

BYRAM TOWNSHIP COUNCIL MEETING - JULY 21, 2015

CALL MEETING TO ORDER

Deputy Mayor Gray 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, here; Mayor Oscovitch, absent. 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 Raffay, 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					

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. - update
- b. Attorney Client Privileged Communication
 - General
 - PSE&G
- c. Shared Services/Contract Negotiations – Netcong Construction Agreement
- d. Contract Negotiations
 - Radio Communications Consultant
- e. Personnel - PBA Grievance
 - Emergency Management Council

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 21, 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 Raffay, to approve the agenda as presented. All members were in favor. Motion carried.

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

Paul Conklin, past Chief, asked if we are still on for the drill at the Jones Lane house. Joe Sabatini stated that it has been set for August 9, which he has communicated to Chuck. Joe has asked Chuck for certificate of insurance, notification to the three neighbors, and a few other items.

Chevon Opperman, resident of Byram, spoke on behalf of the Lenape Valley High School Band. She stated that she put an application to the Recreation Committee to hold a concert event on 8/21 at Neil Gylling Field – charging \$15/person. This was approved at the recreation committee meeting, and they were told they had to come to the Mayor and Council for final approval. They went through the application process with Janet. Joe Sabatini will work with Janet, and someone from town will be in touch.

Donna Griff, 71 Brookwood Road, wanted to talk about Byram Day. The committee would like to bring back fireworks to Byram Day. Donna asked if the Council would consider it, and she would like to get their thoughts. They would like to get the donors to pay for entire evening. Joe said that in the past the cost was capped at \$5000. If it is a town event, the police officers get paid overtime. If it is an outside event it is \$75/hour. The Council could waive the \$10/hour service rate. He stated that he would have to look at DPW overtime. If it was run by town, multiple quotes would be needed, and we would have to go through the procurement process. Permits have to be obtained from the state. Having the event on the same night would be a challenge because we have to get in and out in one day at Waterloo Village. Dave Gray loves the idea of bringing the town together for fireworks and said it’s worth a discussion. Scott suggested looking at a different location for the fireworks and doing fireworks every five years or special occasions. It is too late to have it for this year.

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

RESOLUTION NO. 114 – 2015 - - RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE ESTABLISHMENT OF AN U.S. DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC IN SUSSEX COUNTY – In attendance: Tony Gallopo from the American Legion represents Sussex and Warren Counties and they are looking at Byram, Newton and Hackettstown for an outpatient clinic. Out of the 9 northern counties, Warren and Sussex are the only counties that do not have a facility. They have looked at several locations and would love to put it into Byram Plaza. They need to get it past Washington.

David Gray read the resolution. Motion by Councilman Olson, second Councilman Raffay, to adopt the 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:

Tax bills went out and are due August 1. The next Council meeting is on August 11—we only have one meeting in August.

Councilman Olson – Attended 2 Byram Day Committee meetings in July. Attended the Highlands Sustainability Economic Study Group meeting, which was a great kick off meeting. The Open Space Committee meets on August 10 in the council conference room.

Councilwoman Raffay reported that there is a Planning Board meeting on August 6 at 8 p.m.

Councilwoman Nish Kash – Byram Day meeting on July 8 and discussed the possibility of having fireworks. July 15 was the Recreation Committee meeting, and they discussed the Lenape Valley Band application.

APPROVAL OF MINUTES

- July 7, 2015 - Regular Meeting Minutes –Motion by Councilman Olson second by Councilwoman Kash to adopt the minutes with the minor correction on the last page.

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

- July 7, 2015 - Executive Meeting Minutes –Motion by Councilwoman Kash 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

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. 111–2015 – Award of Bid to Contractors under the Morris County Cooperative Pricing Council for Proposed Improvements to Amity Road – Phase 1A
- Resolution No. 112-2015 – Resolution Authorizing Refund of Redemption Monies to Outside Lien Holder
- Resolution No. 113-2015 – Chapter 159 - \$2,805.33
- Resolution No. 115-2015 – Resolution Awarding a Contract for Demolition of Jones House and Garage – William Wroblewski LLC – not to exceed \$6,500
- Approval of Special Bingo License -Sr. Citizen group of Harborview Apartments to play at Tomahawk Lake 7/13/15-7/13/17

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

PROCLAMATION Commending Northwest NJ Community Action Partnership, Inc. (NORWESCAP) upon the Occasion of Celebrating the 50th Anniversary of Community Action

APPROVAL OF JULY 21, 2015 BILL LIST

Motion by Councilman Olson second by Councilwoman Raffay, 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. 11-2015 – 2nd Reading/Public Hearing

Be it Resolved that Ordinance entitled, “**An Ordinance Authorizing the Attached Agreement Between the Township of Byram and Aqua New Jersey, Inc. Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Water Facilities in the Township Rights of Way in the Byram Homeowners Association Water Co., Inc. Franchise Area Attached as Exhibit A and consenting to the Assignment to and Assumption by Aqua New Jersey, Inc.**” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Kash. Motion by Councilman Olson, second by Councilwoman Raffay to open to the public.

Purpose Statement: The purpose of this Ordinance is to authorize the signing of an Agreement between the Township of Byram and Aqua New Jersey, Inc. approving a Franchise and municipal consent to allow Aqua New Jersey, Inc. to construct, operate and maintain the water facility in the Franchise Area of the Byram Homeowners Association Water Co., Inc.

Barbara Kostiuk, West Brookwood Water, asked what area this ordinance is covering. Joe Sabatini told her it was the Lynn Drive area. Motion to close to the public was made by Councilman Olson, second by Councilwoman Raffay.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd				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 be published in the official designated newspaper according to the law.

ITEMS FOR DISCUSSION

Draft Route 206 Resolution – The intent of the resolution is to highlight the problems with the Route 206 improvements, which is outlined in the powerpoint presentation that will be included. The township continues to seek fixes to a punch list of issues including “significant cracking of the textured pavement in the turn lanes, flaking and cracking of the sidewalks, damaged curbing, possible trip hazards on the walkways, sight-line problems at the intersection of Brookwood and Route 206 and various problems at the (Lubber’s Run) bridge. Marie Raffay suggested directing the residents that complain to call the NJDOT.

The resolution states that the Township of Byram will pursue all remedies for this project if this project is not fully completed by Oct. 1, 2015, in accordance with all the details of design and construction agreements.

Deputy Mayor Gray asked if the Council was satisfied with the resolution as presented. Scott Olson said he was satisfied except for adding the distribution list to the end. Scott suggested adding a cover letter that invited anyone who would like to come walk with us to see it themselves. David Gray said that any other contractor or builder would be held accountable, and this should not be an exception. Motion by Councilman Olson, second by Councilwoman Raffay, to adopt Resolution 116-2015.

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

Green Acres Park Compliance – The Township received a letter dated 6/9/15 from a Compliance Inspector from the Green Acres Program. He inspected the parks and outlined several items that were not in compliance. The DPW has addressed a few of the issues. Several of the picnic tables at Neil Gylling are badly splintered and covered in black mold. We have to provide a plan back to the State on either removing or repairing. Joe suggested refurbishing about half of them to remain in the open area. He also suggests removing the 2 grills and the swing set. Joe will work on this with DPW, and report back to Green Acres with a plan.

Solid Waste/Recycling Specs – Joe Sabatini is looking for direction. This went out to bid in 2012 for a 3 year contract with two, one year renewals. As a result of the bid process, we ended up going with Blue Diamond and the Township pays the tipping fees directly to SCUMA. We contracted with Blue Diamond to pick up recyclables and they brought them to ReCommunity, who paid us \$18/ton for our recyclables. Since we contracted with ReCommunity, the market for recyclables has drastically went down. Joe does not want to own the recyclables anymore. If we rebid it, Joe suggests that we still pay tipping fees directly to the county. Many people have asked for an additional recycle day each month. If we do that, he would recommend discontinuing the recycling of glass/plastic/cans at our recycle center. David Gray said he would like to rebid it – he would like to see twice/month recycle pick up. Scott Olson, Nisha Kash and Marie Raffay were also in favor of going out to bid and to look at increasing the recycling pickup.

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.

Luann Byrne, thinks the idea for an Veteran out-patient clinic in Byram is a great. With regard to the survey, she suggested added state representatives and contact information. She asked that if we can’t get the State to do the repairs, would the State consider a monetary donation for the township to do it. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

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 Councilwoman Kash, 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 21, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Raffay to return to open session at 10:40 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:40 p.m. Motion carried.

Doris Flynn, Municipal Clerk

David Gray, Deputy Mayor