

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 3, 2012

CALL MEETING TO ORDER

Mayor 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.

FLAG SALUTE AND MOMENT OF SILENCE

ROLL CALL

Councilman Luaces, here; Councilwoman Raffay, here; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch; here. Township Manager Joe Sabatini and Municipal Clerk Doris Flynn were also present.

APPROVAL OF AGENDA - Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda as presented. All members were in favor. Motion carried.

2012 BUDGET – Public Hearing

As an introduction to the public hearing, Township Manager Joe Sabatini summarized his 2012 Municipal Budget Message which was read in full at the March 6th Council meeting.

Township Auditor Ray Sarinelli was present along with Byram’s CFO Terry Vervae.

Ray Sarinelli reviewed the budget process, stating that first you introduce the budget, and then you have a public hearing. Every three years the municipality’s budget is reviewed by the Division of Local Government Services. This is one of the off years and the Township does not need their approval. The auditor stated that Byram is ready to adopt the budget. He commented that Joe Sabatini gave a lot of information, which he thought was very helpful. A few details that the auditor thought were important were the few items that make up the budget increase. The budget is up about \$250,000--\$150,000 of that is health insurance costs, \$50,000 was the trash increase, and \$50,000 was the police budget. He referred to the schedule that the Manager prepared regarding the average increase over the past 5 years, and stated that the increases have been modest, about \$50-60/year for the last five years. It shows the Township’s commitment to long term budget planning. The Township has been able to manage reasonable increases.

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

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

No comments were made.

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

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

RESOLUTION NO. 61 – 2012 - Resolution of Adoption of 2012 Municipal Budget

Motion by Councilman Olson, second by Councilwoman Raffay to adopt the 2012 Municipal Budget.

Carlos Luaces asked about the long term plan that Ray Sarinelli referred to. The auditor stated that it wasn't a written plan. Carlos would like a written 1, 3, 5, 7 year plan and stated that he wants to set up an appointment with the auditor to discuss this in detail.

Scott Olson asked if we are trending up or down with regard to surplus. Ray Sarinelli stated that we trended down from last year. The auditor is comfortable with the amount since we are in the tail end of a recession, but stated that we can't continue to rely on additional surplus to keep taxes down.

Marie Raffay asked Ray Sarinelli if he could speak about the Cap ordinance. Ray said that the COLA ordinance gives you more planning tools.

Scott Olson thanked Joe Sabatini, his staff and the Council for the work that has been put in to this budget. Marie Raffay thanked the Manager, staff and professionals and was impressed with how the increase was kept to a minimum. Marie feels that we are managing our resources well, even though we have lost staff over the past few years. Carlos stated that Joe has done a great job of controlling staff internally and reducing the cost of operating municipal business. He would like to devise a written 1, 3, 5, 7 year plan to give us a way to measure success for the future. Carlos did state that he did not want to reduce any more services and would like to build on what we already have while minimizing the increase in taxes. Carlos stated that we will need to start working now to minimize tax increases in the future. Nisha Kash thanked Joe Sabatini for all his work on the budget and taking the time to go over it in detail with her and Carlos. Mayor Oscovitch stated that it has been trying times and he asked Joe to pass on his thanks to the staff and noted that the hard work doesn't go unnoticed.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

TOWNSHIP REPORTS

Manager's Report

Local Aid Infrastructure Fund and Safe Streets to Transit Grants Announced:

- The New Jersey Department of Transportation announced \$78.4 million in local aid grants to 376 municipalities to advance street improvement, rehabilitation and safety projects.
- Byram Township was awarded a \$200,000 grant for Roseville Road – Phase 3 – this was \$50,000 less than requested.
- Also, Andover Township received \$200,000 for their portion of Roseville Road . The Manager has initiated communication with the Andover Twp Administrator to explore the opportunity of managing a shared project for Roseville Road. It may support savings through economies of scale. This most likely will require entering into a shared purchasing and management agreement.

Wastewater Management Plan (WMP):

- The Sussex County Freeholders unanimously approved the Township's Wastewater Management Plan at their March 28, 2012 meeting.

Easter Egg Hunt:

- The Lakeland Emergency Squad is presenting their annual Easter Egg Hunt for children ages 0 - 10 (pre-K through 3rd grade) on Saturday, April 7 at 10:00 in the morning, rain, snow or shine at Wild West City.

General Announcements:

- The leaf dump will re-open April 18 and remain open until December 8.
- All leaves can be brought to the recycling center on Wednesdays from 7:30am - 2:00pm, and on Saturdays 7:30am – 4:00pm.
- Brush can be brought to the Byram Township Recycling Center on April 28 and May 5.

Councilman Luaces

- Recreation Committee meeting was cancelled last week due to a lack of a quorum. There was a brief discussion about a project done by volunteers. Registration for spring programs is on the website.
- Will be attending the SCLOM dinner meeting next week.
- Will be attending the Alliance for Action meeting on April 13th in Morristown and Mayor Ondish will be the speaker.

Councilwoman Marie Raffay

Planning Board

- The next meeting will be on Thursday, April 5 at 8pm. The CVS application is on the agenda
- There will also be an added meeting on April 12 at 8pm to hear a site plan application for Jefferson Lakes

Camping in the Park

- We have a confirmed date of June 8 for family camping at the Jones Lane field off of Rt 206 north of Cranberry Lake.

Sign Ordinance

- We had a sign ordinance meeting last week and are winding down to a finished draft.

Lenape Valley BOE Budget

- Attended the LVR budget presentation on Monday, March 26. They are at the 2% levy cap and presented a budget that represents a \$53 increase on the average home in Byram Township. Anyone interested in learning more about their budget can see information on their website.
- Petitions for LVR BOE are due on June 5, and are available on line through the Sussex County Clerk's office and no longer from the schools. Byram has two 3-year terms for LVR BOE that expire at the end of this year.

Benefit for Fund 4 Joey

- LVR track and field is having their first ever track meet under the lights on Wednesday April 18 vs. Kittatinny.
- All proceeds will benefit Fund 4 Joey, for Joey Johnson, the 2-year-old son of a Budd Lake resident and Stanhope police officer who was diagnosed in November with brain cancer.
- There will be food for sale as well as other ways to help the cause.
- The meet is at 6pm at Lenape Valley.

Waterloo Village

- The State recently hired a contractor to do the repairs to the Gristmill roof and the Blacksmith Shop roof all with fund that were raised by volunteers with the Friends of Waterloo Village. The repairs are expected to be completed by the middle of April.
- The next fundraising goal is to raise funds to replace the mule bridge that crosses the Musconetcong River from Waterloo Village to the incline plane on the Morris County side. To reach this goal, FOWV are planning another music festival on Sunday, July 8 at Waterloo Village. Marie Raffay is in charge of finding volunteers for the event--please contact Marie if you are able and willing to help both before, during and after the event.

Councilman Scott Olson

- The next Environmental Commission meeting is April 26th at 7:30 p.m.
- The next Open Space next meeting is April 9th at 7:30 p.m.
- Joe Sabatini and Scott Olson met with the Highlands Council staff regarding the project on Jones Lane.
- Visited the Mansfield EPA site last week with Joe Sabatini and Carlos Luaces moving along much quicker than planned. The EPA was looking for input on restoration.
- Musconetcong Watershed Association has annual clean up on Saturday 14th, 9 a.m. to noon. The main group is meeting at Salt parking lot and cleaning up a section of the stream going up towards Cat Swamp Hill.

Mayor Jim Osovitch

- The Mayor helped serve Meals on Wheels last week. It is Meals on Wheels 40th anniversary. They provide a great service to the community and the Mayor was honored to offer assistance.
- Attended a NJSLOM legislative committee meeting in Trenton. It was very informative.
- Attended the Sussex County Chamber Awards dinner – the Tri-town Trail Link was nominated.
- Attended the Mayor's breakfast hosted by Congressman Frelinghuysen.
- The Mayor stated it was wedding season. He performed a wedding on Sunday and is scheduled for 4 more over the next few months.

Councilwoman Kash

- Attended the Byram BOE budget meeting on March 22. They adopted the budget and the increase was 1.3%, which is \$33/year for the average assessed home. There is a hand out available.
- SCLOM meeting is next Wednesday at the Sussex County Jail.

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

Skip Danielson, 18 Hunter Lane, stated that both of the schools did a very fine job this year on the budget. It is a tribute to Joe and staff for the great job on the municipal budget. Skip received a copy of the Gold Cross magazine which pointed out that the State has diverted \$200,000 from the EMT training program. The training course for an EMT is now \$1200. He feels the State is hurting the EMT's. He doesn't want to see volunteerism of EMT's go by the way side. He would like to see the township put together a resolution to get the money back.

Ray Witte of Hampton is a member of the "Save the Homestead Committee." He wanted to share with the Council a resolution that several towns have passed. He would like Byram to consider a resolution asking for a non-binding referendum regarding the sale of the Homestead. Stillwater, Andover Twp., Montague, and Lafayette have passed resolutions supporting a referendum. This group feels that the Homestead can become a profit-making establishment. Right now there are 102 people who live at the Homestead

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

APPROVAL OF MINUTES

- March 20, 2012 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilwoman Kash to approve the minutes as presented.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

- March 20, 2012 Executive Session Minutes - Motion by Councilwoman Kash, second by Councilman Olson to approve the minutes as presented.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion				x	
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

PROCLAMATIONS

Autism Awareness Month – April

Read by Mayor Oscovitch - Motion by Councilman Olson, second by Councilman Luaces, to adopt this Proclamation

National Alcohol Awareness Month - April

Read by Mayor Oscovitch - Motion by Councilwoman Kash, second by Councilman Luaces, to adopt this Proclamation

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. Motion by Councilwoman Kash, second by Councilwoman Raffay, to approve the consent agenda.

- A. Resolution No. 59 -2012 – Resolution in Support of a Community Overnight Camping Event Scheduled for June 8, 2012 at the Tamarack Park
- B. Resolution No. 60 –2012 – Resolution – Tax Sale Certificate Redemption #2009-014

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

BILL LIST OF APRIL 3, 2012 - Motion by Councilman Olson second by Councilman Luaces to approve the bills. Nisha Kash recused from P.O. No. 8889. Carlos Luaces recused from P.O. No. 9345, 8997, 9349, 9342, 9344.

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

MAYORAL APPOINTMENT – Mayor Oscovitch appointed James Meyer to the Environmental Commission for a three year term.

DISCUSSION ITEM

Smart Growth America Workshop:

- The Township received a technical assistance grant from Smart Growth America. Under this grant the Township will receive a workshop on planning for economic and fiscal health from smart growth experts.
- This workshop has been scheduled for Thursday evening May 17 with a daylong workshop scheduled for Friday May 18.
- Byram was one of 15 winners of this grant, out of 90 applicants nationwide. This workshop is an important opportunity for the Township to address the economic development and fiscal policy issues of our Village Center development and redevelopment.
- A memorandum has been set to Township committees to determine who from each group will commit to attending.
- The Council may want to invite key members from the community (i.e. Business Leaders, property owners, etc.). If the council provides a list then we can send invites to workshops.
- The Council discussed this and the Clerk will pass the information onto Margaret McGarrity who is the handling the coordination of this workshop.

Affordable Housing/Municipal Trust Fund Dollars

- The Department of Community Affairs has reported there is approximately \$174 million dollars in local municipal trust funds that must be committed by July 17, 2012 or risk forfeiture to the State.
- This is the result of PL 2008. C46, signed by Governor Corzine in July 2008.
- COAH was to promulgate regulations regarding the establishment, administration and enforcement of the expenditure of affordable housing development fees by municipalities.
- All fees were to be committed for expenditure within four years from the date of collection.
- COAH has not defined regulation for the standard of commitment and expenditure as required in the legislation.
- COAH’s 2008 ‘third round’ regulations were set aside by the Court and the challenged third round regulations are still awaiting argument in the State Supreme Court.
- There is pending legislation which is supported by the NJLM that will help provide some legislative relief.

- In June 2010 the Township submitted a spending plan with our re-petition for substantive certification of the Township’s Housing Element and Fair Share Plan. Our petition has been acknowledged as complete by COAH.
- The Township has \$63,716.61 in the Trust Fund as of December 31, 2011. It appears approximately \$14,000 is at risk July.

Attorney Tom Collins agrees that the Council should pass this resolution supporting extending the time period. Motion by Councilman Olson, second by Councilwoman Raffay to adopt Resolution 62-2012.

Resolution 62-2012 – Resolution Supporting A-2717 Extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Baseball Volunteer Projects:

- Chapter 182 - Parks and Recreation Areas of the Township Code was amended in 2009 to allow certain activities to occur in the Township’s parks with the express written authorization of the Township Manager and Township Council.
 - In past Mayor and Council has made a simple motion to support applications.
 - A New York contractor that is supporting the installation of the project agrees to indemnify, and if requested by Byram Township, defend, Byram Township and its employees and agents against all claims made by any person for injuries or damages that maybe caused or sustained by the participating business entity, or any employee, agent, contractor, member, or volunteer thereof, during the course or as a result of, maintaining, operating or improving a park. This can be done by having all volunteers and the principals of any contractors sign the enclosed “Donation of Time and/or Labor Hold Harmless Release Form”.

The Council members were in favor of these improvements. Carlos Luaces stated that it is a great thing that residents volunteer to do projects and pay for the materials. It goes a long way to better our town. Motion by Councilman Luaces, second by Councilwoman Kash to adopt the resolution.

Resolution 63-2012 - Resolution of Acceptance of donation from the Hobb Engler Little League to the Township of Byram for the Materials and Labor for Painting of the dugouts and foul poles located on the fields at CO Johnson Park

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

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.

No comments were made.

Motion by Councilwoman Kash, seconded 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 Councilman Luaces, to go into executive session at 9:00 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:

- **Anticipated/Pending Litigation** – Roseff et al vs. Byram Township et al
- **Attorney Client Privilege Information**
- **Personnel 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 3, 2012.

Doris Flynn, Municipal Clerk

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	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 Raffay to return to open session at 9:35 p.m. All members were in favor. Motion Carried.

OTHER BUSINESS

Motion by Councilman Olson, second by Councilwoman Raffay to authorize Attorney Tom Collins and his firm to defend litigation with Joe Sabatini’s support and the Township Auditor’s assistance to the extent necessary.

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ADJOURN

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 9:36 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor