

**TOWNSHIP OF BYRAM
COUNCIL REORGANIZATION MEETING
MINUTES**

JULY 6, 2009-- 7:00 P.M.

CALL MEETING TO ORDER – Mayor Oscovitch called the meeting to order.

STATEMENT BY CLERK – Township Clerk Doris Flynn read the Open Public Meetings Statement.

ROLL CALL OF THE TOWNSHIP COUNCIL – Councilman Olson, here; Councilwoman Raffay, here; Councilman Rafferty, here; Councilman Thompson, here; Mayor Oscovitch, here. Also present was Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn.

EXECUTIVE SESSION – Motion by Councilman Olson, seconded by Councilman Rafferty to adopt the below resolution and enter into closed session to discuss personnel matters, contract negotiations and attorney client privilege.

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, Personnel Matters, Attorney Client Privilege

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 6, 2009.

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

SWEARING IN OF MAYOR JAMES OSCOVITCH – Judge Richard Bowe swore in James Oscovitch as Mayor for a four-year term with his wife, Bonnie, and children, Matthew and Abby, at his side.

SWEARING IN OF COUNCILWOMAN MARIE RAFFAY – Judge Richard Bowe swore in Marie Raffay as Councilwoman for a four-year term with her husband, Russ, and children, Rachel, Brendan, Denis and Adam at her side.

NOMINATION AND SELECTION OF DEPUTY MAYOR - Motion by Councilwoman Raffay, seconded by Councilman Rafferty, to nominate Councilman Olson as Deputy Mayor.

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					

COUNCIL APPOINTMENTS FOR 2009

DEPUTY CLERK – Councilman Olson made a motion, seconded by Councilman Rafferty to appoint Cynthia Church.

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					

TOWNSHIP ATTORNEY - Councilman Rafferty made a motion, seconded by Councilman Thompson, to appoint Thomas F. Collins, Jr. of Vogel, Chait, Collins and Schneider.

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					

SPECIAL COUNSEL FOR LABOR & NEGOTIATIONS - Councilman Olson made a motion, seconded by Councilman Thompson, to appoint Tom Ryan of Laddey, Clark & Ryan.

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					

BOND COUNSEL - Motion by Councilman Olson, seconded by Councilwoman Rafferty to appoint Robert H. Beinfield from Hawkins Delafield & Wood LLP.

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					

PROSECUTOR - Motion by Councilman Rafferty, seconded by Councilman Thompson to appoint Anthony Arbore.

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					

PUBLIC DEFENDER - Motion by Councilman Olson, seconded by Councilwoman Rafferty to appoint Daniel Colfax.

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					

TOWNSHIP AUDITOR - Councilman Rafferty made a motion, seconded by Councilman Olson, to appoint Raymond Sarinelli of Nisivoccia & Company.

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

TOWNSHIP ENGINEER - Councilman Rafferty made a motion, seconded by Councilwoman Rafferty, to appoint Cory Stoner of Harold Pellow & Associates.

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					

TOWNSHIP SEWER OPERATOR - Motion by Councilwoman Raffay, seconded by Councilman Thompson to appoint Wastewater Management, Inc.

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					

TOWNSHIP SEWER ENGINEER - Councilman Rafferty made a motion, seconded by Councilman Olson, to appoint Steven Donati of Cerenzio & Panaro.

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					

BOARD/COMMITTEE APPOINTMENTS BY TOWNSHIP COUNCIL

PLANNING BOARD

Councilman Olson made a motion, seconded by Councilwoman Raffay, to appoint George Shivas for a four-year term as a Class IV member.

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					

Councilman Olson made a motion, seconded by Councilman Rafferty, to appoint Caryn Segal for a four-year term as a Class IV member.

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

Councilman Olson made a motion, seconded by Councilwoman Rafferty, to carry the appointment of the Alternate I position, in order to interview interested candidates.

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					

Councilman Rafferty made a motion, seconded by Councilman Olson to appoint Councilwoman Rafferty for a one-year term to the Planning Board as a Class III member.

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					

BOARD OF HEALTH

Councilman Olson made a motion, seconded by Councilwoman Rafferty, to appoint Mimi Toney to a four-year term on the Board of Health.

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					

Councilman Olson made a motion, seconded by Councilman Rafferty, to appoint John Cubberly to a four-year term on the Board of Health.

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					

Councilman Rafferty made a motion, seconded by Councilman Thompson, to accept the resignation of Mark Spaldo and declare a vacancy. Mayor Oscovitch thanked Mark Spaldo for this years of service to the Board of Health.

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					

RECREATION COMMITTEE

Councilman Olson made a motion, seconded by Councilman Rafferty to appoint Tim Connery to a three-year term.

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					

Councilman Rafferty made a motion, seconded by Councilman Thompson, to appoint Tracy Church to a three-year term.

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					

Councilman Rafferty made a motion, seconded by Councilman Olson, to appoint Charles Kranz to a three-year term.

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					

Councilman Olson made a motion, seconded by Councilwoman Raffay, to appoint Colleen Ruth to the Alternate II position for a three-year term.

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					

OPEN SPACE COMMITTEE

Councilman Olson made a motion, seconded by Councilwoman Raffay, to appoint Caryn Segal to represent the Planning Board on the Open Space Committee for a three-year term.

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					

Councilwoman Raffay made a motion, seconded by Councilman Olson, to appoint Councilman Olson to represent the Council on the Open Space Committee for a three-year term.

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					

YOUTH GUIDANCE COMMITTEE – Councilman Rafferty made a motion, seconded by Councilwoman Raffay to appoint Denise Garrison and Mary May to a three-year term.

PLANNING BOARD

Mayor's Designee-Class I
Class II

Andrew McElroy
Adolf Steyh

TOWNSHIP MANAGER'S APPOINTMENTS

- Assessment Search Officer – Township Clerk Doris Flynn
- Tax Search Officer – Tax Collector Theresa Vervaeet
- Land Subdivision Search Officer – Planning Director Christopher Hellwig

Manager's Report:

PARIS 2009/2010 Awards:

- The Township worked with the County of Sussex and applied for a PARIS Grant from the State Division of Archives and Records Management to conduct and participate in a shared service Records Purging Project.
- Notification has been received that Sussex County has been awarded \$974,143 for the records purging project that covers 21 municipalities and 4 county departments. The terms of the grant extend from September 1, 2009 to August 31, 2010 and we will begin to meet with the county in September to review the Township's needs assessment that was submitted for the application.

NJ Family Care:

- Information has been posted on the Township's Website under News and Noteworthy regarding NJ FamilyCare which is a federal and state funded health insurance program created to help New Jersey's uninsured children and certain low-income parents and guardians to have affordable health coverage. NJ FamilyCare is for families who do not have available or affordable employer insurance, and cannot afford to pay the high cost of private health insurance.

Arts in the Park – Movies in the Park:

- Arts in the Park - Movies in the Neil Gylling Park will begin July 8th. All movies start at 8:30 on Wednesday nights throughout the summer.

Special Thanks to the Following:

- Patty Reiche for her efforts in taking the initiative to plan and organize the Byram Township Passport Day on Friday, June 19th. Over 60 residents took advantage of this program.
- Cindy Church and Kristie Ruggiero for planning, organizing and managing the Township's 1st Annual Free E-Waste Day. Over 7 tons of E-Waste was collected which counts towards the Township's recycling tonnage for the end of year reporting.

PSE&G Update:

- On June 25, 2009 at the regularly scheduled meeting of the Highlands Council, the Highlands Council fund that PSE&G's revised Project constitutes "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights of way, or systems, by a public utility" and that the proposed project in both the Planning Area and Preservation Area is consistent with the goals and purposes of the Highlands Act.
- The Coalition is planning a strategy meeting with the Municipal Representatives for Wednesday, July 8 at 4:00 in the Parsippany Township Council chambers. The coalition has retained experts to provide testimony that is due July 10.

COUNCILMAN THOMPSON congratulated Mayor Oscovitch and Councilwoman Raffay on being elected and stated that he looked forward to working on the council with them. He commended the DPW for the great job they have done on the ball fields.

COUNCILMAN RAFFERTY expressed his concerns with comments he read in the minutes which were stated at the last Recreation Committee meeting regarding the small increase in the senior citizen budget. Councilman Rafferty took a \$600 pay reduction and was in favor of increasing the amount

donated to the senior citizens by \$500.00. He is a big supporter of the seniors and feels they deserved the \$500 increase. Councilman Rafferty welcomed Marie Raffay as Councilwoman and Jim Oscovitch as Mayor.

COUNCILMAN OLSON

- Congratulated Mayor Oscovitch and Councilwoman Raffay. With regard to the Recreation Committee's comments, he feels there is a lack of communication and would like to see the Recreation Committee become more involved during budget meetings.
- Councilman Olson commended the staff on the successful E-Waste Day at Byram.
- Reviewed information on PSE&G

MAYOR OSCOVITCH

- Discussed a request that he received from the owners of Tomahawk Lake to change the name of the park located near Tomahawk Lake. It is presently called Tomahawk Park, which causes confusion because some people think that Tomahawk Lake is Tomahawk Park. A new name, Mountain Heights Park, has been suggested. The Recreation Committee will look further into this.
- Spoke about a pamphlet that Doris Flynn has drafted which would be available as a hand-out at Council meetings. The pamphlet briefly explains a few facts about Byram's government, how meetings are run, and a section on Byram's history. The Clerk summarized it briefly.

PUBLIC PARTICIPATION I

Alice Harrison, 92 Glenside Trail, congratulated Jim Oscovitch and Marie Raffay on the election. Ms. Harrison spoke about the Abe Lincoln event that is being held on July 12th at Wild West City sponsored by the Kiwanis Club.

Skip Danielson, 18 Hunters Lane, congratulated Jim Oscovitch and Marie Raffay. He stated that the New Jersey Herald made an error in an article about a week ago with regard to PSE&G. It stated that the Township was against the PSE&G project but the Council never took a vote against the project.

Kim Hiscano, Stag Pond Road, commented on the draft pamphlet. Ms. Hiscano asked if the Council would be discussing the Commercial Shooting Preserve response from the NJDEP at the next meeting. Joe Sabatini stated that it would be a discussion item on July 20th.

Donna Griff, 71 Brookwood Road, congratulated Marie Raffay and Jim Oscovitch on their positions on the Council. Ms. Griff invited anyone to join the Kiwanis Club which meets at Barones on the 2nd and 4th Thursday of each month. They have lost some membership over the past year and are trying to rebuild.

CONSENT AGENDA

All items with an (*) 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 will be removed from the general order of business and considered in its normal sequence on the agenda.

*Res. No. 83-2009 - Custodian of Funds, Court
*Res. No. 84-2009 - Signatories
*Res. No. 85-2009 - Official Newspapers
*Res. No. 86-2009 - Police Matron
*Res. No. 87-2009 - Dedication by Rider for Donations of gifts and bequests for the celebration of Byram Day
*Res. No. 88-2009 - Refund of Zoning Escrow Blk. 246/Lot 472.02 & 473
*Res. No. 89-2009 - Renewal of Liquor License - 7/1/09-6/30/10 - Zipload, Inc. trading as SALT
*Res. No. 90-2009 - Award of Bid - Road Improvements to Roseville Road-Phase I - Owl Contracting - \$199,198.00
*Res. No. 91-2009 - Award of Bid - Road Resurfacing to Various Streets - Owl Contracting - \$279,270.00.
*Res. No. 92-2009 - Authorization to provide for the Reclamation/Rehabilitation of Roseville Road-Phase I
*Res. No. 93-2009 - Renewal of Liquor License - 7/1/09-6/30/10- Jacton LLC, trading as Timbers Your Family Place
*Resolution No. 94-2009 - Chapter 159 - Click It or Ticket It - \$4000

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					

APPROVAL OF MINUTES

- 6-15-09 Regular Minutes - Motion by Councilman Olson, seconded by Councilman Rafferty to approve the minutes as presented. All members in favor. Motion Carried.
- 6-15-09 Closed Session Minutes - Motion by Councilman Rafferty, seconded by Councilman Olson to approve the minutes as presented. All members in favor. Motion Carried.

RESOLUTION 95-2009 – CALENDAR DATES OF THE SCHEDULED REGULAR MEETINGS OF THE BYRAM TOWNSHIP COUNCIL FROM 07/01/09 UNTIL 06/30/10 – The Council discussed having one meeting in August and having an executive session at 7 p.m. prior to the start of the public meetings at 7:30 p.m. Motion by Councilman Rafferty, second by Councilman Olson, to approve the annual notice with one meeting in August and a 7:00 p.m. executive session prior to the regular meetings.

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 – INTRODUCTION

A. BE IT RESOLVED that an Ordinance entitled **“Ordinance of the Township of Byram Creating Chapter 113 Continuing Certificate of Occupancy”** be introduced and read by title by the Township Clerk and passed on first reading.

Township Manager summarized the ordinance. Councilman Thompson expressed his opposition to this ordinance.

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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on the 20th of July 2009 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.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance with the Notice of introduction thereof, in the official designated newspaper according to law.

- b. BE IT RESOLVED that an Ordinance entitled **“Ordinance to Amend the Appendix A; Fee Schedule, to the Code of Byram Township”** be introduced and read by title by the Township Clerk and passed on first reading.

The Manager summarized the purpose of this ordinance.

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					

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 the 20th of July 2009 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.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance with the Notice of introduction thereof, in the official designated newspaper according to law.

- c. BE IT RESOLVED that an Ordinance entitled **“Ordinance to Establish a Lease Between the Township of Byram and North Shore Water Association, a Non-Profit Corporation, Pursuant to 40A:12-14© and 40A:12-15(i)”** be introduced and read by title by the Township Clerk and passed on first reading.

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					

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 the 20th of July 2009 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.

BE IT FURTHER RESOLVED, that the Township Clerk be authorized and directed to advertise said Ordinance with the Notice of introduction thereof, in the official designated newspaper according to law.

PUBLIC PARTICIPATION II

Andrew McElroy, 71 Lynn Drive, congratulated the new Mayor and Marie Raffay on the election. He thanked the Mayor and Council for appointing him to serve on the Planning Board and ARC. He stated that he would be on vacation at the Council’s next meeting and wanted the opportunity to express some comments about the proposed Continued Certificate of Occupancy. He feels it is a good ordinance and did experience some problems first hand when he purchased his house years ago because some work was done without inspections.

John Moran, 7 East Waterloo Road, appreciated Councilman Thompson’s comments and expressed concerns regarding this proposed ordinance.

Donna Griff, 71 Brookwood Road, stated that she would not be able to attend the next planning board meeting but would still like to be considered for the Alternate Planning Board seat. She would be

available for an interview on August 10. Ms. Griff stated that she was in favor of the Continued Certificate of Occupancy ordinance.

Kim Hiscano, Stag Pond Road, asked if other towns have a similar ordinance.

Jeanie Moran, 7 East Waterloo Road, expressed her concerns regarding the Continued Certificate of Occupancy. She also commented on the town-wide revaluation.

ADJOURNMENT

Motion by Councilman Olson, seconded by Councilman Rafferty to adjourn the meeting at 9:58 p.m. All in favor. Meeting adjourned.

Respectfully submitted,


Doris Flynn, Township Clerk


James Oscovitch, Mayor