

**BYRAM TOWNSHIP COUNCIL MEETING - JULY 7, 2015**

**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, here; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch, here. 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	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:

- Contract Negotiations
  - PBA
  - Netcong Construction Agreement
- Attorney Client Privileged Communication and Contract Negotiations
  - Byram Homeowners Association Water Company
- Personnel
  - Emergency Management Council
  - PBA grievance
- Attorney Client Privileged Communication
  - General
  - PSE&G
  - Route 206 Improvements

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 7, 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 Councilman Gray, to approve the agenda as presented. All members were in favor. Motion carried.

**PRESENTATION**

- **Easement Monitoring Program – Presentation by Eileen Swan of New Jersey Conservation**

Byram obtained a grant to do this project from New Jersey Conservation Foundation. The issue of easements is an issue that all municipalities face across the state. Overall, the intent is to protect Byram's resources. We are known as the Township of Lakes and it is important for us to protect our resources. Section 240-29.2 of our code addresses conservation easements. Scott Olson, Margaret McGarrity, and Eileen Swan worked on this project, with the help of Lucy Halse and the Environmental Commission. Eileen presented a powerpoint presentation, highlighting the many beautiful resources in Byram, reviewed two subdivision maps which had several conservation easements on it, and discussed deeds for these lots and the language that should be in them. Eileen researched hundreds of deeds in the county, and touched on the problem that sometimes the language gets omitted when the deed is transferred. A database listing every block and lot in the municipality with physical location, owner, contact address, acreage etc. was compiled with the assistance of the New Jersey Highlands Council. The inventory is linked to GIS files. Easement information was added and deeds attached where applicable. It will need regular maintenance to reflect further research and new easements. We can't extinguish easements—that has to be done through the NJDEP. The conservation easements have been inventoried on maps by the Highlands Council. There are some corrections that need to be made and Byram can reach out to the Highlands Council staff to have them do this.

Listed below are several recommendations that were made:

- Update and maintain the inventory
- Monitor easements once every 3 years
- Could add "are there existing easements on the property" to the checklist for variances.
- Could add "are there any easements or deed restrictions" to the zoning permit application.

Jim Oscovitch stated that he liked that the easements are the Township's. Jim commended the team for all their efforts. Scott said it was not an easy task, and stated we will have to come up with a process to enforce the protection of easements.

The Council took a five minute recess.

Motion by Councilman Gray, second by Councilwoman Raffay, to reopen the meeting. All members were in favor.

- **Zodiac Boat – Fire Chief Chuck Putz** – A demonstration of the Zodiac Boat was given by Mike Dorlan, representative from FF1, in the parking lot. Mr. Dorlan showed the Council how to inflate the boat, which weighs 150 pounds. As he did this, he provided a narrative about it.

**PUBLIC PARTICIPATION I** – Motion by Councilman Olson, second by Councilman Gray to open to the public. All members were in favor. Motion carried.

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

## **TOWNSHIP REPORTS**

### **Manager's Report:**

Byram Sustainable Economic Development Plan with Market Feasibility Analysis: Steering Committee Kickoff Meeting for July 9 at 7:00 PM.

Byram Township's 5-year Community Forestry Plan: We received notification on June 26 that the Township's second 5-year Community Forestry Management Plan was approved for 2015-2019.

Township's Municipal Housing Element and Fair Share Plan and request for Judgment of Compliant under Mount Laurel 2: Byram's Complaint for Declaratory Judgment and Other Relief was filed July 2

The State published the new minimum bid thresholds. The thresholds for towns with QPA's increased, but towns that do not have a QPA did not receive an increase.

Joe Sabatini introduced our new Zoning Officer, Tom Dixon. He started on June 1 and works Monday, Wednesday and Friday.

### **Councilman Olson**

- Byram Day committee met on June 18 and 24. They walked the areas in Waterloo Village that will be used for Byram Day and got great ideas for some interesting changes.
- On July 1, Scott and Joe met with PSE&G representatives at Glenside Trail South to review the areas in need of repair.
- The EDAC meeting was cancelled for July 9.

**Councilwoman Raffay** reported that there is a Planning Board meeting on July 16 at 8 p.m.

**Mayor Oscovitch** - Thanked David for filling in on some weddings while he was on vacation. The Mayor congratulated Doris Flynn on her son's appointment as Mayor of Newton.

**Attorney Tom Collins** – The Township did file its declaratory judgment complaint seeking superior court approval of the housing element and fair share housing plan and seeking immunity pursuant to the recent decision. He will report to the Township in the future as it progresses.

**APPROVAL OF MINUTES**

- June 16, 2015 - Regular Meeting Minutes –Motion by Councilman Gray second by Councilman Olson 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	x				
Absent					

- June 16, 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	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 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 Gray, second by Councilwoman Kash, to approve the consent agenda.

- Resolution No. 96-2015 – Resolution for Deer Hunting on Municipally-Owned Property for the 2015-15 Hunting Season
- Resolution No. 97–2015 – Resolution Authorizing Renewal of Liquor License to Byram Beverage Inc. 7/1/15-6/30/16
- Resolution No. 98-2015 – Resolution Authorizing Renewal of Liquor License to Tomahawk Lake Inc. 7/1/15-6/30/16
- Resolution No. 99-2015 – Resolution Authorizing Renewal of Liquor License to Lockwood Tavern Liquor License LLC 7/1/15-6/30/16
- Resolution No. 100-2015 – Resolution Authorizing the Execution of a PSA with FKA Architects
- Resolution No. 101-2015 - Resolution Authorizing the Acceptance of a 2015 Statewide Insurance Fund Grant for Security Cameras
- Resolution No. 102-2015 – Resolution Authorizing the Submittal of a 2015 Bonus Recycling Grant
- Resolution No. 103-2015 – Resolution Authorizing the Purchase of One (1) 2015 Ford Police Interceptor Sedan AWD Vehicle with Optional Equipment for the Township of Byram Police Department
- Resolution No. 104-2015 – Resolution Authorizing Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon
- Resolution No. 105-2015 - Resolution Authorizing Renewal of Liquor License to Zipload Inc., Trading as Salt
- Resolution No. 106-2015 - Resolution Authorizing Renewal of Liquor License to CBK Restaurant LLC, Trading as The Trout and the Troll
- Resolution No. 107-2015 - Resolution Authorizing Renewal of Liquor License to Route 206 LLC Trading as Stonewood Tavern
- Resolution No. 108-2015 - Resolution Authorizing Renewal of Liquor License to Venture Two LLC
- Resolution No. 109-2015 – Resolution of Byram to Authorize and Direct the Tax Collector to Sell Municipal Liens n Accordance with New Jersey Law
- Resolution No. 110-2015 – Resolution Authorizing Award of a Non-Fair and Open Contract for Architectural Services for the Municipal Building Assessment and Municipal Complex Masterplan

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

**APPROVAL OF JULY 7, 2015 BILL LIST**

Motion by Councilman Gray second by Councilman Olson, 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	x
No					
Abstain					
Absent					

**ORDINANCE NO. 11-2015** – Introduction/1<sup>st</sup> Reading

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 first reading. Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance.

**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.

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

The Mayor asked Attorney Megan Ward, who represents the Byram Homeowners Association Water Co., Inc. to come forward in case the Council had any questions. Megan stated that the water company was formed in the 1980’s to provide water to the homes in the area. This past year, it was unanimously approved by the users to transfer to Aqua.

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 Tuesday, July 21 at 7:30 p.m. at the Byram Municipal Building, 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

**ORDINANCE NO. 10-2015** – 2<sup>nd</sup> reading/public hearing

Be it Resolved that Ordinance entitled, “**Amended Ordinance for Administration & Hourly Positions Salary and Wage for the Years 2013-2016** 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. Joe Sabatini stated that the only change to this ordinance was the addition of a position titled Deputy Municipal Manager in case the Township decides to fill the position. No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

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

## **ITEMS FOR DISCUSSION**

### EDAC – Pilot Program

Member Joann Smith presented. At the last EDAC meeting the committee made a unanimous motion to recommend that the Council research establishing a PILOT program. The committee listed some positives for Byram business--close access to Route 80, Route 206 improvements done, gateway to Sussex County. They also listed the negatives about Byram for businesses--limited sewers, lack of a water utility, no natural gas, the inability for Sussex County to retain its residents, and high taxes.

The EDAC feels the Township should look into the program because they are only an advisory committee, and the Township has the staffing resources to investigate this; i.e., Township Manager, Planner and Attorney. Councilman Gray stated that he was in favor of looking into a PILOT program and feels something needs to be done. This Thursday is the initial kick off meeting for the group of people who are going to start the process of a professional economic study. Byram obtained a \$35,000 grant for this from the Highlands Council.

Tom stated there are only a few ways to use the PILOT program, one being claiming an area in need of redevelopment, but you have to be very careful with this. There is a program that is for “areas in need of rehabilitation (tax abatement)”, which may be more appropriate. This program is beneficial to the taxpayer, but not as beneficial to the municipality. Scott stated that West Milford is doing the rehabilitation program, and Netcong is looking into the PILOT program. Tom said you have to look at “what incentives could be used to either rehabilitate or build new.” The economic study may be able to come up with something that could fit within a New Jersey authorized model.

Scott Olson stated that this process was started in 2010 through the Highlands Council when we conformed with the Highlands Regional Master Plan. It is a long-term process, and this was a step that was outlined in the plan. The purpose of the study is to extract the information from the entire business corridor. This study will be done in 4 months, which is good in that it will get the information gathered quickly for the EDAC to utilize. The entire business district will be looked at, not just the Village Center. This is important in that our current Smart Growth Plan was done in 2002, and the economy has changed tremendously since. Jim says that when we get the study, we have to react to the information contained in it.

Joe Sabatini stated that there is not money in this year’s budget to pay our professionals to explore a PILOT program. It is not a simple process, there are various components involved. The Council can look at this late in the year when planning for next year’s budget. In the meantime, we look forward to getting the study funded by the grant.

At the end of the discussion, Scott Olson asked that the EDAC do further investigation on the types of programs available.

Jim Oscovitch said he will work on communications. Councilman Gray said he will investigate PILOT and tax abatement programs.

Tom Collins discussed the situation about a person wanting to pave a driveway that is partially on Township property, which is part of the One Main Street conservation lot. After a brief discussion, it was decided that the Zoning Officer would make a site inspection and take pictures. Tom suggested that the Township may want to issue a zoning permit so that there is documentation.

## **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.

Skip Danielson, 18 Hunters Lane, commented on the businesses in Byram and suggested that the Township help promote existing businesses.

Joann Smith, 57 Lake Drive, commented that the first responsibility of promoting a business should come from the business owner.

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 Raffay, 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 7, 2015.

Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Gray, 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 Gray, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:40 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor