

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 21, 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, here; 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 Councilman Rafferty to approve the agenda as presented. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Township Manager

E-Waste Day:

- Byram Township's 3rd Annual FREE E-Waste event – is scheduled for this Saturday June 25, 2011 from 9:00 a.m. - 12:00 noon.
- Multimedia devices, small household appliances, office equipment

Re-Org July:

- The Township's reorganization meeting is scheduled for Tuesday, July 5.

Committees:

- Still looking for members for Recreation Committee – 2 Alternates, 2 Full Members
- Board of Health – 3 residents expressed interest and will be attending next Board of Health meeting on 6/28. There are 2 open seats.

Budget 2012:

- Started 2012 budget process with department heads.
- Targeting to have first public discussion at August meeting.

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 the Andover Borough fire house on June 11th for a presentation from Conservation Resources Inc. Looking to acquire the former Beazer home site for Open Space. The Andover Mayor and Council were present. They asked if there was any opportunity for Byram to help such as passing a resolution of support. Andover's Open Space Committee will be in contact with the Byram Open Space committee.
- Open Space met on Monday, June 13. Discussed possible open space acquisitions.
- Attended a meeting on June 14th with PSE&G representatives regarding the Tomahawk Park parcel.
- Attended NJ Future Smart Growth Awards night on June 9th. It was a great event. Scott spoke to a representative from Morris County Habitat for Humanity. He would like to set up a meeting to discuss a possible site in Byram.

Councilwoman Marie Raffay

- Met with Dawn Boyer from Byram Schools and Joe Caravella from TransOptions. As part of our Green Team initiatives, we have been trying to get a solar car competition started in our schools. Dawn Boyer plans on adding it to the school curriculum next year in the 7th grade working with the gifted and talented program.
- The next Planning Board meeting will be held on July 7 at 8 pm. The CVS application at the Barone's property is scheduled to be discussed.
- Attended the Dare program and commended Officer Marcus Lisa on a great job done on the graduation ceremony and teaching the program.

Councilman Dan Rafferty

Attended the Sports Council and Recreation Committee meeting last week. There was discussion regarding the need for more Football space. The issues are being worked on and he hopes that there could be a resolution in July. Dan will keep the Council posted.

Councilman Thompson – There is a large tire dump of at least several hundred tires off of Waterloo Road. Brian reported it to the County and the County said they will come and do mosquito remediation. He thinks the property is owned by the NJDOT. He asked if there was a letter we could send to bring it to the State's attention. Joe Sabatini stated that he would refer this to our Zoning Officer.

Mayor Jim Oscovitch

1. Attended the 5th grade DARE graduation at the Byram Intermediate School. The staff, teachers and Officer Marcus did a fabulous job.
2. Attended Historical Society meeting and they gave a \$1000 scholarship in June Dobson's name to a student who resides in Byram.
3. Attended The NJ Futures Smart Growth and Economic Development award ceremony at the Newark Club. Byram was presented with a plaque that was made with a tile from Trenton.

2010 AUDIT – Val Dolan from Nisivoccia has been the lead auditor on Byram's account for over 10 years.

At the end of 2010, Byram's surplus increased by \$90,000. Byram spent less out of the 2009 budget, which goes back into surplus. Our tax collection rate remained constant at 97%. There is a reserve for pending tax appeals of \$300,000, a reserve for snow removal \$75,000, and a reserve for sick and vacation leave of \$430,000. Byram has an open space reserve of \$1.1 million--\$550,000 of that amount has been designated to pay back the debt associated with open space acquisitions.

Val Dolan reviewed the bond, notes and loans that are outstanding. Overall, she stated that Byram had a very good year. Byram has always been fiscally responsible.

The auditor reviewed the comments and recommendations which are listed at the end of the audit. There was a comment regarding segregation of duties, but that is a common comment among small towns. Another comment addressed the 85 outstanding township liens as of 12/31/2010. Byram needs to start working on these—either consider collection on these liens or move forward with foreclosure proceedings, which can make the properties can be sold or redeemed and make them viable properties again for the town and bring in a revenue source.

Three departments had comments regarding deposits not being made within 48 hours.

The financial process within the Recreation Department needs to be looked at. She stated that there should be some changes made to strengthen the financial control.

Councilman Olson asked if the pages could be numbered. He also stated that his name was spelled wrong. Scott had questions regarding the amount of surplus. Val Dolan explained that the additional surplus was generated because we didn't spend as much as anticipated.

Motion by Councilman Olson, second by Councilwoman Raffay, to open to the public for questions on the audit. All members were in favor. No comments were made. Motion by Councilwoman Raffay, second by Councilman Olson closed to the public. All members were in favor.

RESOLUTION NO. 67 – 2011 - CERTIFICATION OF ANNUAL AUDIT



RESOLUTION NO. 68 – 2011 - CORRECTIVE ACTION PLAN – Marie Raffay asked if the plan is feasible. Joe Sabatini stated that he will be working with CFO Terry Vervact to insure that the plan is put in place. He commented that he has been working on the foreclosures with the Open Space Committee and the Township will be moving forward with foreclosures. Brian Thompson thanked the Manager, the auditors and the staff for doing a great job with the audit.

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

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

No comments were made.

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

APPROVAL OF MINUTES

June 6, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilman Rafferty, to approve the minutes.

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

June 6, 2011 Executive Session Minutes - Motion by Councilman Rafferty, second by Councilwoman Raffay to approve the minutes with a change in the attorney’s name in attendance.

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

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 Councilman Thompson, to approve the consent agenda.

- A. Resolution No. 66 -2011 –Resolution Approving and Ratifying an Extraordinary Unspecifiable Services Contract with Navitend for Setting up and Providing Google APPS Email Services to Byram Township
- B. Resolution No. 69–2011 – Support of Click It or Ticket It – May 23 – June 5, 2011
- C. Resolution No. 70–2011 – Renewal of Jacton Liquor License – 7/1/11 – 6/30/12
- D. Resolution No. 71–2011 - Renewal of Adam Todd Liquor License – 7/1/11 – 6/30/12

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

BILL LIST OF JUNE 21, 2011 - Motion by Councilman Olson second by Councilman Rafferty to approve the bills. Councilman Rafferty recused from P.O. No. 7957, Councilman Thompson recused from P.O. No. 7851, 7901.

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

ORDINANCES

- BE IT RESOLVED that Ordinance 5-2011 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 second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Rafferty for second reading and to open the public hearing. All members were in favor. Motion carried.

No comments were made.

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

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

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.

- BE IT RESOLVED that Ordinance 6-2011 entitled **“Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 215-55 of the Township Ordinances to Permit the Planning Board to Waive Site Plan Approval where there is a Permitted Change in Use and Amend Section 287-2 of the Township Ordinances Governing Fees for Applications for Site Plan Waivers”** be read by title on second reading and a hearing held thereon. Motion by Councilman Rafferty, second by Councilman Olson for second reading and to open the public hearing. All members were in favor. Motion carried.

No comments were made.

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

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

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.

- BE IT RESOLVED that Ordinance 9-2011 entitled **“Ordinance to Petition the Highlands Council for Plan Conformance in the Planning Area”** be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Rafferty for second reading and to open the public hearing. All members were in favor. Motion carried.

No comments were made.

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

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

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.

- BE IT RESOLVED that Ordinance 7-2011 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 second reading and a hearing held thereon. Motion by Councilman Rafferty, second by Councilman Olson for second reading and to open the public hearing. All members were in favor. Motion carried.

No comments were made.

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

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

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.

- BE IT RESOLVED that Ordinance 8-2011 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 second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Raffay for second reading and to open the public hearing. All members were in favor. Motion carried.

No comments were made.

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

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

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 Item – Amendment to Chapter 240-29 – Commercial Vehicles

Joe Sabatini explained that tonight’s discussion is to determine if we want to move forward to change the existing ordinance. This came about because of a complaint that was filed by a resident regarding commercial vehicles located in a residential zone.

The current ordinance does not allow a commercial vehicle to be in residential zone unless it is in a garage or another building on the premises. It also stated that no vehicle in excess of 5 tons gross vehicle weight may be kept in a residential zone.

Throughout Byram, people have commercial trucks in their driveways. The zoning officer did some research in several towns and drafted up the following proposal. He provided regulations from several other towns as backup.

- The vehicle must be owned or used by a resident of the premises.
- Only one commercial vehicle and one trailer are permitted per residence and they must be parked in the driveway or garage. On street parking is prohibited.
- The registered gross weight shall not be more than 17,500 pounds and/or the length of the truck shall not exceed 21 feet and/or the height of the truck shall not exceed 10 feet.
- The vehicle shall not be left idling in the driveway.
- All construction equipment, including but not limited to bulldozers, backhoes, pay loaders, cranes, wood chippers and similar machines are prohibited.
- Moving vans, moving trucks and trailers for the residence at which they are moving the possessions to or from for a period not exceeding 48 hours in duration are allowed.

Scott Olson felt the recommendations were very good.

Brian Thompson asked if it would be a problem if you rent a piece of equipment because you are using it on the property.

Dan Rafferty thought that complaints should remain anonymous. Joe Sabatini explained that complaints do remain anonymous unless it involves a summons. Joe will follow up with the Zoning Officer on procedures.

The Council discussed the zoning officer’s recommendations and reviewed the ordinances from other towns. They reviewed weight and height of vehicles and the types of equipment/vehicles

that people have. Tom Collins suggested having an exception for school buses that are brought home for work purposes.

Marie Raffay liked the ordinance from Pequannock. There should be an exception for contractors doing work on your property, school buses and agricultural uses.

Joe Sabatini will revise this draft based on the comments this evening. He will then forward it to the Planning Board for their review.

PUBLIC PARTICIPATION II

Motion by Councilwoman Raffay, second by Councilman Olson to open to the public for discussion. All members were in favor. Motion carried. No comments were made.

Motion by Councilman Rafferty, second by Councilman Olson to close to the public at 8:15 p.m. All members were in favor. Motion Carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Rafferty, second by Councilman Olson, to go into executive session at 8:15 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:

- Attorney Client Privilege Information
 1. County Sheriff's Department/Shared Services
 2. Correspondence from Dolan and Dolan
- Contract Negotiations
 1. PSE&G
 2. Open Space - Byram Land Development
 3. Delta Dental Plan
 4. Shared Services – Fire Marshall

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 21, 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 | X |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Rafferty to return to open session at 9:22 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 9:23 p.m. Motion carried



Doris Flynn, RMC



James Oscovitch, Mayor