

BYRAM TOWNSHIP COUNCIL MEETING - MAY 3, 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 Meeting Act, NJSA 10:4-6.

ROLL CALL

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

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

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

TOWNSHIP REPORTS

Township Manager

Electric Power Procurement – MRESC Contract:

- The Township became a member of the Middlesex Regional Educational Services Cooperative.
- The cooperative is the second-largest aggregation in NJ for electric power procurement.
- The Township is expecting significant savings of 20%. The current COOP contract runs through December 2011 – (40% of the price is locked, 60% is floating)

Flood Damage Prevention Ordinance:

- The Township received a letter from the NJ Department of Environmental Protection advising that the Township needs to revise our current Flood Damage Prevention Ordinance to continue participation in the National Flood Insurance Program (NFIP).
- We are required to forward a draft copy of the ordinance to the NJ DEP by May 10, 2010 for review and must enact the necessary floodplain management regulations by September 29, 2011.
- We have updated the existing ordinance using a model ordinance provided. This model contains the minimum requirements accepted by FEMA and will be sent as the Township's initial draft copy.

Electronic Waste Day:

- Sussex County Municipal Utilities Authority will be hosting an electronic waste day on Saturday, May 14 (7:00 AM to 2:00 PM).
- ON THE EVENT DATES YOU MAY BRING UP TO 5 (FIVE) ELECTRONIC ITEMS FREE OF CHARGE PER VEHICLE.

BARKS Shred Day – Saturday, May 14:

- BARKS will be holding a shred day on Saturday, May 14 from 9:00 AM to noon at the Byram Township recycling day.
- Donation is \$7.00 per box.

Councilman Scott Olson

- The EC met for an Arbor Day Celebration which was held on April 30th honoring June Dobson and Chris Hellwig. A tree was planted in each of their names. There were many people in attendance, including family members of June and Chris—it was a wonderful event.
- The next EC meeting is on May 26th at 7:30 p.m. at Town Hall.
- There will be another EPA meeting at town hall at the end of May.
- There is a tree planting taking place on May 7 at 9 a.m. to noon on the Cranberry Overlook parcel.
- The Green Team meets May 24 at 8 p.m. in the Council Conference Room.

Councilwoman Raffay

Planning Board – The next meeting is May 5 at 8pm. They are continuing to hear the application for a CVS at the Barone's property.
Waterloo Village - Looking for volunteers for the Waterloo Music Festival on May 14 and 15. Volunteers are needed! You can visit the www.waterloomusicfestival.com to get tickets. Discounts are available for people purchasing tickets early at the website.
Memorial Tree Planting - A big thank you to all those who came out on Saturday to remember our planning director, Chris Hellwig, and historical society member, June Dobson. There was a

beautiful ceremony with about 60 people who came out to remember these two individuals who were such important members of our community. We planted two service berry trees in Chris and June's honor. Marie thanked the individuals at the Highlands Council who personally donated the funds for the tree in Chris' honor.

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 Rt. 206 north of Tamarack Road. The cost will be \$8 per person and that covers breakfast, s'mores, and activities.

Green Team - The next Green Team meeting is on May 24 at 8pm.

Councilman Rafferty

Thanked the Mayor for coming to the baseball/softball opening day ceremony. The girls are very appreciative that they are included in the ceremony.

Mayor Jim Oscovitch

1. April 28th – Went to Trenton to testify in front of the Joint Senate and Assembly Environment Committee with regards to the Highlands Act and specifically our working relationship with Highlands Staff. They were all very excited about Byram winning the NJ Futures Smart Growth and Economic Development Award for our Town Center.

Met with the West Brookwood Water Company as they also honored Ryan Bongiorno.

2. April 30th – Attended opening day for Hobb Engler Little League and Lenape Blazers Softball. It was a great day, and the fields were in great shape. We received many compliments for Adolf and the DPW.
3. May 2nd – Joyce Estey from WRNJ called the Mayor and interviewed him about Byram's NJ Futures Award.
4. Tomorrow the Mayor will be visiting Centenary College for the Mayor's Book club. This is a literacy program for 1st graders. So far, our first graders have read over 2000 books. This is 1000 over their goal. Very proud of them.
5. The Mayor was very sad to report that long time Byram resident Harold Freundlich passed away on Easter weekend. Harold was a former Mayor of Byram, former business owner and long time member of the CLCC. Please keep Harold's family in your prayers.
6. Former Lake Lackawanna resident John Lee Sr. passed away today after a battle with stomach cancer. Councilman Rafferty knew Mr. Lee and his family growing up. He was a great man. Again, please keep Mr. Lee's family in your thoughts and prayers.
7. The Mayor stated, "I'd be remiss if I did not mention the killing of one of the biggest cowards in modern time, Osama Bin Laden. We will never forget how he murdered so many innocent people, just for living free. He has met his maker, there is no hope for him now."

Fire Chief Matthews reported on several fires that the Department had been involved in. He also reminded the Council that the Beefsteak fund raiser is being held on May 21st. Tickets are available.

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

Joann Smith, 57 Lake Drive, thanked the town for putting new fencing around the tennis courts, but asked if something could be done to block the open space between the bottom of the fence and the ground to stop the balls from going under. Joanne questioned the exorbitant charges for contracting the police to do traffic control at non-profit organizations such as Barks garage sale. The Mayor explained that Byram has an ordinance about this, which is going to be discussed in executive session.

John Hulse, 45 Lockwood Avenue, spoke on behalf of the police officers and said thank you for the Proclamation commemorating the 40th anniversary of the Byram Police Department. He also appreciated the Proclamation for Peace Officer's Memorial Day. John Hulse commented on the outside employment ordinance that will be discussed in closed session. He would like to see this ordinance changed because it impacts the police department's ability to negotiate with the employer and provide a service to the town. He stated that the police officers would like to provide this service at a lower rate but are not allowed to. Tom Collins stated that it was

unlikely that the ordinance would be changed. The ordinance enforces the Fair Labor Standards Act. John Hulse stated that the members would like to make a charity rate. The Manager provided some facts about the ordinance and stated this needs to be reviewed further.

Barbara McLaughlin, President of West Brookwood Association, thanked the Mayor for coming to their meeting last week. She talked to Fire Chief Matthews about putting articles in their newsletters to educate people about fire hazards.

Joanne Smith, 57 Lake Drive, asked if it would be possible for an organization such as Waterloo or Barks to hire non-township police. The Mayor stated that it could be something that could be looked at.

John Hulse, 45 Lockwood Avenue, reported that an officer who worked the BARKS event for the past two years donated a \$100 back to BARKS at the end of the event.

Leah Lowrie, 79 Tamarack Road, thanked the DPW for the awesome job they did on maintenance of the roads over the winter.

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

APPROVAL OF MINUTES

April 19, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilman Rafferty, to approve the minutes.

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

April 19, 2011 Executive Session Minutes - Motion by Councilman Olson, second by Councilman Rafferty to approve the minutes.

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

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. Mayor Oscovitch brought attention to the National Public Works Week Proclamation and complimented the DPW Department on the fabulous job that was done in getting the fields ready.

- A. Resolution No. 51-2011 – Request Approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Municipal Alliance on Alcohol and Drug Abuse Program Contributions
- B. Proclamation – National Public Works Week – May 15 – May 21, 2011
- C. Proclamation – Peace Officer’s Memorial Day – May 15, 2011/National Police Week

D. Approval of Lakeland Emergency Squad receiving Financial Assistance of \$3,500.00 from the County of Sussex for calendar year 2011

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

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 Rafferty. Scott Olson stated that he spoke to Councilman Thompson on the telephone this afternoon and he informed Scott that after researching this, he is in favor of this resolution. Councilman Rafferty is favor of the resolution but would like a paragraph about using non-toxic elements. Scott Olson added a segment about this, which was read and the motion was amended to include this additional sentence.

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

BILL LIST OF MAY 3, 2011 - Motion by Councilman Olson second by Councilman Rafferty to approve the bills. Councilman Rafferty recused from 7692, 7717; Councilwoman Rafferty recused from 7189.

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

ITEMS FOR DISCUSSION

- **Membership on Board of Health and Recreation Committee** – The Manager prepared a memo to the Council outlining the attendance/membership issues on both of these boards.

In 2007, the Recreation Committee was increased to 9 members and 2 alternates. There are 5 vacant seats on the committee now. The committee met last week and suggested that an amendment be made to the ordinance to reduce the amount of members to 7 members, with 2 alternates. They also suggested having a regular meeting every other month, with subcommittees meeting on the alternating month. Marie Rafferty asked Dan why they felt meeting every other month would be beneficial. Dan Rafferty said that it would be less demanding for all the members to meet every month and it would give the subcommittees time to work together.

The Board of Health is having the same problems. In 2010, 6 meetings were cancelled. In 2011, there was only one meeting that had full attendance. Marie Rafferty asked if there were reasons why people were not showing up, such as lack of work to do. The

Manager was not aware of any problems. Tom Collins stated that generally Boards of Health do not have a lot of business on a regular basis. Scott Olson has attended several Board of Health meetings and provided some feedback. The attorney stated that the duties of the Board of Health could be done by the Township Council. Joe Sabatini will speak to the BOH Chairman and Secretary to see if they can come up with any solutions or alternative approach.

- **Capital Planning** – The Manager stated that our 2011 Capital Program has a few projects that we would need to bond for. We would need to introduce the bond ordinance at the next meeting if we wanted to move forward with any project. At our workshop meeting on May 31st, we will be talking about our facilities. There were some concerns about our recycling center brought up in our November planning meeting. We included \$250,000 for work being done at our municipal complex, which included the fencing and cameras in the recycling center and new roof and mechanicals at one end of the municipal building. If we feel that these projects are still something we want to consider, we should move forward with the bond ordinance. Scott Olson asked how much latitude we have if we bond for the improvements and then we use it for different improvements. Dan Rafferty feels that putting money into this facility is throwing money away. He stated that we need to come up with a plan because we are losing money on this facility. Scott Olson stated that he felt that the court room portion was worth putting money into but would like to see the rest of the municipal building replaced.

Recycling Center – The Council discussed putting fencing around the recycling center with a camera system to prevent the dumping of non-recyclable items. Adolf Steyh explained how the camera system would work along with the fencing.

After a lengthy discussion, the Council authorized the Manager to move forward with the preparation of a bond ordinance for the full amount as original planned in our capital budget.

- **Proposed Amendment to Section 215-55B-Site Plan Waiver** – The Planning Board has been working on a revision to the ordinance to streamline the process and possibly reduce the expenses incurred by the applicant on a site plan waiver. The Council was in favor of this new procedure and appreciated the work that the Planning Board put in to this. The Council will move forward and introduce this ordinance amendment at the next meeting.

SPECIAL RECOGNITION – RYAN BONGIORNO

Mayor Oscovitch introduced Ryan, who is 9 years old, and asked him to explain what happened the day of the fire. He saw flames on a neighbor's deck and he told his father about it. His father called 911. Ryan's actions prevented the house from burning down.

Chief Matthews presented a plaque, hat and t-shirt. John Hulse, on behalf of the PBA, presented Ryan with a hat and t-shirt. The Mayor stated that Police Chief Rafferty could not be here this evening but sends his appreciation and thanks and gave Ryan a Police Department t-Shirt. Jim Oscovitch read the Proclamation and presented a signed copy to Ryan.

PUBLIC PARTICIPATION II

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

Donna Griff, President of Lenape Valley Kiwanis, invited the Council and residents of Byram to come to a membership drive open house at Sal's on May 12 at 6 p.m. They meet 2nd and 4th Thursdays every month. Donna shared some tips on improving meetings such as starting on time, having a clear and concise agenda, and posting minutes on line.

Leah Lowrie, 79 Tamarack Road, asked if it is a conflict of interest to be on the Environmental Commission and the Board of Health. Tom Collins said that it is not likely that it would be a conflict. She asked what were the responsibilities of the Board of Health. Joe Sabatini told Leah to call Cindy Church at Town Hall. Leah asked if we were looking into night vision cameras for the recycling center. She stated that you would need that to see the license plates.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public at 8:50 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 8:51 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 – Chapter 48-24 – Contracted Employment
- Attorney Client Privilege Communication
 - a. Stanhope Sewer Gallonage
 - b. Fire Grant

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 3, 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	

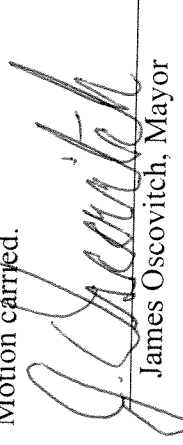
RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 9:50 p.m. All members were in favor. Motion Carried.

Mayor Oscovitch announced that the NJ Future Awards Night is June 9th, 5:30 p.m. – 8:00 p.m. at the Newark Club. Byram has received 4 complimentary tickets. The Mayor did not attend the Mayor’s conference this year which is a savings of approximately \$500 and he asked the Council and Manager if they would be in agreement to buy 5 additional tickets so that more people could attend. The Council discussed it and decided to ask the entire Planning Board if they would like to attend as well as the Council. The Planning Board should RSVP to Doris Flynn by next Friday in order for arrangements to be made.

ADJOURN

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:00 p.m. Motion carried.


Doris Flynn, RMC


James Oscovitch, Mayor