

## BYRAM TOWNSHIP COUNCIL MEETING - JUNE 6, 2011

### CALL MEETING TO ORDER

Mayor Oscovitch called the meeting to order at 7:02 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 with the addition of adding the discussion of meeting dates to the agenda. All members were in favor. Motion carried.

### TOWNSHIP REPORTS

#### Township Manager

##### **FEMA Fire Grant:**

- The Manager confirmed receipt of a check from the Byram Township Fire Department totaling \$49,782.16 which is reimbursement for 10 self contained breathing apparatus that were purchased with funding from the Township.
  - The Byram Township Fire Department initially submitted an application for a FEMA Assistance to Firefighter grant in 2008 with the assistance of the then Mayor Skip Danielson, and Joe Sabatini. The initial application was denied and a new application was resubmitted in 2009 resulting in a notification of award in May 2010.
  - The Township had funded and purchased all the requested breathing apparatus from 2007 through 2009. Since the grant was award after all items were purchased, a request was submitted to FEMA for pre-award authorization for reimbursement to the Township. Documentation from FEMA suggests they have authorized reimbursement for 10 units.
- Re-Org July:**
- The Township’s municipal election has been moved to November and starting in 2012, our reorganization will occur in January.
  - In view of this, we have asked the Township’s professionals to submit a six-month proposal for July 1, 2011 through December 31, 2011.
  - In December, we will be repeating this process and will request a one-year contract for 2012.
  - The Township’s reorganization meeting is scheduled for Tuesday, July 5.

Joe Sabatini acknowledged a letter sent from the Mayor of Newton thanking the Byram Township Fire Department for assistance with recent fires in May.

#### Councilman Scott Olson

- The next Environmental Commission meeting is on June 23 at 7:30 p.m. at Town Hall.
- The Green Team meets June 28th at 8 p.m. in the Council Conference Room.
- Attended a meeting at Lake Mohawk on the proposed Highlands lake management guidance document.
- Attended the community advisory meeting on May 26 about the Mansfield Superfund site. It was attended by 23 people as well as the EPA staff. They are planning on starting removal of the contaminated soil in September. The next meeting is September 8<sup>th</sup> at 6:30 p.m. at town hall.
- Will attend a meeting at the Andover Borough fire house on June 11<sup>th</sup> for a presentation from Conservation Inc.
- Open Space will meet on Monday, June 13.

#### Councilwoman Marie Raffay

##### Planning Board –

- The June 16 planning board meeting is cancelled so the next meeting will be held on July 7 at 7pm. The CVS application at the Barone’s property is scheduled to be discussed.

- Approved the Environmental Resource Inventory for the Highlands.
- CVS requested 2 1-year extensions for the proposed property at the corner of 206 and Brookwood Rd.
- Tony Reese, the owner of Byram Bagel, is looking into buying the property next door at Tony and Rosemary's and came in with a conceptual plan to discuss his options.

**Town Camping**

- The town camping outing was on May 20. It was a fantastic time for all 30 or so people who attended. Thank you to Patti Poff, Donna Griff, Ronnie Fitzsimmons, and Janet Meisner for helping to pull the event together. Also, thank you to Denis Rehse, Sara McHugh, Adam Rosenberg, Andrea Proctor,

**Memorial Day**

- Thank you to the VFW and the Byram township fire department for organizing the memorial service and the parade as well as ordering the good weather!

**Councilman Dan Rafferty**

Next Recreation Committee/Sports Council meeting will be on June 15th. John Hebble will be resigning from the Recreation Committee. He has volunteered for 3 years and has done a great job.

**Mayor Jim Oscovitch**

1. May 27th – Attended the 1<sup>st</sup> Grade Memorial Day Concert at Byram Lakes School. After the event, Mayor Art Ondish of Mt. Arlington and President of the NJLOM Education Foundation presented Principal Ed Abato with a check for \$1000.00 for reading over 4500 Books for the Mayors Book Club. These kids worked very hard and the Mayor was very proud of them for taking on this challenge. He would also like to thank Verizon and Centenary College for helping with this great program!!!
2. May 30th – Attended the Memorial Day service and the Memorial Day Parade.
3. June 7th – The Mayor will be attending the 5<sup>th</sup> grade DARE graduation at the Byram Intermediate School.
4. June 9th – We will be attending The NJ Futures Smart Growth and Economic Development award ceremony at the Newark Club.

**Attorney Tom Collins** reported that at Cory Stoner's request, he wrote a letter to the NJDOT giving his legal opinion that the Township of Byram has awarded the bid for the proposed improvements to Tomahawk Trail and Roseville Road-Phase II to Top Line Construction Corp. for a reduced length of Roseville Road in a manner consistent with the Local Public Contracts Law.

**Presentation of the Wastewater Management Plan**

The Highlands Council staff prepared a draft of the wastewater management plan with the Byram staff, Sussex County and NJDEP. The Township Manager was actively involved in reviewing and working with the Highlands in editing this document. The Manager had hoped that the Highlands would have included a property list of sewer parcels as part of the document, but the Highlands did not want to set a precedent by doing this. If the Council approves the resolution tonight, Sussex County will move forward with a public hearing for Byram's Wastewater Plan. The Mayor and Scott Olson thanked Joe Sabatini for all the work he put into this.

**RESOLUTION NO. 62-2011 – STATEMENT OF CONSENT FOR SUBMISSION OF THE TOWNSHIP OF BYRAM CHAPTER OF THE SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.A.C. 7:15-3.4(g)4**

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

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

Joanne Smith, 57 Lake Drive, asked if there was any outcome on the ordinance discussion that took place last month for outside employment by police officers. Joe Sabatini has reached out to the PBA to see if they wanted to entertain negotiating a lower rate but Joe has not heard back from them.

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

**APPROVAL OF MINUTES**

May 17, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilwoman Raffay, to approve the minutes.

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

May 17, 2011 Executive Session Minutes - Motion by Councilman Olson, second by Councilwoman Raffay to approve the minutes.

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

May 31, 2011 Special Meeting Minutes - Motion by Councilman Rafferty, second by Councilwoman Raffay 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					
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 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 Raffay, to approve the consent agenda.

- A. Renewal of Liquor Licenses
  - Resolution No. 56 - 2011 – Barone Restaurants Inc.
  - Resolution No. 57 – 2011 – BBG Restaurant LLC, Trading as NJ Bar and Grill West
  - Resolution No. 58 – 2011 – June M Wallace, Trading as Tomahawk Lake
  - Resolution No. 59 – 2011 – Byram Beverage Inc.
  - Resolution No. 60 – 2011 – Byram Liquor’s LLC

- Resolution No. 61 – 2011 – The Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon
  - Resolution No. 65 – 2011 – Zipload, Inc., Trading as Salt
- B. Resolution No. 64-2011 – Authorizing Refund of Overpayment of Taxes due to State Tax Court
- C. Resolution No. 63-2011 – Tax Sale Certificate Redemptions - #2010-033/#2010-033 Premium

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	

**BILL LIST OF JUNE 6, 2011** - Motion by Councilman Rafferty second by Councilwoman Raffay to approve the bills.

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		

**ORDINANCES** – Introduction/1<sup>st</sup> Reading

- BE IT RESOLVED that Ordinance entitled “**Bond Ordinance Appropriating \$465,000 and Authorizing the Issuance of \$352,350 Bonds or Notes of the Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township of Byram, in the County of Sussex, State of New Jersey**” be read by title on first reading. Motion by Councilman Olson, second by Councilman Rafferty to introduce the ordinance.

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	

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 June 21, 2011 at 7:00 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.

- BE IT RESOLVED that Ordinance entitled “**Ordinance to Petition the Highlands Council for Plan Conformance in the Planning Area**” be read by title on first reading. Motion by Councilman Olson, second by Councilwoman Raffay to introduce the ordinance.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion	X				
2nd		X			
Yes	X	X			X
No			X		
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 June 21, 2011 at 7:00 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.

Tom Collins stated that this ordinance should be referred to the Planning Board. Joe Sabatini stated that the Highlands Council said the Planning Board referral was not required. Tom Collins will speak to Tom Borden regarding this. If this needs to be referred to the Planning Board, this ordinance will need to be reintroduced in July since the Planning Board does not meet again until July.

- BE IT RESOLVED that Ordinance entitled “**Ordinance of the Mayor and Council of the Township of Byram Amending Chapter 3 Entitled “Administration of Government” to decrease the membership of the Recreation Committee**” be read by title on first reading. Motion by Councilman Rafferty, second by Councilman Olson to introduce the ordinance.

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	

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 June 21, 2011 at 7:00 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.

- BE IT RESOLVED that Ordinance entitled “**Ordinance of the Mayor and Council of the Township of Byram Amending, Updated and Replacing in its Entirety Chapter 136 Entitled “The Flood Damage Prevention Ordinance” of the Township Code**” be read by title on first reading. Motion by Councilman Olson, second by Councilwoman Raffay to introduce the ordinance.

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	

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 June 21, 2011 at 7:00 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.

**Discussion Item** – Utilization of Space at Public Parks

Joe Sabatini provided the Council with field and facility applications from several people. The Manager also provided a memo outlining several issues, reviewed the existing ordinance, and provided recommendations.

Councilman Olson stated that there are two issues in front of the Council now--the applications that have come in and what we should do in the future.

Marie Rafferty stated that she thought we should consider these two applications and then close the door and have the process be reviewed by the Recreation Committee.

Graduation party

A request to hold a graduation party on June 17<sup>th</sup> from 3 to 7 p.m. at CO Johnson Park. They have requested the use of some outdoor space, the field house, electricity, water and restrooms.

The graduation party is being hosted by two families. There will be 50 people or less and there will be parental supervision. They have paid \$100 for a rider on their insurance to cover the event. The Council discussed this application. Joe Sabatini stated that the kitchen should not be used because a majority of the equipment inside the kitchen is owned by either football or the baseball organization.

Motion by Councilman Olson, second by Councilwoman Raffay, to allow the graduation party to occur at CO Johnson field house, with use of public field space, restrooms and water. Janet Meisner will be present to oversee the event.

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

Byram Christian Fellowship

Request to use an area at C.O. Johnson Park (fieldhouse if it rains) July 18 through July 22 – 9:30 to Noon, 40-50 kids, maximum age of 12 for a vacation bible study week. Motion by Councilman Olson, second by Councilman Rafferty, to approve application.

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

The Council would like the Recreation Committee to review the procedures and offer some recommendations. Joe Sabatini would like to look at other towns and see how they handle these requests. Dan Rafferty stated that he doesn't want to do what Byram Schools has done—he doesn't want to have a use charge. The Council discussed was in agreement that no further applications should be accepted until research has been done and a new procedure has been approved.

**Council Dates** - The Council reviewed the proposed dates, which will be adopted at the July 5<sup>th</sup> reorganization meeting. The dates will include meetings for the rest of the year. Starting in 2012, our reorganization will occur in January.

**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.

Carlos Luaces, 7 Johnson Blvd., went to Barks on Sunday morning and saw televisions and other electronic devices in the recycling yard. Joe Sabatini stated that we don't normally collect electronics in the recycling center, but people have left them so the Township will dispose of them at the e-waste day on June 25. The Council has had discussions regarding the illegal dumping at the recycling center.

Harvey Roseff, 33 Sleepy Hollow Road, had questions about the cost of bonds. Joe Sabatini stated that the cost is minimal and only involves the bond attorney, which we pay at an hourly rate. Joe explained Bond Anticipation notes. They are short term notes, done each year. With regards to holding events at public parks, Harvey suggested having a dedicated area for events.

Motion by Councilman Olson, second by Councilman Rafferty to close to the public at 8:47 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 8:48 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 – 911 dispatch services
- Attorney Client Privilege Information – Fire Department – Indemnification Agreement

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 6, 2011.

Doris Flynn, Municipal Clerk

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor O'scovich
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 9:30 p.m. All members were in favor. Motion Carried.

**ADJOURN**

On the motion by Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 9:30 p.m. Motion carried.

  
Doris Flynn, RMC

  
James Oscovitch, Mayor