if the loan could be passed on to another owner. The Council told him that it could not. It has to be paid at time of sale. Mr. Duch asked why this assessment could not be added to the regular tax bill to say time and money. Penny Holenstein stated that it could not be joined with the regular tax bill according to state statute.

Barbara Bohnemann, 5 Sherwood Forest Drive, stated that the residents were told where this process started that it was going to be a level assessment for everyone. Tom Collins told her that it must be determined by the Appraiser Scott Holzauer and the Assessment Committee will determine that. She asked why there would be a need for an audit. Barbara stated that several months ago the Forest Lakes residents were told they only had two months to merge any lots and now she is hearing that they have more time. She does not feel that the residents are being kept informed of this process. Barbara also stated that the administration fees seem excessive.

Luke Wolters, 12 Harbor View Drive, stated that the audit fee is what the Township Auditor would charge for a separate audit for the special assessment. Luke stated that this fee would be part of the administration fee that the Township would charge for doing this service for Forest Lakes. He stated that all administration fees must be incorporated into the loan now or Forest Lakes Club will have to pay them in the future. Luke did a preliminary calculation—assuming 400 home sites repaying \$1.4 million at a 2 percent interest rate would be about \$385/year/home for a 10 year loan and \$213/year/home for a 20 year loan.

Ginnie Gilligan, 17 Sleepy Hollow Road, stated that communication is lacking in this process. She expressed her concerns regarding the assessment ordinance.

Barrett Gould, 22 Old Stage Coach Road, asked if everyone on the Exhibit A was going to have a special assessment, which would include Forest Lakes Club. Tom Collins informed him that Forest Lakes Club, Forest Lakes Water Company and the Township of Byram were exempt.

Attorney Tom Collins explained that the 10-year repayment scenario was suggested as a long-term cost-savings measure, but said the Council can go with a 20 year loan if that is what Forest Lakes Club wants. Collins said the administrative costs stemmed not only from processing and auditing the loan

payments from Forest Lakes residents each year, but also from measures that would need to be pursued against those in default. The Township will endeavor to keep costs as low as possible.

Marie Raffay stated that the Township has consented to do a special assessment as a service to Forest Lakes. If the residents would like 20 years then the Township will do 20 years. This preliminary ordinance does not state the term of the loan. It will be stated in the assessment ordinance that is done after the amount of finalized.

Motion to open to the public by Councilman Olson, second by Councilwoman Kash to close to the public.

The Mayor asked if there were any additional comments from the Council. Scott Olson stated that Forest Lakes Club should poll the residents to see what the general consensus was for the term of the loan and report the results to the Council prior to the final assessment ordinance. The clerk called for a vote.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	x		x	x	x
No					
Abstain		recused			
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** – Route 206 Bridge – Councilman Olson discussed the Route 206 bridge spanning Lubber’s Run and said that its designs flaws have become increasingly apparent. He said that the Fire Department recently discovered the walkway under the bridge would be unusable in the event of an emergency and said recent measurements have found that water flow downstream is below average, even after recent rain storms. Additionally, the remnants of the cofferdams under the bridge, which have been a point of contention between the NJDOT and the Musconetcong Watershed Association, appear to have been re-exposed.

Scott Olson and Joe Sabatini suggested that another punch list walk is done to inspect the bridge as well as the other unfinished elements of the Route 206 project and develop a plan of action to approach the NJDOT.

**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.

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.

**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 April 21, 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 11:12 p.m. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 11:12 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

\_\_\_\_\_  
James Oscovitch, Mayor