

## **BYRAM TOWNSHIP COUNCIL MEETING - SEPTEMBER 20, 2011**

### **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 Meeting Act, NJSA 10:4-6.

### **ROLL CALL**

Mayor Oscovitch, here; Councilwoman Raffay, here; Councilman Rafferty, here; Councilman Thompson, absent; Councilman Olson, here; Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

### **FLAG SALUTE AND MOMENT OF SILENT REFLECTION**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda with the addition of a discussion item on Johnson Lake. All members were in favor. Motion carried.

### **TOWNSHIP REPORTS**

#### **Township Manager**

Byram Day:

- Byram Day is Saturday, October 1 starting at 12:00 (noon) and ending at 5:00 and will be located at Neil Gyling Park.
- The rain date is Sunday, October 2

Budget Information:

- 2012 budget information is available on the Township Website.
- There is a link on the home page but information also can be located under Township Offices – Municipal Budget Information.
- Our last Budget Workshop was last Monday, September 12.
- Due to limited attendance of the Governing Body, the official meeting was adjourned at 7:12 when there was no longer a quorum. The meeting continued in a public work session mode, with no action to be taken. The work session ended at 7:25.
- General guidance offered is there is no issue with the draft budget that has been presented and it is not felt there is any way to accomplish a zero percent increase.
- Another budget workshop was not scheduled.

E-Waste Event:

- Bin has been dropped off to collect E-Waste.
- The bin will be locked and only available on Wednesday and Saturday's.
- There is no cost for the services – the bin will be provided, and all removal services.

Re-org:

- Re-organization will be January 1.
- Packages will be sent to all existing professionals in mid November for reappointments.
- If the Council would like to have a future discussion item regarding reappointments, we should schedule for a future meeting.

NJ DOT – Route 206:

- Received a 14 day notice regarding Route 206.
- Stage 2 Traffic will be shifted to the south side of Rt. 206 restricted within lanes by drums and barrier curb with modified lane widths and minimum buffer areas.
- Proposed Start Date of New Traffic Pattern: Monday October 3, 2011

The Mayor asked if a reverse 911 call could be made to residents to alert them of the construction starting on Route 206 on October 3, 2011. He also suggested adding this to the website.

#### **Councilman Scott Olson**

- The next Environmental Commission meeting is on September 22 at 7:30 p.m. at Town Hall.
- The EPA had a meeting on September 8<sup>th</sup>, and gave a good update on the process and where they were at. The next EPA Mansfield Trail Super Fund meeting set for December 8 at Town Hall at 6:30 p.m. to discuss the contamination removal process.
- The Green Team will meet on September 27 at 8 p.m.

#### **Councilwoman Marie Raffay**

- The last planning board meeting was cancelled. The next meeting will be October 6. CVS will continue its hearing.
- Attended the SCLOM meeting and FEMA was the topic of discussion.

**Mayor Jim Oscovitch**

- The Mayor stated that Byram has lost some long time citizens: Richard Blesson, Dolores Esposito, Alice Reddon and Sharon Sinot. They will be deeply missed. The Mayor asked everyone to keep their families in their prayers.

Scott Olson stated that he didn't feel there was any need to plan for an additional budget meeting until we hear what some decisions from the State.

**PUBLIC PARTICIPATION I** - Motion by Councilwoman Raffay, second by Councilman Olson, to open to public. All members were in favor. Motion Carried. No comments were made.

Councilman Olson made a motion, seconded by Councilman Rafferty, to close to the public. All members were in favor. Motion carried.

**APPROVAL OF MINUTES**

- September 6, 2011 Regular Meeting Minutes –Motion by Councilman Rafferty, second by Councilwoman Raffay to approve the minutes as presented. All other members were in favor. Motion carried.
- September 6, 2011 Executive Session Minutes – Motion by Councilman Olson, second by Councilman Rafferty to approve the minutes as presented. All other members were in favor. Motion carried.
- September 12, 2011 Special Budget Work Session Minutes – Motion by Councilwoman Raffay, second by Councilman Rafferty to approve the minutes as presented. All other members were in favor. Motion carried

**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 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 Raffay, to approve the consent agenda.

- A. Resolution No. 111-2011 - Resolution Authorizing Execution with the Morris County Cooperative Pricing Council to Renew Membership for the Period of October 1, 2011 through September 30, 2016
- B. Resolution No. 112-2011 – Resolution for Award of bid to Merchantville Overhead Door Company under the New Jersey State Contract # T1343
- C. Resolution No. 113-2011 – Resolution Accepting a 2011 Energy Efficiency and Conservation Block Grant (EECB), funded through the American Recovery and Reinvestment Act (ARRA), for the Purchase/Installation of Insulated Garage Doors
- D. Resolution No. 114-2011 – Resolution Authorizing the Award of a Contract to Tree King, Inc. for the Removal of Hazardous Trees
- E. Resolution No. 115-2011 – Resolution Authorizing In Rem Foreclosure of the Tax Sale Certificates on the Attached Tax Foreclosure List
- F. Resolution No. 116-2011 – Resolution Awarding a Contract for Electronic Recycling Services at No Charge

<b>COUNCIL MEMBER</b>	<i>Councilman Olson</i>	<i>Councilwoman Raffay</i>	<i>Councilman Rafferty</i>	<i>Councilman Thompson</i>	<i>Mayor Oscovitch</i>
Motion	x				
2nd		x			
Yes	x	x	x		x
No					
Abstain					
Absent				x	

**BILL LIST OF SEPTEMBER 20, 2011** - Motion by Councilwoman Raffay second by Councilman Olson to approve the bills. Councilman Olson recused from P.O. 8364. Councilwoman Raffay recused from P.O. 8375.

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

**RECREATION COMMITTEE MEMBER APPOINTMENT** – Motion made by Councilman Rafferty, second by Councilman Olson to appoint Robert Nunn as a member of the Recreation Committee. His term will expire on 12/31/2013. All members were in favor. Motion carried.

**ORDINANCES** – Introduction/1<sup>st</sup> Reading

- BE IT RESOLVED that Ordinance entitled “Ordinance Establishing That a Business Entity Which Makes Political Contributions to Municipal Candidates and Municipal and County Political Parties in Excess of Certain Thresholds shall be Limited in its Ability to Receive Public Contracts from the Township of Byram in the County of Sussex” be read by title on first reading. Motion by Councilman Olson, second by Councilman Rafferty to introduce the ordinance.

Attorney Tom Collins summarized the ordinance. The Township has been following the pay-to-play regulations—this ordinance formalizes them.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	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 October 4, 2011 at 7:00 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.

**DISCUSSION ITEM**

Johnson Lake – The Mayor stated that people fishing along the guardrail on side of the road poses a safety concern. He would like to see a sign posted stating, “no fishing from road”. Tom said it wouldn’t be able to be enforced by the Police but it would be important for safety. Joe will work on signage. There is a sign that says no trespassing on the side of the lake that could be removed and people could fish in that area. Tom Collins said that we should do a resolution at next meeting. Joe will work on the signage language and resolution. Scott Olson asked how the dam held up in the hurricane and tropical storm. Joe Sabatini stated that the dam held up ok. There was attention given to remove debris that was coming over the top of the dam.

**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. No comments were made.

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

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Olson, second by Councilman Rafferty, to go into executive session at 7:45 p.m. 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:

- Attorney Client Privilege Information
  1. Stanhope Sewer Gallons
  2. Sewer Charges
- Contract Negotiations – New Jersey Bow Hunters
- Shared Services/Contract Negotiations – Garbage pick up at Byram Schools

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 20, 2011.

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
No					
Abstain					
Absent				x	

**RETURN TO OPEN SESSION** - Motion by Councilman Rafferty, second by Councilwoman Raffay to return to open session at 8:23 p.m. All members were in favor. Motion Carried.

Motion by Councilman Rafferty, second by Councilman Olson to authorize the Township Manager to consider and investigate a potential local open access policy for hunting on Township open space parcels.

**ADJOURN**

On the motion by Councilman Rafferty, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 8:24 p.m. Motion carried.

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Doris Flynn, RMC

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James Oscovitch, Mayor