

BYRAM TOWNSHIP COUNCIL MEETING - SEPTEMBER 15, 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 Kash, to go into executive session and adopt the below resolution.

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

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 Privileged Communication
 - General
 - PEG Bandwidth
- b. Pending Litigation- Mt. Laurel Declaratory Judgment Case- Dr. Burchell Unavailability and Replacement
- c. Contract Negotiations – Chief of Police Contract Amendment

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 September 15, 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 Gray, second by Councilwoman Raffay, to approve the agenda with removing Res. 136-2015 from the consent agenda. All members were in favor. Motion carried.

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, said that it was great news that we are getting increased curbside recycling pickup but asked why we cannot continue to have single stream recycling at the Recycling Center. Joe explained that

Blue Diamond proposed giving us every other Friday curbside recycling but would need to remove the 4 containers presently being used for single stream, to offset the increase cost in curbside pickup. Joann said that the signs for Byram Day are horrendous, and it makes the town look terrible. Netcong Day has very nice signs. If the wood was repainted white and stenciling was used for the lettering, it would look much nicer.

Luann Byrne, 34A Richmond Road, questioned the resolution regarding health care contribution when retired. Joe Sabatini explained it.

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

TOWNSHIP REPORTS

Township Manager

Status Town Road Projects:

Started chipping and stone project in Forest Lakes. The contractor fell a little behind because they had some mechanical problems. They should be in Forest Lakes for 2 more days.

Byram Day – September 27:

Byram Day is scheduled for Saturday, September 26 at Waterloo Village from 11:00 a.m. to 5 p.m. (rain date, Sunday, September 27).

Brush Recycling: Recycling will accept brush (no bigger than 4” in diameter) September 19-October 31.

Permanent Bond Sale:

- 2015 was the end of the Township’s ten year permanent debt cycle. (last payment due October 1).
- To continue our permanent debt cycle and take advantage of interest rates at all time low, we started to perform a bond sale authorized by M&C on August 11.
- The CFO worked with the Township’s Bond Counsel and Auditor, and municipal staff to prepare a Preliminary Official Statement to obtain an updated Bond Rate by Standard and Poor’s.
- We received a rate of AA+, which is the best rating that we could see for a municipality of our stature.
- The interest rate we did receive on the bonds is reflective our AA+ rating.
- Bid proposals were received Wednesday, Sept. 9.
- The low bidder was determined to be Roosevelt& Cross at a net interest rate of 1.911494%,
- A premium of \$38,560 was also provided which can be utilized in subsequent years for capital projects.

Best Practices 2016

Just received a LFN for Best Practices for 2016. Council will need to take an action by October 16.

Councilman Gray

- Congressman Frelinghuysen will be walking the Mansfield Drive Dump site at 9 a.m. as part of his superfund tour.
- The EC has proposed a trail clean up of the Brookwood Park. One of the members has received a Chain Saw certification, and the EC will soon seek permission to use the Township’s chainsaw in the near future.
- Took the Byram survey and found it to be laid out very well and easy to take.
- Attended the last Sussex County Chamber of Commerce breakfast. He found it informative and saw many familiar faces.

Councilman Olson

- Attended the Economic Steering Committee meeting on September 10. Mark Lohbauer has been doing a terrific job and gathered great information from stakeholders and business owners which he shared with the committee. Mark contacted Scott this afternoon and informed him that there were 562 responses to the survey after the first day, which is significant. Scott and Mark put out the signs on Monday. The first public workshop will occur on 9/28 at 7:30 p.m. at Town Hall.

Councilwoman Raffay

- The next Planning Board meeting is 9/17.
- Committee Chair meeting is on September 29 at 7 p.m.
- Harvest Moon Festival is on October 8 – tickets are available at the Whistling Swan and Sunnyside Gardens and available through the members of FOWV.
- Attended the marketability meeting last week. Most of the businesses have been interviewed. It was an informative meeting.

Councilwoman Kash

- Attended the 9/14 Byram Day Committee meeting. Everything is moving along nicely with the planning of Byram Day. It is on 9/26 in the historic area of Waterloo Village.

Mayor Oscovitch

- The center of prevention has asked the Mayor to come in to Byram Schools and talk to the kids about bullying
- The Mayor plans on joining the walk through the Mansfield Trail Dump Site with Congressman Frelinghuysen
- Looking forward to Byram Day

Attorney Tom Collins

Township received an immunity order to at least January 7, 2016 against builder’s remedy lawsuits. Unfortunately, our municipal expert had a stroke while preparing reports with the COAH numbers. Tom will discuss this at the 2nd closed session.

APPROVAL OF MINUTES

- September 1, 2015 - Regular 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	x
No					
Abstain					
Absent					

- September 1, 2015 - Executive Meeting Minutes –Motion by Councilwoman Olson second by Councilwoman Kash 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	x
No					
Abstain					
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 Olson, second by Councilwoman Kash, to approve the consent agenda.

- Resolution No. 140 – 2015 – Resolution directing the Township Manager to Participate in a Reverse Auction for Electricity Generation through Energy market Exchange (EMEX)
- Resolution No. 141 – 2015 – Resolution of the Governing Body of the Township of Byram Regarding the Repairs to the Lynn Drive Catch Basins
- Resolution No. 142 – 2015 – Resolution Defining Township Policy on Retiree Health Insurance Contributions
- Resolution No. 143 – 2015 – Resolution Authorizing L & G Planning to Provide Planning Services to Complete the Tasks Outlined in Modules 2, 3 and 7 under the Plan Conformance Grant not to exceed \$25,000

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

RESOLUTION 144-2015 – Motion by Councilman Gray, second by Councilman Olson. The Mayor opened for discussion among the Council. David Gray explained that he was asked if he would contribute \$350 towards funding a bounce house for Byram Day. He agreed to donate this amount but now has found that it could cost significantly more than that. The Council decided to move forward with the resolution as presented and discuss having an inflatable ride later this evening as a discussion item.

	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 SEPTEMBER 15, 2015 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			X	
Yes	X	X	X	X	X
No					
Abstain					
Absent					

ORDINANCE NO. 14-2015 – 2nd reading/public hearing

Be it Resolved that Ordinance entitled, “**BOND ORDINANCE PROVIDING FOR THE REMOUNT OF AN AMBULANCE BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$150,000 AND AUTHORIZING THE ISSUANCE OF \$142,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION**” 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 Kash to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public. All in favor. Scott Olson thanked the members of the squad that met with Township and apologized for the delay. Scott Danielson thanked the Council on behalf of the squad for approving this ordinance for the remount.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2 nd				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.

ORDINANCE NO. 15-2015 – 2nd reading/public hearing

Be it Resolved that Ordinance entitled, “**ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF A STANDBY GENERATOR TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$11,000.00**” be read by title on second reading and a hearing held thereon. Motion by Councilwoman Raffay, second by Councilwoman Kash. Motion by Councilman Gray, second by Councilwoman Raffay to open to the public. Scott Danielson thanked the Council for adopting this ordinance because having a generator at this location is a benefit to the squad as well as the Fire Department and Police Department. Motion by Councilman Gray, second by Councilwoman Raffay to close to the public.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2 nd				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

BYOB – David Gray stated that Byram has an ordinance that prohibits BYOB. Right now, some restaurants are allowing BYOB even though it is not permitted. David did have the opportunity to speak to a liquor license holder and they did not have a problem with it. David has a vision of Byram being a food place destination and BYOB would enhance it. It would be a good economic policy for the town. The State has a statute that if you are going to have BYOB, it has to be done according to State law. You cannot advertise it or charge a corking fee. David would like to allow BYOB, but does not want to see it happen in a fast food restaurants, such as McDonalds. Clifton and Wall Township only allows it in restaurants that have sit down table service only. David said in order to get this done, we would have to vacate our current ordinance and introduce a new ordinance that permits BYOB, restate the State statute, and only permitted at restaurants that have table service. Joe asked who would enforce the ordinance. David said it would be a disorderly person complaint – not a zoning issue. Tom Collins stated that it is not a license, and it is regulated by the ABC.

Marie Raffay is in favor of lifting the ban on BYOB. She doesn’t want to over regulate. Jim Oscovitch is looking forward to revising our ordinance. Scott Olson also looked into this and stated that Wall Township recently amended their ordinance, and he would like to see Byram have a similar ordinance. David will investigate it further and send out comments or a draft to Tom for review. This will come back to the Council for discussion at the next meeting.

Bounce House policy – David Gray recused from this discussion and sat in the audience. Scott stated that there was discussion with Steve Ellis in March regarding Byram Day and at that time Steve said no bounce houses, amplified music or big rides, because they were deemed not appropriate for an historic village. At the March 9th Council meeting, the Council made a motion to have Byram Day in the historic area of the village, even if it could not include bigger rides. Last week, Joe was talking with Steve Ellis, and Steve said he was given the impression that the Township was not happy that Byram could not have inflatables, and when he met

with Joe last week he said we could have a bounce house in a particular area. Scott stated that the Council did not authorize having bounce houses, and it is his opinion it does not fit within the purview of the plan for the village. Scott read from an email that he received regarding the draft policy for historic villages.

Marie Raffay did not feel the Council made policy in March to not have a bounce house. She said that the Council agreed to have the event at Waterloo even if we could not have bigger rides. Now that the State has changed their mind, she doesn't have a problem having the inflatables. Nisha Kash felt the same way. She said that Byram is a family town and kids look forward to things like bounce houses. At first the Township was told that we could not have bounce houses, but now they will allow them. Jim Oscovitch stated that he doesn't have a problem with a bounce house.

Joe stated that when he was involved in the discussions, it was very clear that the State did not want Byram Day in the village. They wanted us to have it in the concert field, but Byram did not want that, especially since the concert field is not in Byram. The State felt that Byram Day was too big to be able to co-exist with Jeffrey Miller catering if they were having an event. We were able to come up with a plan that would move Byram Day into the historical district of Waterloo Village. The goal of this year's Byram Day was to try to operate it with the intention of co-existing in future years with the catering company while they were hosting a wedding. Steve Ellis stated, under the circumstances, he would allow the bounce house this year, in a particular area. This year we have access to the bathrooms, but in subsequent years we may not, so he does not want us to use the bathrooms. The Township will be renting port-a-johns.

Joe stated that we do not have funding to pay for the bounce houses. Another change this year will be that the Township is not collecting funds at Byram Day. The rides will be free to all children (except pony rides—vendor will be paid directly). Joe Sabatini explained the issues with accepting money, donations, etc. Joe said that the best scenario is that the donor or donors pay the vendor directly for the bounce house.

Motion by Scott Olson, second by Nisha Kash, to open to the public to discussion on this matter. David Gray, 2 Fieldstone Trail, stated that he has children ages 6 and 4 and he is in favor of having a bounce house at Byram Day. He is willing to contribute \$350 towards it.

Donna Griff, chair of Byram Day Committee, explained the budget of Byram Day and what they are doing. There are 50 vendors that have registered so far. Donna said they have no problem following all the rules set by the State. Donna stated that there are two hidden spots that can't be seen from anywhere else in the village that they would permit children's activities—an area next to the church and an area at the end of the Village. Donna visited the village tonight to check out these areas. They are excited about planning the "Hidden Children's Area".

Tom Collins talked about the risk of the inflatables becoming airborne. He stated that this should be addressed by the vendor. Joe said that Janet will get a certificate of insurance from the vendor. Motion by Nisha Kash, second by Councilwoman Raffay, to close to the public. All members were in favor. Motion carried.

Motion by Councilwoman Raffay, second by Councilwoman Kash to confirm that the Council does not oppose the gifting of a bounce house or two to be used at Byram Day. The Mayor asked if there was any discussion. Scott Olson stated that he has worked hard promoting the historic village and does not feel bounce houses are appropriate for this venue.

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

PUBLIC PARTICIPATION II

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

Skip Danielson, 18 Hunter Lane, stated that his wife and he enjoys dining at BYOB restaurants in the summer down the shore weekly, and looks forward to Byram having it. It is a practice that goes on in Byram even though it is prohibited. He likes the idea of the table service requirement.

Donna Griff, formally invited the Council to Byram Day, and stated that they have reached out to other dignitaries.

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.

	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:

- d. Attorney Client Privileged Communication
 - General
 - PEG Bandwidth
- e. Pending Litigation- Mt. Laurel Declaratory Judgment Case- Dr. Burchell Unavailability and Replacement
- f. Contract Negotiations – Chief of Police Contract Amendment

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 September 15, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Kash to return to open session. All members were in favor. Motion Carried.

OTHER BUSINESS

Resolution No. 145 – 2015 – Motion by Councilman Olson, second by Councilman Gray, to adopt this resolution which authorizes the amendment to the Municipal Shared Services Defense Agreement to replace Dr. Burchell and allow the Municipal Group to enter into an agreement with Econsult.

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

ADJOURN

On the motion of Councilman Olson, second by Councilman Gray, and with all members in favor, the meeting was adjourned at 9:30 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor