

**BYRAM TOWNSHIP COUNCIL MEETING - JUNE 16, 2015**

**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**

Councilwoman Raffay, absent; Councilman Gray, here; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch, 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 Kash, to go into executive session and adopt the below resolution.

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

**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. Pending Litigation
  - Hopkins v. Byram Township, et al.
- b. Attorney Client Privileged Communication
  - General
  - PSE&G
- c. Contract Negotiations
  - Architect

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, 2015.

Doris Flynn, Municipal Clerk

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

**CALL REGULAR COUNCIL MEETING TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda as presented. All members were in favor. Motion carried.

**PUBLIC PARTICIPATION I** – Motion by Councilwoman Kash, second by Councilman Olson to open to the public. All members were in favor. Motion carried.

Joanne Smith, 57 Lake Drive, asked what was going out with the Consolidated School, because the property is overgrown. She asked if they are going to be able to have apartments there. Joe stated that the property owner was granted a zone change for multi-family use and is in the process of going through the planning board for site plan approval. It will be a decision the Planning Board makes. Joanne also commented on a property next to hers that is abandoned and in foreclosure. She has asked if the Township has any suggestions on how to get it cleaned up. Joe stated that he will report it to the new zoning officer, Tom Dixon. Tom will make a site visit and then try to get in touch with the maintenance company that is assigned to this property.

Chuck Putz, Fire Chief, stated that it has been brought to his attention that there have been questions from the Council about the zodiac boat that he has requested to purchase. He said that it is a rescue boat that can go on ice or water. It has very quick deployment – no trailer, quick easy training to use. In the beginning of the year, he looked at big ticket items that he needed to purchase. Since he did not need new turnout gear, he wanted to enhance his department with regards to rescue. David Gray asked how the boat would be used for ice rescue. Chuck stated that the motor comes up and the boat could be pushed on ice. The boat they have now is 20 years old and the motor is shot. The zodiac boat could carry up to 6 people--2 rescuers and 4 victims. Nisha Kash asked what they use now. They have a sled but it does not compare to the zodiac boat. Scott Olson asked if any other surrounding towns have a boat like this, and Chuck stated that he did not think so. Scott asked if this was something that we could look at as a shared service. Chuck stated that they have mutual aid agreements—Sparta and Stanhope have ladder trucks, and if Byram had this zodiac boat, Byram could assist in water/ice rescues. Scott suggested looking at a joint purchase with Sparta or Stanhope for this boat. Jim Oscovitch asked what size the boat was and how much it weighs. Chuck didn't have that information with him. Jim asked Chuck to come to a future meeting with a more formal presentation with what it looks like, and review all the bells and whistles. Joe said that we could put it on as a discussion item at next meeting.

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

**PRESENTATION OF THE 2014 AUDIT** – Township Auditor Ray Sarinelli, Jr. presented the audit. He thanked the Township staff for assisting him during this process. The fund balance at the end of 2013 was \$1,981,000. In 2014 the Township used \$1,240,000, and regenerated \$1,527,000, which is an increase of \$287,000, leaving a remaining fund balance of \$2,268,800.

The Township has a strong tax collection rate which contributed to stability in the fund balance. The auditor briefly talked about trust funds, bonds and notes and stated that the Township is in a very healthy financial position.

Ray Sarinelli briefly discussed the two recommendations listed in the audit: delegation of duties and the collection of State owned delinquent properties. Mayor Oscovitch asked about a few questions about the State owned properties. Joe Sabatini stated that Jefferson Lakes sold the property to the State and then the State leased them back. The tax assessor/tax collector for whatever reason at that time chose to exempt these properties. The people who occupied these homes should have been paying a leasehold tax. This was discovered during the assessment and Penny Holenstein put them on the books. Since we added these, there are prior taxes and current taxes that are due. We are turning this matter over to the Township attorney.

Scott Olson stated that he appreciated the work that our auditors have done in conjunction with Ashleigh and Joe, and it is nice to see that the Township is stable.

**Bonding plan** – Ray Sarinelli stated that in the next few months, the Township will be making the final payment on the serial bonds. That creates an opportunity to finance temporary debt. The Township has \$1,589,000 in notes, which is short term debt, along with \$565,000 of unfunded debt. This is a good time because interest rates are at historic lows. Joe agrees that we have a prime opportunity to due permanent debt. Joe feels this advice from our auditors is good, and we would work with our bond counsel on this.

Motion by Councilman Olson, second by Councilwoman Kash to open to the public for any questions regarding the on audit. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public. All member were in favor.

**RESOLUTION NO. 93 – 2015 – Governing Body Certification of the Annual Audit** – Motion by Councilman Olson, second by Councilman Gray to adopt this resolution.

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

## **TOWNSHIP REPORTS**

### **Manager's Report:**

#### **JCP&L – Montville-Whippany Reinforcement Project:**

- Met with Jackie Espinoza the Area Manager of JCP&L on Wednesday, June 10 to discuss the Montville-Whippany Reinforcement Project.
- The Project involves building a new 230 kV transmission line between the existing Whippany Substation in East Hanover and the Montville Substation in Montville to enhance customer reliability, add redundancy and meet the growing demand for electricity.
- Jackie indicated this project will service Byram and the other Sussex County towns because this line supports many substations for redundancy. This line needs to be fixed since it has been identified as a weak link in the grid.
- JCP&L will be asking for support and will be sending a resolution to the towns for consideration.
- Information on the project with links has been posted on the Township's website and through the Township's FB page.

#### **New Zoning Officer – Tom Dixon started June 1.**

- Friday, June 12 – Attended the 15th Annual Current Issues in Planning & Zoning with Tom Dixon– sponsored by Rutgers Center for Government Services and the New Jersey Association of Planning and Zoning Administrators.

#### **NJMMA – Meeting Thursday June 18:**

- The topic of the meeting will be the Council on Affordable Housing and pertinent regulatory issues as well as the recent Supreme Court ruling.
- The speakers will be: Philip Abramson, PP; Edward Martoglio, CEO & Founder of RPM Development; Shirley M. Bishop, PP, AICP; James Bruno, Esq.; Jeffrey Surenian, Esq.; and the meeting's moderator, Alan Zalkind, Executive Director, New Jersey Municipal Management Association.

**Councilwoman Kash**– Recreation committee meeting is scheduled for June 17 at 7:30 p.m. and the Byram Day Committee will meet on June 18<sup>th</sup>.

#### **Councilman Olson**

- Scott attended the Open Space meeting on June 8. The OS committee was in favor of holding a deer hunt again this year on OS properties. The OS committee also discussed the status of the Tamarack Park field.
- Attended the CAG-Superfund meeting. The Superfund site has been having some testing done. There has been underground testing that reads the soil depths to bedrock.
- The EDAC met on Thursday, June 11 at 7:30 p.m. and discussed the PILOT program they would like the Council to consider. Scott was not able to attend the meeting.

#### **Councilman Gray**

- On Thursday Dave Gray stopped by the EDAC meeting on his way to the EC meeting. The committee passed a resolution to recommend looking into a PILOT program to rejuvenate the business along Route 206 corridor. The Council will add this as a discussion item at the next meeting. Joe said that we would ask the EDAC to come and make a presentation on what they are proposing.
- Attended the Environmental Commission meeting on June 10<sup>th</sup>. Dave reported on the recycling issue that was discussed at the Board of Health meeting. The EC talked about the Township adding an additional recycling curb side pickup. David will look further into this with Scott and Joe to see if this would be beneficial to our Township.

**Mayor Oscovitch** – Byram was in the news because of a shooting in the Cranberry Lake section. Jim stated that it is a very sad situation and he asked to keep in your prayers and thoughts everyone involved in the situation.

- Jim thought the Fire Department did a great job on the coin toss.
- Jim stated that he officiated a very nice wedding for Doris Flynn's daughter and son-in-law, Melissa and Guy.

## **APPROVAL OF MINUTES**

- June 1, 2015 - Regular Meeting Minutes –Motion by Councilman Gray second by Councilman Olson to adopt the minutes as presented.

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

- June 1, 2015 - Executive Meeting Minutes –Motion by Councilman Olson 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				

- May 27, 2015 – Special Regular Meeting Minutes –Motion by Councilman Gray 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				

- May 27, 2015 – Special Executive Session 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				

**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. 88-2015 – Chapter 159 – Clean Communities
- Resolution No. 89-2015 – Chapter 159 – Highlands Council
- Resolution No. 90-2015 – Chapter 159 – Municipal Alliance
- Resolution No. 91-2015 – Chapter 159 – No Net Loss Grant
- Resolution No. 92 -2015 – Correction Action Plan for the 2014 Audit
- Resolution No. 94-2015 – Resolution Authorizing the Execution of the Municipal Shared Services Defense Agreement not to Exceed \$2,000.00
- Resolution No. 95-2015 – Chapter 159 – Click It Or Ticket 2015 Seat Belt Mobilization
- Senior Citizen Special Bingo License – Lakeland Senior Citizens at Tomahawk Lake Water Park 7/15-7/17

	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 JUNE 16, 2015 BILL LIST**

Motion by Councilman Gray second by Councilwoman Kash, 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 NO. 10-2015** – Introduction/1<sup>st</sup> Reading

Be it Resolved that Ordinance entitled, “**Amended Ordinance for Administration & Hourly Positions Salary and Wage for the Years 2013-2016** be read by title on first reading. Motion by Councilwoman Kash, second by Councilman Olson to introduce this 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 Tuesday, July 7 at 7:30 p.m. at the Byram Municipal Building, 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

**ITEMS FOR DISCUSSION**

- Route 206 – Joe Sabatini walked the Route 206 corridor with Scott Olson. The issues that were previously reported have never been taken care of. Joe prepared a power point presentation with all the failures; such as, significant cracking of the textured pavement in the turn lanes, flaking and cracking of sidewalks, damaged curbing, possible trip hazards on the walkways, sight-line problems at intersection of Brookwood and Route 206, and various problems at the bridge (coffer dams, and the trail underpass). It is getting to the point that the Township may want to look into filing a lawsuit against the State of New Jersey. David Gray agreed, and stated that he felt that an engineer should do a report for proofs for court. Joe suggested drafting a resolution that stipulates the complaints with a conclusion that we are expecting a formal response, and if not it could result in legal action. We need to get guidance from our Township Attorney regarding this. Tom Molica suggested tabling the discussion until Tom Collins was present. We will add this as a discussion at the next meeting.
- Sustainable Economic Plan – At our last meeting we awarded a PSA to L&G Planning to prepare a sustainable economic plan. L& G will be partnering with JGSC Group, who is a leader in market analysis and feasibility. The funding is coming from a Highlands Grant. The first step is identifying a steering committee, and having a kick-off meeting with this committee. They are recommending 7-9 individuals that are involved in other committees in our town. Joe Sabatini suggested the following people: Joe Sabatini, Scott Olson, Marie Raffay, Eric Serrelli, Nancy Eisenberg, Monica Osgood, George Shivas, Lisa Shimamoto, and John Morytko. There will be the need for 15-20 stakeholders (other committee members and business owners) that will get identified to help at certain times throughout this process. David Gray read through the proposal by L & G, and asked if they look at our master plan and possibly make recommendations to changes in our master plan if necessary. Scott stated that the Planning Board has already discussed revising the section of the master plan that addresses the Village Business/Village Center Zone. With the changes in COAH and the economy, the business area needs to be readdressed. This sustainable economic study is the first step. The Council was in agreement with the names that Joe Sabatini suggested for the steering committee, and the Council asked the Manager to reach out to all of them.

**PUBLIC PARTICIPATION II**

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

Chuck Putz, Fire Chief, asked the Township to keep the Fire Department in mind for using the Jones Lane house for a demo. Scott Olson stated that they are looking into it.

Motion by Councilman Olson, second by Councilwoman Kash, to close to the public. 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 8:40 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor