

BYRAM TOWNSHIP COUNCIL MEETING - MAY 6, 2014

CALL MEETING TO ORDER

Deputy Mayor Raffay 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, absent. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

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
- c. Anticipated/Pending Litigation – Update
- d. Personnel – CFO/CTC positions

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 May 6, 2014.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 Councilwoman Kash to return to open session at 7:33 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 with the addition of Resolution 70-2014 and 71-2014 as presented. All members were in favor. Motion carried.

SPECIAL RECOGNITION AND PROCLAMATION – **Byram Teacher Patty Poff and Class – Promoting Recycling** – Patty Poff and approximately 12 students accompanied by their parents were present. Patty Poff explained the student’s roll in the recycling program. The students are a part of the YMCA after school program. The students pick up all the recyclables in the school on Monday, Wednesday and Friday and bring them to the recycling area. The students took this job very seriously and did a tremendous job.

Deputy Mayor Raffay read the proclamation and presented a signed one to each of the students.

Patty Poff thanked the Mayor, Council and Manager for all the support. Patty has been working very closely with Environmental Commission, Margaret McGarrity and Cindy Church and couldn't have had successful programs without the help of everyone.

TOWNSHIP REPORTS

Manager's Report

- **Route 206:** A meeting is scheduled for tomorrow with NJDOT to discuss status of project and plan for completion.
- **UST Contamination at NJDOT Garage:**
 - Received response from NJDOT to the Township's letter regarding the UST contamination at the NJDOT Garage.
 - It was reported that only one sample out fourteen collected, show a level of total petroleum hydrocarbons that was in excess of the unrestricted use criteria.
 - It was reported in the letter the NJDOT takes several factors into consideration when address a broad range of contamination issues across the state.
 - Two factors are funding and threat to public health.
 - At the concentration reported, it was and is not anticipated that the contamination at the Stanhope facility would have migrated off-site or propose a threat to the adjacent homes and businesses.
 - A Licensed Site Remediation will be conducted and a site re-evaluation that will be
- **Board of Health Records** – Staff met with Records Manager Dan Freed from Sussex County regarding possibly merging Byram's BOH records with the County, so that we would have on-line access to all Health Department records. The County can provide this service at no cost to the Township. This is a good project for Byram.
- **NJDOT Municipal Grant Aid** – Byram applied for a grant for Amity Road, but unfortunately this year we will not get any funding. Byram has received a NJDOT grant for road improvements for the past seven years. We will reapply next year and hopefully we will get it.

Councilman Olson

- Participated on a conference call with the Township Manager regarding the capital budget on May 17. The Council will discuss this further in June.
- On April 21, we had a start up meeting with Eileen Swan of the NJ Conservation regarding the easement monitoring program. An intern has been working at Byram for 3 weeks.
- Attended the May 3rd tree dedication for Peg Swentzel. It was a
- There will be a joint meeting with the Council and EDAC on May 8 at 7:30 p.m.
- The Board of Health and Environmental Commission will be working together to build a synergy between both boards.

Councilwoman Raffay

- The next Planning Board meeting will be May 15.
- Attended a meeting at Waterloo Village today held by the 24th district. Lt. Governor Guadagno was the guest speaker. The Lt. Governor offered information on what her office could do to help towns with regard to economic development.
- LVR Board of Education meeting passed their budget. There will be an average increase of \$54 for Byram homeowners.

David Gray

- The Environmental Commission met on April 24 and had a good meeting with a lot of public.
- The Environmental Commission planted a tree one year ago in memory of Peg Swentzel and this year presented a plaque on May 3 at 11 a.m. It was part of an Arbor Day event. Patty Poff has done a great job in organizing the Arbor Day event.
- The Environmental Commission looking at a Soil Importation ordinance and talked about the conservation easement monitoring program. The EC is working closely with the BOH on several issues.
- Musconetcong River Watershed Association may have grant money this year. The EC would like to apply for a grant to be used for silt traps around the Lake Lackawanna area.
- Attended the Byram kindergarten orientation along with Nisha Kash. He was very impressed with the school.

Nish Kash

- Nisha participated in “Teacher for a Day” at Byram Schools and said that it was a fantastic and wonderful experience.
- Youth Guidance Council had the last dance of the year on Friday. It was not well attended by Byram but a good turn out from Stanhope and Netcong.

Attorney Tom Collins – Last week COAH met and adopted the next regulations establishing the revised 3rd round rules. Tom has been reviewing the regulations and working with Paul Gleitz and Kurt Senesky and will keep the Council informed.

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

Fran Martin, 39 Brookwood Drive, asked if the Township had a policy regarding the donation canisters located in stores. She stated that Quick Check has a canister that just says “Dollars for Diabetes” without having a tax I.D. number or any other reference to the fund-raising organization. Tom Collins said that it is up to the business owners to regulate, and it is not within the Township’s jurisdiction. David Gray referred Fran to the Division of Consumers Affairs. Scott Olson suggested questioning the store about the container.

Alex Rubenstein, 3 Partridge Run, asked why the Township is discussing the CFO/CTC position. Joe Sabatini stated that the current CFO has resigned because she has taken another position at a different town.

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

APPROVAL OF N.J. STATE FIREMEN’S APPLICATION – Donald Dolan – Although Donald Dolan has been a fireman for several years, the association did not have an application on file for him. Motion by Councilman Olson, second by Councilwoman Kash to approve Donald Dolan’s N.J. State Firemen’s Application.

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

APPROVAL OF COUNTY OF SUSSEX FINANCIAL ASSISTANCE TO LAKELAND EMERGENCY SQUAD - \$2,800.00 – Motion by Councilman Olson, second by Councilwoman Kash, to approve this donation. All members in favor. Motion carried.

APPROVAL OF MINUTES

- April 15, 2014 Regular Meeting Minutes –Motion by Councilwoman Kash second by Councilman Olson 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					
Absent					x

- April 15, 2014 Executive 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	
No					
Abstain					
Absent					x

COUNCIL APPOINTMENT - Motion by Councilman Olson, second by Councilman Gray, to appoint Bernie Rogalski to the Board of Health. He wants to give back to the community and is very excited about becoming a member.

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

PROCLAMATION – Peace Officer’s Memorial Day – May 15, 2014 – Motion by Councilman Olson, seconded by Councilwoman Kash, to adopt this proclamation. All members in favor. Motion carried.

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. 66-2014 – Resolution Authorizing the Issuance of Duplicate Tax Sale Certificates Pursuant to Chapter 99 of the Public Laws of 1997
- Resolution No. 67-2014 – 2013 Tonnage Grant Application Resolution
- Resolution No. 68-2014 – Refund of 2013 Taxes – Blk. 360/Lot 18.03
- Resolution No. 69-2014 – Authorization to Purchase the Services of Tuff Greens LLC, for an Amount not to Exceed \$20,000.00, for Removal of Storm Damage and Hazardous Trees under a CSIP Grant
- Resolution No. 70-2014 – Resolution Authorizing Refund of Developer’s Escrow Balances
- Resolution No. 71-2014 – Resolution to Authorize Byram Township Manager to Negotiate and Hire a Temporary Certified Tax Collector
- Resolution No. 72-2014 - Resolution to Authorize Byram Township Manager to Negotiate and Hire a Temporary Certified Finance Officer

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

APPROVAL OF MAY 6, 2014 BILL LIST

Motion by Councilwoman Kash, second by Councilman Gray, 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	
No					
Abstain					
Absent					x

ORDINANCE - INTRODUCTION

BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for Improvements of Various streets and Locations in and by the Township and to Provide Funding in the Amount Not to Exceed \$100,000.00**” be read by title on first reading.

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Tamarack Road and Amity Road, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

Motion by Councilman Olson, second by Councilwoman Kash to introduce the ordinance.

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

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 May 20, 2014 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.

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 Run, asked what the status was regarding the street sweeper. Joe said that it is back in operation. He asked if the residents of Partridge Run hire the Township of Byram to sweep their road. Joe will look into this. He also asked what the status was of the acceptance of the road. Tom Collins stated that we are still working with the developer.

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 Kash, to go into executive session at 8:47 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:

- a. Attorney Client Privilege Information
 - General
- b. Contract Negotiations
 - Health Benefits
- c. Anticipated/Pending Litigation – Update
- d. Personnel – CFO/CTC positions

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 May 6, 2014.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 Councilwoman Kash to return to open session at 9:30 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 9:31 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Marie Raffay, Deputy Mayor