

**BYRAM TOWNSHIP COUNCIL MEETING - JUNE 16, 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, absent; Mayor Oscovitch, absent. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present. Mayor Oscovitch was called out of town on business and Nisha Kash had a family emergency.

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Olson, second by Councilman Gray, 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
  - Shared Services
  - Open Space Acquisition – Blk. 337/Lot 9.01
- c. Personnel – CFO/CTC
- d. Anticipated/Pending Litigation – Murray Update

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 June 16, 2014.

Doris Flynn, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilman Gray 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 Councilman Gray, to approve the agenda.

**TOWNSHIP REPORTS**

**Manager’s Report**

- Joe Sabatini reported on the tragic loss of one of Byram Township’s part-time employees of the Finance Department.

**Councilman Olson**

- The Open Space Committee met on June 9 and discussed several potential purchases.

- The Board of Health will be having a joint meeting with the Environmental Commission on June 26 at 7:30 p.m.
- Met with the Eileen Swan of NJ Conservation Foundation regarding the easement project. It is moving along quite well. Several of the Environmental Commission members are helping out.
- On June 12<sup>th</sup>, Scott met with Joe Sabatini and some members of the Highlands staff regarding a stormwater mapping project that the Highlands would like to do in Byram.
- The EDAC committee met on June 12, and had a great discussion in preparation of the June 23<sup>rd</sup> meeting with Byram business owners.

**Councilwoman Raffay**

- The Planning Board meeting of June 19<sup>th</sup> has been cancelled. The next meeting will be July 17 at 8 p.m. and the Highlands Element to the Master Plan will be discussed.
- Sussex County Transit has a citizen’s advisory group, that will be meeting tomorrow at the Freeholder’s room at 12 noon.

**David Gray** – The Environmental Commission will meet on June 26 at 7:30 p.m.

**PUBLIC PARTICIPATION I** –Motion by Councilman Olson, second by Councilman Gray to open to the public. All members were in favor. Motion carried. No comments were made.

Earl Riley, 5 Louis Drive, asked a question about the bond ordinance and what fire house it was pertaining to that was removed from the agenda. The bond ordinance outlined some work that needed to be done at Lee Hill Safety Building.

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

**APPROVAL OF MINUTES**

- June 2, 2014 Regular Meeting Minutes –Motion by Councilman Olson second by Councilman Gray to adopt the minutes as presented.

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

- June 2, 2014 Executive Meeting Minutes –Motion by Councilman Olson second by Councilman Gray to adopt the minutes as presented.

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

**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 Councilman Gray, to approve the consent agenda.

- Resolution No. 92-2014 – Renewal of Liquor License to Adam Todd from 7/1/2014 through 6/30/2015
- Resolution No. 93-2014 – Chapter 159 - \$17,634.43 – Clean Communities
- Resolution No. 94-2014 – Resolution Authorizing the Cancellation of Capital Improvement Authorization
- Resolution No. 95-2014 – Corrective Action Plan for the 2013 Audit
- Resolution No. 97-2014 – Tax Sale Certification Redemption Blk. 304/ Lot 2231

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x		

No					
Abstain					
Absent				x	x

**APPROVAL OF JUNE 16, 2014 BILL LIST**

Motion by Councilman Gray second by Councilman Olson, 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		
No					
Abstain					
Absent				x	x

**ORDINANCES – INTRODUCTION**

- A. 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 Appropriating \$35,000.00 from Capital Fund Balance**” 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, including Amity Road and Lynn Drive, 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 Councilman Gray to introduce the ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x		
No					
Abstain					
Absent				x	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 July 1, 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.

- B. BE IT RESOLVED that Ordinance entitled “**An Ordinance of the Township of Byram Establishing Procedures Regarding the Placement, Replacement, or Removal of Public Utility Poles or Underground Facilities Pursuant to the Authority Provided in N.J.S.A. 48:3-17a**” be read by title on first reading.

**Purpose Statement:** This ordinance amends the Byram Township Code to establish procedures regarding the placement, replacement or removal of public utility poles or underground facilities, pursuant to the authority provided in N.J.S.A. 48:3-17a.

Motion by Councilman Gray, second by Councilman Olson to introduce the ordinance. Scott stated that he was contacted by a Strawberry Point resident and asked if this ordinance would affect the water company, in case they had to replace any pipes in the ground. Joe Sabatini stated that this ordinance is for utility poles and would not apply to water line maintenance by the private water companies.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2nd			x		
Yes	x	x	x		
No					
Abstain					
Absent				x	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 July 1, 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.

**ORDINANCE - 2<sup>nd</sup> Reading/Public Hearing**

BE IT RESOLVED that Ordinance entitled “Ordinance to Amend the Appendix A; Fee Schedule, to the Code of Byram Township” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilman Gray.

**Purpose Statement:** The purpose of this Ordinance is to amend the Fee Schedule to update changes in various fees with regard to OPRA, animal control, finance, highland exemption determination and waiver of site plan approval.

Motion by Councilman Gray, second by Councilman Olson to open to the public. No comments were made. Motion by Councilman Gray, second by Councilman Olson, to close to the public.

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

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.

**DISCUSSION**

- EDAC Recommendations to the Council – This committee passed a resolution at their last meeting to request that the Council consider forming a sub-committee of several members of the EDAC (Brad Boyle, Ed Amaroso, Joann Smith, and Kate Reinhardt) and up to 2 members of the Council to schedule informal meetings with some of Byram’s business owners to find out what challenges they are encountering and see if Byram can help. Scott Olson stated that certain businesses in town have been targeted by the EDAC, and they would like to start scheduling meetings. Motion by Scott Olson, second by David Gray, to accept this recommendation from the EDAC and form a sub-committee for this purpose. David Gray volunteered to participate. Scott Olson suggested having a further discussion on this when the Mayor is present to decide who will participate in these meetings.
- EDAC – Certain members of this committee were asking to write articles promoting Byram businesses. Tom Collins recommended that this be done by a private organization and not by the EDAC. There is a plan to form a Byram Business Owners Association and this organization would be able to do this task.
- Scott Olson made a motion, second by David Gray to authorize Joseph Sabatini and Sandy Urgo from The Land Conservancy of NJ to draw up a contract for purchase of an open space parcel under the terms discussed in executive session.

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

Scott Olson reported that as part of the PSE&G’s approval at the Highlands Council for exemption for the Susquehanna-Roseland project, PSE&G was asked to provide \$18.6 million in funding a mitigation program. This amount was determined by the length of the right-a-way that ran through ten Highlands towns, the significant environmental resources that the line impacted, and the views and sight lines that were impacted from preserved lands in the within those towns. In Byram Township the first tower is on town-owned open space property. Byram also has the largest contiguous area of 'Special Environmental Zone' lands in the Highlands, approximately 25% of the total in the Highlands. Scott Olson is asking the Council to pass a resolution asking the Highlands Council for its means and methods for distributing this money for specific projects. The Open Space Committee has several projects that are in the view shed /watershed or directing adjoining the parcels that were impacted by PSE&G's Susquehanna-Roseland project. He feels that the money should go towards mitigation in the towns where damages took place, and for the purposes that it was intended for within the Highlands region. In the past, we have seen mitigation money for Route 206

wetlands go to Camden and Cumberland County for wetland restoration instead of being used in Byram. A motion would authorize the Clerk and the Manager to send the resolution to the Highlands before the Highlands meeting on Thursday, June 19. Motion by Councilman Olson, second by Councilman Gray, to prepare and send the above resolution.

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

**PUBLIC PARTICIPATION II**

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

Caryn Segal, 9 Tartan Court, asked if the pole ordinance would cover telephone poles on Forest West Homeowner’s Association property. David Gray stated that it would cover any poles within Byram Township.

Caryn Segal is also the President of the Byram Water Company, and asked about the paving of Lynn Drive. Joe Sabatini stated that the Township will not pave until the water company is done with their project. Caryn also stated that some of their customers are refusing to pay their water bill because some people have said they heard that the Township will not be plowing Lynn Drive next year because the water company is not taking care of the street. Joe Sabatini stated that was absolutely not true. The Township has a legal obligation to plow Lynn Drive. Joe informed Caryn to have the residents call him so that he can speak to them directly.

Earl Riley, 5 Louis Drive, asked if we had an existing pole ordinance on the books. Joe Sabatini stated that we did not have one, and the one that we just introduced was taken from the League of Municipalities website. Earl also commented that the EDAC could facilitate a meeting with the press and a business owner for an article. Scott Olson said that the Township Journal has started highlighting some Byram businesses.

Alex Rubenstein, 3 Partridge Run, asked what was the latest information on the status of Partridge Run. Tom Collins stated that he spoke with the developer’s attorney today, along with Lou Slaby and and Joe Sabatini, and again asked for the cooperation of the developer to submit the drainage calculations that are required.

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

**OTHER BUSINESS**

Scott Olson noted that there was an email in the Council’s packet from Judy Thorton of the Highlands Council, letting us know that she would help us out with an Economic Development Grant process. There is money set aside from our conformance process, and Scott Olson will work with Judy and the EDAC to set forth what goals we have.

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- a. Attorney Client Privilege Information
  - General
  - PSE&G mitigation money from Highlands Council for potential OS purchase
  - 29 Rose Trail
- b. Contract Negotiations

- Health Benefits
  - Shared Services
  - Open Space Acquisition – Blk. 337/Lot 9.01
- c. Personnel – CFO/CTC
- d. Anticipated/Pending Litigation – Murray Update

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**BYRAM TOWNSHIP COUNCIL**

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Doris Flynn, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilman Gray to return to open session at 10:00 p.m. All members were in favor. Motion Carried.

**ADJOURN**

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

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Doris Flynn, Municipal Clerk

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Marie Raffay, Deputy Mayor