

**BYRAM TOWNSHIP COUNCIL MEETING - JULY 1, 2014**

**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, here; Councilman Gray, absent; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present. Mayor Oscovitch announced that David Gray was out of town on business.

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Olson, second by Councilwoman Kash, 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
  - Partridge Run Development
- b. Contract Negotiations
  - Health Benefits
  - Shared Services
  - Open Space Acquisitions

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 July 1, 2014.

Doris Flynn, Municipal Clerk

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 Councilwoman Raffay to return to open session at 7:32 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, second by Councilwoman Kash, to approve the agenda with the addition of Resolution No. 105-2014 but vote on it separately. All members were in favor. Motion carried.

**TOWNSHIP REPORTS**

**Manager’s Report**

- Joe Sabatini reported the Governor signed the bill to extend the 2% cap, and gave a quick summary of the bill.

**Councilman Olson**

- The Open Space Committee met on June 9 and discussed several potential purchases.
- The Board of Health had a joint meeting with the Environmental Commission on June 26 at 7:30 p.m.

- On June 24, Scott met with Eileen Swan of NJ Conservation Foundation and Lucy regarding the easement project. It is moving along quite well and almost ready for the next phase which is education.
- The EDAC committee met on June 23<sup>rd</sup> with Byram business owners. There was a good showing of Byram business owners and overall the meeting went quite well.

**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.

**Councilwoman Kash**

- The Youth Guidance Council did not hold the graduation dinner.
- Recreation Committee meets on July 16<sup>th</sup> at 7:30 p.m.
- The next Byram BOE meeting is at the end of August.

**Mayor Oscovitch** – Sadly reported that an eighteen year old from Byram lost his life due to drugs.

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

Joann Smith, 57 Lake Drive, commented on how we need to work on the drug problem in Sussex County. Joanne asked questions about how long can people keep a building permit open for. Joe Sabatini said that it is governed by State code. She stated that there are two houses in her neighborhood that have been under construction for many years. She feels that they are an eye sore, and it makes selling a house next to these homes difficult. Tom Collins stated that a homeowner has to comply with the Uniform Construction Code. Joe Sabatini will speak to the Construction Official about this.

Joann also asked about natural gas coming into Byram. She would like to see the Council revisit this possibility.

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

**APPROVAL OF MINUTES**

- June 16, 2014 Regular Meeting Minutes –Motion by Councilman Olson second by Councilwoman Raffay to adopt the minutes as presented.

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

- June 16, 2014 Executive Meeting Minutes –Motion by Councilwoman Raffay 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		
No					
Abstain				x	x
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. 99-2014 – Resolution Extending Grace Period for Payment of 2014 Third Quarter Taxes
- Resolution No. 100-2014 – Resolution to Award the 2015 Freightliner Bid to Hoover Trucks - \$99,005.00
- Resolution No. 101-2014 – 2014 Capital Budget Amendment

- Resolution No. 102-2014 – Resolution Authorizing Harold Pellow & Associates to Prepare Engineering Specifications Regarding the Jones Lane Parcel
- Resolution No. 103-2014 – Resolution Authorizing an Agreement of Service Between Byram Township and the Lake Musconetcong Regional Planning Board to Assist with Weed Disposal for Lake Musconetcong
- Resolution No. 104-2014 – Resolution Authorizing Deer Hunting on Municipally-Owned Property for the 2014-15 Hunting Season

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

**Resolution No. 105-2014** – Councilwoman Raffay stepped down on this resolution

Resolution Endorsing and Approving the Findings of Planning Board Engineer Louis R. Slaby, P.E., P.P. Dated July 1, 2014 Confirming that the Improvements in the Partridge Run Development Subdivision by Messrs. Donald Bell and Dennis McConnell have not been Approved or Accepted and Drawing on the Letter of Credit

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

**APPROVAL OF JULY 1, 2014 BILL LIST**

Motion by Councilman Olson 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			

**ORDINANCES – INTRODUCTION**

- A. BE IT RESOLVED that Ordinance entitled “**Bond Ordinance Appropriating \$600,000, and Authorizing the Issuance of \$565,000 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, New Jersey**” be read by title on first reading.

Motion by Councilman Olson, second by Councilwoman Kash to introduce the ordinance. There was a discussion among the Council on capital improvements. Scott Olson would like to see a finance subcommittee sit down with a subcommittee of the fire department to look at the purchasing options for a new truck. He would also like to do a study for future fire truck needs. The Mayor wanted to be a part of the committee also. The Council agreed that Engine 4 needs replacing as soon as possible. Scott Olson stated that the repair of the salt dome is a necessity. He also felt that the Lee Hill Fire House was in need of work. The clerk called for the vote.

	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 July 15, 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**

- Ordinance No. 7-2014 - BE IT RESOLVED that Ordinance entitled “An Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Location sin and by the Township and Appropriating \$35,000.00 from Capital Fund Balance” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Kash.

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

	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 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.

- Ordinance 8-2014 - 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 second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Raffay.

**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 Olson, second by Councilwoman Raffay to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash, to close to the public.

	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 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 – Scott Olson summarized what was discussed at the last meeting. David Gray expressed an interest in being part of the subcommittee to meet with business owners along with Scott Olson. The Council will rotate members at future meetings.
- Route 206 Issues – Joe Sabatini expressed his concerns about the quality of work getting done and the timeline. The Manager and Scott Olson had met in early May with the NJDOT and was given a rough schedule. To date, they are not keeping to the schedule. The Manager commented on several areas on Route 206 that already have issues. He reported all of these problems to the NJDOT and has not had a response. Tom Collins suggested making a punch list and presenting it to the NJDOT. A letter should accompany it stating that the Route 206 jurisdictional agreement will not be signed by Byram unless the punch list has been completed. The Council agreed that a letter should be written to the Commissioner outlining the deficiencies in the project and request that a site visit is made, copy the Senators, Frelinghuysen, etc.

- Amphibian Culvert Project on Waterloo Road - The Environmental Commission has drafted a letter of support for an amphibian culvert project on Waterloo Road in Byram. David Gray has additional information on this. We will add this to a future agenda for further discussion.

**PUBLIC PARTICIPATION II**

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

Chuck Putz, Fire Chief, stated that a few months ago the Fire Department Subcommittee spent a lot of time looking for the most inexpensive truck. Chuck thought the finance committee was a good idea but wanted to get the committee together immediately because Engine 4 needs to be replaced as soon as possible. This engine is used at the other end of town. The Manager, Mayor and Scott Olson will get together with the Fire Department as soon as possible.

Todd Rudloff, Assistant Chief, commented about regionalization. He stated that Stanhope has a ladder truck, which is used in Byram when necessary.

Luann Byrne, 34A Richmond Road, commented on the 2% cap. Luann also expressed concerns about brush. She feels that only have the brush drop off two weeks twice a year is too limited. Luann suggested having a summer drop off week. She was pleased that the Council was being diligent when looking at capital expenditures.

Skip Danielson, 18 Hunters Lane, asked to keep in mind that the EMS is in need of a remount ambulance. He agrees that the Fire Department needs to replace Engine 4.

Alex Rubenstein, 3 Partridge Run, asked if there was an update on the health care benefits. The Manager stated that the 3 unions have been given a proposal to move to SHBP. Alex stated that the Emergency Squad is shared between Andover and Byram. He asked if that could happen with the Fire Department. Alex asked Tom Collins about the status of Partridge Run. Tom Collins stated that the Council adopted a Resolution tonight regarding drawing the letter of credit.

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

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Olson second by Councilman Gray, to go into executive session and adopt the below resolution.

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**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on July 1, 2014.

Doris Flynn, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilman Gray to return to open session at 10:21 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 10:22 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor