

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 5, 2011

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.

ROLL CALL

Mayor Oscovitch, here; Councilwoman Raffay, here; Councilman Rafferty, here; Councilman Thompson, late (7:05); Councilman Olson, 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 Raffay, to go into executive session at 7:00 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:

- Pending/Ongoing Litigation
 - a. PBA Disciplinary Matter
- Attorney Client Privilege Communication – Fire Department
 - a. Open Public Meetings Act (OPMA)
- Contract Negotiations – PBA Leave Agreement/Court

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 5, 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
No					
Abstain					
Absent				X	

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

CALL REGULAR SESSION COUNCIL MEETING TO ORDER – Mayor Oscovitch called the meeting to order at 7:31 p.m.

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

APPROVAL OF AGENDA –Motion by Councilman Olson, seconded by Councilman Rafferty to approve the agenda with the addition of a closed session at the end of the meeting

and moving the 2011 Budget hearing before Township Reports. All members were in favor. Motion carried.

APPROVAL OF APPLICATION FOR MEMBERSHIP TO FIRE DEPARTMENT – Motion by Councilman Olson, second by Councilwoman Raffay to accept the application of David Pero to be a member of the Fire Department. All Members were in favor. Motion carried.

2011 BUDGET – Public Hearing

As an introduction to the public hearing, Township Manager Joe Sabatini read his 2011 Municipal Budget Message.

Ray Sarinelli said that the State has reviewed Byram’s budget and has approved it to move forward for adoption.

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

Harvey Roseff, 33 Sleepy Hollow Road, stated that there was a \$2 million surplus coming into budget, and noted that we are using \$1.2 million in this budget. He asked if we regenerate surplus every year. The Manager stated that we hope to regenerate it, but it isn’t a guarantee. Mr. Roseff asked why the pension payment was so much higher this year. Mr. Sabatini stated that the State provides us the pension numbers. It is a complex calculation based on the first quarter 2 years ago. Township Auditor Ray Sarenelli explained it in more detail. Harvey Roseff asked Joe Sabatini about the Early Retirement Reinsurance Program. Joe Sabatini stated that Byram Township belongs to the North Jersey Health Insurance Fund and the fund has put an application in on behalf of the fund. Joe has been told that the application was approved but an amount and policy/procedure has not been shared with the members of the fund. This is a federally funded program.

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

RESOLUTION NO. 42 – 2011 - Resolution of Adoption of 2011 Municipal Budget
 Motion by Councilman Olson, second by Councilman Rafferty to adopt the 2011 Municipal Budget.

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

Councilman Olson along with all the other members of the Council thanked Joe Sabatini and his staff for all their efforts.

TOWNSHIP REPORTS

Township Manager

Rabies Clinic: The Byram Township Rabies Clinic was held on Saturday April 2, 2011 and ran from 9 a.m. to 12 noon. During that time, 174 dogs and 40 cats were vaccinated. The Manager thanked Dr. Carlos of the Byram Animal Hospital for volunteering his time and administering the rabies vaccinations. The following were the list of volunteers: Don Bourroughs (DPW), Ruth Rhodes (BOH), Greg Rhodes, John Cubberly (BOH), Tony Ansaldi (BOH), Brian Thompson (Council) and Tracy Colangelo. We also had 3 high school student volunteers: Ashley Sepe-May, Nick Sabatini, and Mark Fortuni. Cheryl White and Cindy Church worked in the office accepting dog license applications.

Mailing of 2nd quarter tax bills / Homestead Rebates:

- The Week of March 21, The Township’s Tax Collector mailed adjusted 2nd quarter tax bills to homeowners who qualified for the State of New Jersey Homestead Rebate. (Please see LFN #2011-6).

- The township will be receiving \$263,363.24 for a total of 965 parcels on May 1, 2011.
- Township will only be reimbursed at 60¢ per line item, for a total of \$579.00. This reimbursement amount covers the costs of postage, forms and printing, and envelopes. This, however, does not cover the Township's labor expenses. This reimbursement will be received on or before May 1st.

GARBAGE ROUTE CHANGES TOOK EFFECT APRIL 5, 2011: Town-wide one day a week pick up on Tuesdays.

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.

U. S. EPA TO HOLD PUBLIC INFORMATION SESSION

- The U.S. Environmental Protection Agency (EPA) will hold an Information Session to inform residents, local officials and other interested parties about the next steps EPA will take to further the investigation of the Mansfield Trail Dump Site (site) that was recently added to the SUPERFUND NATIONAL PRIORITIES LIST
- The meeting is scheduled for Monday, April 11, 2011 - 6:30 p.m., at 10 Mansfield Drive.

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. 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**

Raffle Licenses and Procedures:

- The Township Clerk will be organizing an informational meeting during the evening hours within the next couple of months with a representative from the Legalized Games of Chance Control Commission to discuss the process of obtaining raffle licenses as well as enlighten organizations on the many different opportunities for fundraising.

Meeting with Highlands Council:

- The Township Manager and Clerk met with representatives of the Highland's Council on Friday, April to discuss Byram Township's Plan Conformance.
- Focus of the meeting was finalizing and adopting the ERI (Environmental Resource Inventory) and to address concerns regarding Byram's Waste Water Management Plan. Joe Sabatini requested that the Highlands Council attend the May 19th Planning Board meeting, which is when the ERI will be discussed.

Councilman Scott Olson

- Attended the 15th Annual NJ Land Conservation Rally on March 19 at Brookdale Community College in Lincroft, NJ. And participated in 3 seminars:
 - 1) Local Tax Impact: Conservation versus Commerce presented by Ralph Siegel, Executive Director of the Garden State Preservation Trust and Tim Evans of NJ Future, covering property tax changes in comparing development to preservation strategies, including a study by NJ Future called "Chasing Their Tails" on the fallacy of the ratables chase.
 - 2) Conservation Partnerships: Regional Planning Entities and the Conservation Community presented by Eileen Swan, Ex. Director NJ Highlands Council, Candy Ashmun, Chair of the Pinelands Planning Council, and Michael Cattania of Conservation Resources. Covered the use of assistance from regional entities in land preservation and land use issues. Amazingly, they used Byram as the "role model" for planning and preservation policy for a part of the presentation, including the Highlands Council's "fly-over" PowerPoint.
 - 3) Playing by the Rules: Stewardship of Green Acres-Encumbered Parklands and Tax-Exempt Properties, presented by Judeth Yeany and Larry Fink of the NJDEP Green Acres Program. A great overview of responsibility and limitations to use of parklands acquired with Green Acres funding, also covering recent legal challenges and rules changes.

- Met with Ralph Siegel of GSPT and get brought up to speed on the state of Green Acres funding being held by the Governor's office, as well as efforts to seek a stable, dedicated source of permanent funding
- Scott Olson participated in the Route 206 meetings and attended an additional meeting with the NJDOT and Adolf Steyh, Ray Rafferty and Joe Sabatini. They thoroughly reviewed the Route 206 plan and Byram officials will be proposing a new draft jurisdictional agreement.
- Scott Olson will be attending the April 6th Sussex County Solar meeting.
- The next EC meeting is on April 21st at 7:30 p.m. at Town Hall.
- Arbor Day Celebration on April 30th honoring June Dobson and Chris Hellwig. A tree will be planted in each of their names.
- April 11 EPA Mansfield Trail superfund site meeting at 6:30 at town hall.
- On April 16th there is a Lubbers Run Mansfield Trail Clean Up from 10 a.m. to noon.

Councilman Thompson

- The next Board of Health meeting is on April 26. Brian Thompson thanked everyone for helping out at the rabies clinic.

Councilwoman Raffay Planning Board

- At the last planning board meeting, the planning board discussed the Environmental Resource Inventory (ERI). The ERI is part of the Highlands Module 4 and is an up to date snapshot of the current environmental data in Byram. The planning board decided to carry the adoption of the ERI until some details could be worked out. Namely, they directed the town planner to discuss some language contained in the document with the Highlands council as well as to check with the Highlands Council on some mapping issues in which adjacent non-Highlands towns have activities that impact Byram resources. The ERI is being put on the agenda for May 19.
- The next meeting is April 7 at 8pm.

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

Pack 276 Blue and Gold - Attended the Blue and Gold ceremony for Byram Cub Scout Pack 276 and extended congratulations to all of the boys for achieving new ranks.

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

- During the Green Team's monthly March meeting, we discussed future activities to work toward Sustainable Jersey certification. We discussed arranging for a model solar car building competition to take place in the Intermediate school and some town activities to increase residents' awareness of how to help create a sustainable environment in Byram and reap the benefits of lower costs to taxpayers and households.
- The next meeting is April 26. If anyone has any ideas to help with the sustainability of Byram, we would love to hear about it.

Complete Streets - Councilman Olson, Planning Board Chairman George Shivas, Margaret McGarrity and Marie Raffay attended a presentation on complete streets offered by the Sussex County in conjunction with the Warren and Morris Counties, NJDOT, the YMCA, and the RBA Group. They presented ways to make streets more attractive with the use of sidewalks, plantings and traffic calming features. We were shown some case studies of improvements in the immediate area that used simple additions to roadways to make them more walkable and human scale.

Councilman Rafferty

Attended two meetings recently regarding Route 206 improvements:

1. Met with the State representatives to discuss the jurisdictional agreement and what Byram Township will be responsible to maintain.
2. Met with the RBA Group regarding Context Sensitive Design which was a very productive meeting.

Mayor Jim Oscovitch

1. March 20th - Attended the Blue and Gold Dinner and Arrow of Light Ceremony for Cub Scout Pack 276. It was a great event--7 scouts received their Arrow of Light this year.

2. March 22nd - Met with Dr. Straus, Teresa Linskey, Jackie Cinotti, John Garrity and Kim Dashisan from the Byram BOE with Joe Sabatini and Scott Olson to go over the school budget.
3. March 26th – Attended the Installation Dinner for the Byram Township Fire Department. It was held at the Cranberry Lake fire house. The Mayor thanked the Byram Fire Dept. for a great night and wished the new officers the best of luck during their term of office.
4. March 31st – Attended the Sussex County Chamber of Commerce “Quality in Business, Quality in Living” Awards dinner. Friends of Waterloo Village were nominated for the Volunteer Award.
5. April 5th – Met with NJ Future Trustee Anthony Perno. Byram is a semi finalist for the NJ Future 2011 Smart Growth award. Also in attendance were Eileen Swan and Scott Olson.
6. On April 30th (Arbor Day) we will be planting two trees. One in honor of June Dobson, donated by the Byram Historical Society, which will be planted near the School House, and one for Chris Hellwig which was donated in his honor by the individuals of the Highlands Council. Chris’s tree will be planted near the tennis courts.

Greg Matthews – Fire Department – The Chief stated that the Department has had some computer problems and he was not able to get the monthly report to the Council. Greg Matthews stated they are going to have a fire prevention section in the Township Journal to educate people in the hopes of preventing fires like the one that happened last weekend on Stonehedge Lane.

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

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

2011 JUNKYARD RENEWAL LICENSES

- North Jersey Auto Wreckers – Consideration of Resolution No. 40 – 2011- Resolution Granting North Jersey Auto Wreckers, Inc. a License for 2011 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code. Motion by Councilman Rafferty, second by Councilman Olson, to adopt the resolution.

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					

- Raimos of Stanhope, Inc. – Consideration of Resolution No. 41 – 2011 - Resolution Granting Raimos of Stanhope, Inc. a License for 2011 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code. Motion by Councilman Rafferty, second by Councilman Thompson, to adopt the resolution.

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

APPROVAL OF MINUTES

March 15, 2011 Regular Meeting Minutes – Motion by Councilwoman Raffay, second by Councilman Olson, to approve the minutes with a minor correction on Page 5.

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

March 15, 2011 Executive Session Minutes - Motion by Councilman Olson, second by Councilman Thompson to approve the minutes.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	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 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 Councilman Rafferty, to approve the consent agenda.

- A. Resolution No. 43 -2011 – Refund of 2011 Taxes – Blk. 305/Lot 2265
- B. Proclamation – 40th Anniversary of the Byram Township Police Department

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

BILL LIST OF APRIL 5, 2011 - Motion by Councilman Olson second by Councilman Rafferty to approve the bills. Councilman Rafferty recused from 7579, Councilman Thompson recused from 7351, Councilman Olson recused from 7525 and Councilwoman Raffay recused from 7189.

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					

Ordinance 3-2011 – 1st reading/introduction

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 first reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Raffay to introduce the ordinance. All members were in favor. Motion carried.

Joe Sabatini summarized the purpose of this ordinance.

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					

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 April 19, 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

- **Support of Francisco Farm Preservation – Andover Boro** – Cathy Hake attended the Byram Open Space meeting in February. This was the property that was going to be developed into a 500 home subdivision. The Open Space Committee was in favor of sending a letter of support. The Environmental Commission is urging the Town Council to send a letter of support, which was drafted for tonight’s meeting. The development of this land would have tripled the size of Andover Boro. They are looking for funding as well as support. Motion by Councilman Olson, second by Councilwoman Raffay, to send letter of support to be signed by the Mayor. All members were in favor. Motion carried.
- **Improvements to C.O. Johnson Fieldhouse and C.O. Johnson Dugouts by Hobb Engler Volunteers** – Shawn Armstrong, President of Hobb Engler Little League, has requested permission to allow volunteers to do these two projects at no cost to the Township. The hold harmless agreements will be submitted to the Township. Motion by Councilman Thompson, second by Councilman Rafferty to approve the improvements to be done by Hobb Engler volunteers. All members were in favor. Motion carried.

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, 18 Hunters Lane, stated that the Council did a great job on the budget and he thanked the Council for the proclamation.

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 Rafferty, second by Councilman Thompson, to go into executive session at 9:02 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:

- Contract Negotiations – Court
- Anticipated/Pending Litigation – PBA Disciplinary Update
- Attorney Client Privilege Communication – 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 5, 2011.

Doris Flynn, Municipal Clerk

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

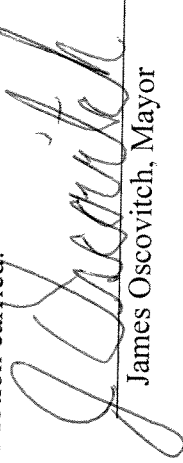
RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 9:45 p.m. All members were in favor. Motion Carried.

The Mayor and Council discussed the letter the Mayor received from the Governor asking for support of his plan to reform the broken system of pensions and benefits. The Council decided not to take any action at this time.

ADJOURN

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 9:58 p.m. Motion carried.


Doris Flynn, RMC


James Oscovitch, Mayor