

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 19, 2011

CALL MEETING TO ORDER

Mayor Oscovitch called the meeting to order at 7:30 p.m.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meeting Act, NJSA 10:4-6.

ROLL CALL

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

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

APPROVAL OF AGENDA –Councilman Thompson asked to remove Resolution No. 47-2011 from the consent agenda so that it can be discussed. Motion by Councilman Olson, seconded by Councilman Rafferty to approve the agenda with the removal of Resolution No. 47-2011 from the consent agenda. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Township Manager

Municipal Offices Closed:

- Municipal Offices are closed Friday, April 22 to observe Good Friday.

Mansfield Bik Path:

- Received report (4/18) that the bike path washed out again.
- The Manager had the Township’s Superintendent of Public Works investigate and it appears due to the work that is being done to restore the cutoff drainage was diverted bypassing the drainage system installed by the Township. The Manager called the Regional Manager of NJ Transit and he will continue to follow with the expectation that the bike path will get restored.

RSS (Really Simple Syndication) Feeds:

- The Township’s RSS feeds have been established for News and Noteworthy, Council Agendas and Planning Board Agendas.
- RSS feeds are a format for content distribution that allows a user to get automatic updates from web sites whenever new content is published.
- The feed acts like a personal web reader by checking your selected sites regularly for new content.
- You can go to the Township’s website under News and Noteworthy, Council Meetings and Planning Board Meetings and click on the orange icon to register. We are working on making the link for RSS Feed’s registration to be more intuitive.

School Election:

- The School Election date has changed this year. It will be on the 4th Wednesday of April (4/27) from 2 p.m. to 9 p.m.

County-Wide Drug Disposal Day:

- The County is Sponsoring a County-Wide Drug Disposal Day - Saturday, April 30, 2011 10 a.m. – 2 p.m.

1. You can bring expired/unwanted prescription and over-the-counter medications to one of the many sites throughout the county for safe disposal. The closest location to Byram Township is the **Andover**

Township: Andover Police Station

Tire Recycling Days – May 11, 14, 18 and 21

Councilman Scott Olson

- The Environmental Commission (EC) completed a stream clean up along Lubbers Run and Mansfield Bike Path on Saturday, April 16.
- The next EC meeting is on April 28st at 7:30 p.m. at Town Hall.
- The EC will be holding Arbor Day Celebration on April 30th honoring June Dobson and Chris Hellwig at 10 a.m. A tree will be planted in each of their names.
- On April 11 there was a meeting at town hall held by the EPA regarding the Mansfield Trail superfund site. The EPA established a rough time line of how long it was going to take to do both the removal and remediation of the site. They will start working on the removal of the contaminated materials first. The remediation could take up to five years. The EPA will work to establish a community advisory group. Another meeting should take place next month.

- Michele Reese is attending the Musconetcong River Management Council meeting tonight.
- Attended Sussex County solar meeting on April 6 with Marie Raffay, which was about looking into solar installations on township properties. The County discussed a Power Purchase Agreement (PPA) joint shared service with Morris County Utilities Authority. The installation and equipment is free and the municipality would get a discounted rate on the electricity that is generated. The savings depends on the condition of the buildings and some of the issues that have been done to actually set up the solar.
- The Open Space Committee met on April 11. The committee is working on a Forest Stewardship Management Plan.
- There is a tree planting taking place on May 7 at 9 a.m. on the Cranberry Overlook parcel.

Councilman Thompson

- Brian was approached by a person at his home asking if he would like his driveway paved for about half the cost. After checking this company out, he found out the company did not have an address and the company was not registered with the State. He stated that everyone should make sure that whoever they hire to do work is registered with the State—it is the law. This protects the consumer. In order for a company to register with the State, they must have insurance. You can go on the Division of Community Affairs' website and check to see if a company is listed.

Councilwoman Raffay Planning Board

- The next meeting is April 7 at 8pm. The application for a CVS at the Barone's property is on the agenda.

Waterloo Village

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

Solar Project

- Attended a presentation by the county on a county sponsored solar project that would allow a certain amount of projects to be built. The towns or schools that are able to take part in the county-wide proposal will be able to take part in more cost savings for the districts and municipalities through a cooperative approach.

Town Camping

- The town camping outing is on May 20. There is information on the website under Parks & Rec and Events. There are a limited number of tents available for families to borrow that may not own a tent. We are going to be camping on the field behind Jones Lane off of Route 206, north of Tamarack Road. The cost will be \$8 per person and that covers breakfast, s'mores, and activities.

Green Team

- The next meeting is April 26 at 8 p.m. at town hall.

Councilman Rafferty

There is a Recreation Committee meeting on April 20th at 7:30 p.m. at town hall.

Mayor Jim Oscovitch

The Mayor announced that Byram Township won the NJ Futures award for Smart Growth and Economic Development on the Highlands Center. This is great recognition for the Township. There will be an awards banquet on June 9th.

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

Bill Amberg, 58 Fieldstone Trail, had a last minute request to put an item on the agenda. He would like to have a discussion with the Council regarding an opportunity that the soccer club has to help the Township restore certain areas of Field 6 at CO Johnson. Someone in the community who works for a landscaping company would do the work at no charge with the Soccer Club purchasing the materials. The club would like to put sod down in the goal post area (approximately 1500 square feet).

The Mayor asked DPW Superintendent Adolf Steyh to comment. Adolf stated that he cannot guarantee that the fields will be watered on a specific schedule with the staff that he has. The department will be getting all the fields ready over the next two weeks and he has drainage issues to take care of and repairs to do on the roads. Adolf discussed other issues that could arise.

Joe Sabatini stated that Adolf and his staff works hard. The sport organizations in town are now going 365 days per year and it creates a challenge for us. The Township does not have enough fields for the community. This has been an exceptional year because of the weather.

The Manager expressed concerns from a financial standpoint about the maintenance of sod and also about the liability if the sod fails.

The Mayor asked Bill Amberg what the time frame was. Bill Amberg stated that he would like to do this in 2 weeks. The Mayor would like more time to look into the plan presented to the Council today. The Council decided to table this discussion until next meeting.

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

APPROVAL OF MINUTES

April 5, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by 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					

April 5, 2011 Executive Session Minutes - Motion by Councilman Thompson, 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					

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 Councilman Rafferty, second by Councilwoman Raffay, to approve the consent agenda.

- A. Resolution No. 44-2011 – Support of A-3412 Sharing the Burden of Property Assessment Appeal Refunds
- B. Resolution No. 45-2011 – Tonnage Grant Application Resolution
- C. Resolution No. 46-2011 – Tax Sale Certificate Redemptions - #2010-021 & #08-030
- D. Resolution No. 48-2011 – PSA for Forest Stewardship Work on Open Space Parcels by Far Forestry Services, LLC not to exceed \$4,600.00
- E. Proclamation – Relay for Life of Sussex County

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					

Resolution No. 47-2011 – Support of a New Jersey Statewide Ban on Natural Gas Development Involving Hydraulic Fracturing – Motion by Councilman Olson, second by Councilwoman Raffay.

Councilman Thompson stated that he has not had a chance to do any research on this topic. He would like to have time to review. He does not understand why the Council would be getting involved in this. Councilman Rafferty shared Councilman Thompson’s concerns and would like more information before he voted on this.

Councilman Olson stated that the reason why this resolution was on the agenda is because the Delaware River Management Council asked us to do so. We are part of the Delaware River Watershed Basin, and they have asked all the municipalities within the basin to consider doing this. Scott Olson stated that NY Times had done a few articles on it and he can forward the Council some additional information.

This will be added to the next agenda. Councilman Olson and Councilwoman Raffay rescinded their motion.

BILL LIST OF APRIL 19, 2011 - Motion by Councilman Rafferty second by Councilman Thompson to approve the bills. Councilman Thompson recused from 6980, 7031, and 7209.

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

Ordinance 4-2011 – 2nd reading/Public Hearing

BE IT RESOLVED that Ordinance entitled “**Ordinance to Authorize a Capital Expenditure for Improvement to Roseville Road Phase II and to Provide Funding in the Amount of \$240,000**” be read by title on 2nd reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Raffay to adopt the ordinance and open up to the public for a hearing. All members were in favor. Motion carried.

Carlos Luaces, 7 Johnson Blvd, expressed his concerns about paving this year. Oil escalation for AC oil and also for diesel fuel for the actual construction is in effect if it is over 1,000 tons. This year AC oil is high and the law now mandates that the AC index has to hold at the time when the project is being bid and then anything going up or down in the price of oil has to be covered as far as escalation. For that reason, he doesn’t know if this year is a good time to do a paving project.

Joe Sabatini stated that this ordinance is to appropriate the funds that were previously budgeted for. One of the projects that we are doing this summer was held over from last year and the project must be done this summer or we would lose the NJDOT grant. We were awarded \$165,000 for this current project from the NJDOT. Our engineer felt that if we went out to bid for the both jobs at the same time, we would get a better rate. Joe will address this concern with our engineer.

Bill Amberg, 58 Fieldstone Trail, asked why we are not paving to the end of Roseville Road. Joe Sabatini stated that the paving of Roseville Road has been broken down to about five Phases because of the high cost.

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

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					

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.

ITEMS FOR DISCUSSION

- **Consideration of Strategic Planning Meeting for municipal complex building improvements** – Joe has met with the subcommittee of the Council, Marie Raffay and Scott Olson, to talk about solar projects. This has led to many questions about the condition of our buildings, and Joe felt the Council should discuss the municipal complex building and possible capital improvements. The Council agreed to have a preliminary discussion at the May 3rd meeting. The Council would need to introduce a bond ordinance by the second meeting in May if they are considering doing any capital improvements this year. The Council also agreed to have an in-depth discussion at a special meeting starting at 6:30 p.m. on May 31, 2011.
- **Consolidated School** – Joe Sabatini wanted to discuss the future of this building. At a meeting in the fall, the Council decided to remove the oil tank in the spring and put the building up for auction. Joe has received two inquiries from non-profit organizations who are looking for space. Joe does not think these organizations are in any position to enter into a lease for a significant amount of space. Scott Olson would like to move forward with removing the oil tank. We also should move forward with auctioning the building. The civic center is one of the buildings that will be assessed for solar. The Council will discuss this further on May 31, 2011.
- **State Aid**
 - League of Municipalities is requesting support from municipalities to encourage the Governor to introduce and the Legislature to adopt a FY 2012 State Budget that provides for the full statutory distribution of Energy Tax and CMPTRA revenue replacement funding, and to honor the applicable State statutes.
 - The NJ League of Municipalities is requesting:
 - o The Mayor and Council are being asked to sign letter supporting efforts to convince State policy makers to comply with the statutes requiring annual inflationary adjustments and full annual distribution of Energy Tax and CMPTRA revenue replacement funding.
 - o Adopt sample resolution to end State diversion of municipal revenues and demand compliance with state laws.
 - The Manager prepared an excel spreadsheet that calculates the Township’s annual and 10-year aggregate losses of Energy Tax and CMPTRA – the calculation shows that Byram loss \$1,816,255.

Resolution 49 – 2011 to End State Diversion of Municipal Revenues and Demand Compliance with State Laws.

Motion by Councilman Olson, second by Councilman Rafferty, to approve this resolution and authorize the Mayor to sign the NJSLOM statement.

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					

- **Start Time of Township Council Meetings** – Motion by Councilman Olson, second by Councilman Thompson to move the start time of our Council meetings to 7:00 p.m.

Resolution 50-2011 – Amend Start Time of the Scheduled Regular Meetings of the Byram Township Council from 05/03-11 until 06/30/11 and Modify the Reorganization Resolution Accordingly

COUNCIL MEMBER	COUNCILMAN OLSON					COUNCILMAN THOMPSON						
	Motion	2nd	Yes	No	Abstain	Absent	Motion	2nd	Yes	No	Abstain	Absent
	X											
			X				X					
		X					X					
								X				
									X			
										X		

PUBLIC PARTICIPATION II

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

Barbara McCoughlin, said a belated thank you to Joe Sabatini, Adolf and his department for the work that was done in getting 34 Belton taken down and the property cleaned up.

Skip Danielson, 18 Hunters Lane, asked about tree cutting on the Wild West City property. He asked if there was a forestry plan being followed. He asked if the township could look into it. Skip suggested giving the Consolidated school back to the prior owners so that the township doesn't have to pay the upkeep. Scott Olson stated that the Council did address this last year with Tom Collins.

Motion by Councilman Olson, second by Councilman Rafferty to close to the public at 9:07 p.m.. All members were in favor. Motion Carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Raffay, to go into executive session at 9:08 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:

- Attorney Client Privilege Communication
 1. Stanhope Sewer Gallonage
 2. Open Space Acquisition
 3. FEMA Grant/Fire Department

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 19, 2011.

Doris Flynn, Municipal Clerk

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

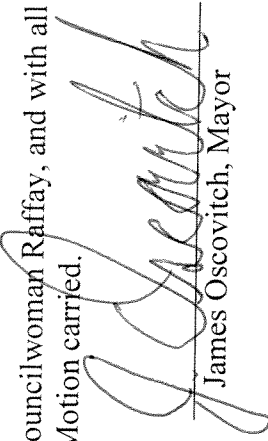
RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 9:45 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 9:45 p.m. Motion carried.



Doris Flynn, RMC



James Oscovitch, Mayor