

## **BYRAM TOWNSHIP COUNCIL MEETING - SEPTEMBER 6, 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 Councilman Raffay to approve the agenda with the addition of Resolution 110-2011 as Item H. All members were in favor. Motion carried.

**SPECIAL GUEST** – Acting County Clerk Jeffrey Parrott

Lenape Valley was being honored tonight for doing a fabulous job collecting food during Stuff the Bus for Champions for Charity. This charity serves 647 families in Sussex County. Two years ago Carol Novrit, head of Social Services and Lisa Parrott got involved with Jeff Parrott to start up Champions for Charity. They reached out to every school in the County and asked them for one day a year to have a contest to see which school could bring in the most food. During the last two years, Lenape Valley Regional High School has brought in almost 9,000 lbs. of food. Jeff Parrott presented a plaque to Ed Braun, Vice Principal of Lenape Valley, and Computer Teacher Jen Cautero, to recognize Lenape Valley and the residents of Byram Township for their tremendous contribution to this charity.

Jeff Parrott also alerted the Township Council about a scam that is going on which targets seniors. A company is preying on seniors telling them that they could provide a certified copy of their deed for \$75.00. Jeff Parrott informed the Council that anyone can get a copy of their deed from the County at no charge, and the County will certify it for \$10.00 for the first page, and \$1.00 for each additional page.

Jeff Parrott informed the council about the veteran's identification tag, which is available through the County.

### **TOWNSHIP REPORTS**

#### **Township Manager**

##### **Storm Response:**

- The Manager thanked Ray Rafferty, Chief of Police for his leadership as the Emergency Management Coordinator in response to events from Hurricane Irene, and Adolf Steyh, Superintendent of Public Works, for his leadership during the storm.
- During the storm members of the Police Department, DPW, and the Fire Department managed multiple of issues throughout the day that included down trees, down power lines, and extreme flooding which all contributed to closure of multiple streets within the Township.
- The Manager also thanked all those that assisted during and after the storm which include the Township's Police Officers, Department of Public Works, Township Clerical Staff, Fire Department and other emergency personnel.

##### **Federal Disaster Aid Approved for Additional New Jersey Counties:**

- The federal government has approved disaster assistance for New Jerseyans impacted by Hurricane Irene.
- Residents and small businesses of Sussex County are now eligible for Individual Assistance through the Federal Emergency Management Agency (FEMA).
- Eligibility allows New Jerseyans to apply for different types of assistance, including temporary housing, repair, replacement or other needs such as Disaster Unemployment Assistance, and Small Business Administration disaster loans.
- Individuals need to register with FEMA. Information will be posted on the Township. or Register by phone at 800-621-FEMA (3362) or TTY 800-462-7585 for those with hearing or speech impairments. Specialists are standing by at the toll-free numbers seven days a week, 7 a.m. to 10 p.m. local time, until further notice. Help in other languages is available. Or you can register online at [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov). You can also apply through a web-enabled

mobile device or smartphone by visiting [m.fema.gov](http://m.fema.gov) and following the link to “apply online for federal assistance.”

**Byram Day:**

- Byram Day is this Saturday, September 10 starting at 12:00 (noon) and ending at 5:00 and will be located at Neil Gyling Park.
- The rain date is Sunday, September 11.

**County Bridge (CR607)**

- The bridge on County Route 607 (Lackawanna Drive) was scheduled for repair in the fall (October/November). Last week, the Manager received notification that the project will be postponed to the Spring or Summer of 2012. This is due to issues related to Hurricane Irene.
- This can be a major risk if the bridge further deteriorates requiring permanent closure until bridge can be repaired.

**Paving Various Streets and Roads**

- Paving of various streets and roads was completed last week.

**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.
- Next Budget Workshop is scheduled for Monday, September 12 starting at 6:30.

**Councilman Scott Olson**

- Scott Olson thanked the Manager, the emergency services and the staff for everything they had done during the week after the storm. Everyone acted admirably.
- The next Environmental Commission meeting is on September 22 at 7:30 p.m. at Town Hall.
- The EPA Mansfield Trail Super Fund meeting set for September 8 at Town Hall at 7:00 p.m.
- The Green Team will meet on September 27 at 8 p.m.

**Councilman Dan Rafferty**

Dan Rafferty thanked the Police Department, DPW, and Fire Department for all their hard work. He toured the area on Sunday after the storm and he had never seen flooding like this before. Dan Rafferty was without power for 77 hours and thought the response from JCP&L was a disgrace. He wanted to know what was the manpower allocation for Sussex and Morris. He feels we were forgotten up in Sussex and Morris County.

**Councilwoman Marie Raffay**

- Marie Raffay thanked the Police Department, the DPW, the Fire Department, Manager and Staff for the wonderful job they did during and after the storm.
- Attended an Eagle Court of Honor for James Braun on August 21<sup>st</sup>.
- The next planning board meeting is Thursday, September 15<sup>th</sup> at 8pm. The CVS application at Barones is on the agenda.
- There is a Sussex County Transit Citizen’s Advisory Committee Meeting at the County Administrative Building on September 13<sup>th</sup> at 1 p.m.

**Mayor Jim Oscovitch**

- Attended Eagle Court of Honor with Marie Raffay for James Braun. It was a wonderful ceremony at Waterloo Village
- Attended a press conference that the Governor held in Lincoln Park last week. There were many people speaking to him and his staff about the inadequate response by JCP&L.
- On Monday after the hurricane, the Mayor received a phone call from Congressman Frelingheusen who passed along a phone number the Jim and the Manager could use to talk to a live person about the problems. Although sometimes the Manager received the wrong information, at least he was able to speak to a person.
- On November 11<sup>th</sup>, we are planning a Veteran’s Day Ceremony at our War Memorial. We will also be commemorating the 20<sup>th</sup> year anniversary from when it was erected. More information to follow.
- The Mayor read a letter that he wrote to the Manager thanking him and his entire staff for a job well done before, during and after the hurricane.

**Fire Chief Matthews**

Chief Matthews reported that the Fire Department was requested by the County Fire Marshall to open its doors Saturday night until Sunday night at 10 p.m. in case people needed shelter. The chief reported that the Fire Department responded to 70 calls during Hurricane Irene.

**PUBLIC PARTICIPATION I** - Motion by Councilman Rafferty, second by Councilman Olson, to open to public. All members were in favor. Motion Carried.

Donna Griff, 71 Brookwood Road, expressed her concerns regarding the devastation done on the entire north east coast by Hurricane Irene. She felt that Byram was very fortunate not to have been as affected as many other towns and states.

Donna informed the Council that on September 22<sup>nd</sup>, the Kiwanis Club was going to install a new president. They will be meeting at Sal's pizzeria. Residents from Netcong, Stanhope, Byram and Hopatcong are welcome to attend, and they have meetings every 2<sup>nd</sup> and 4<sup>th</sup> Thursday at Sal's.

Donna Griff stated that the Mansfield Bike Path is destroyed. Ever since the railroad bed has been leveled, there has been damage done to the path. Joe Sabatini reported that he will be meeting with representatives of NJTransit with Cory Stoner on September 13<sup>th</sup>. He thinks that NJTransit will take responsibility.

Merwyn Lee, 45 Winding Way, complained about the traffic on Crescent Drive North. He stated that people are parking on both sides of the road, which is causing a hazard. Mr. Lee also reported that there is rebar sticking out of the tunnel. He expressed his concerns about hunting activity on the Kellogg property.

Skip Danielson, 18 Hunter Lane, wanted to repeat the accolades for the Police and Fire Departments, DPW and the employees in Town Hall, but also wanted to recognize the Lakeland Emergency Squad for their contributions.

Joann Smith, 57 Lake Drive, asked if the public was going to have input on the budget at the 9/12/11 meeting. The Mayor replied that she would be able to comment at the budget meeting. Joann asked if the expense for health insurance was included in the salary and wage line item. Joe Sabatini stated that there is a separate insurance line item in the budget. Joe explained the implementation of Chapter 78, which will increase the contributions to health insurance. Joann suggested that Department Heads should be asked to do an exercise to get their budget to 0%.

Joann asked if the PBA ever responded to the letter that Joe sent about lowering rate. Joe responded that the PBA did not respond.

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

**APPROVAL OF MINUTES**

- August 16, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilman Rafferty to approve the minutes as presented. All other members were in favor. Motion carried.
- August 16, 2011 Executive Session Minutes – Motion by Councilman Rafferty, second by Councilwoman Raffay 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 Councilman Rafferty, to approve the consent agenda.

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

**BILL LIST OF SEPTEMBER 6, 2011** - Motion by Councilman Rafferty second by Councilman Olson to approve the bills. Councilman Rafferty recused from P.O. 8285.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	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 Councilwoman Rafferty to appoint Dan Lieneck 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 Rafferty, second by Councilman Olson to introduce the ordinance.

Marie Rafferty noted that a correction needed to be made on the last page omitting “or Philadelphia” and on Page 4, 1<sup>st</sup> paragraph, change subsection (g) to subsection (c). Councilman Rafferty, second by Councilman Olson to table the ordinance until the next meeting.

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

**ORDINANCE** – 2<sup>nd</sup> Reading/Public Hearing

- BE IT RESOLVED that Ordinance 11-2011 entitled “**Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 186-8E of the Township Ordinances Regarding Costs of Emergency Repairs**” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Rafferty to approve the ordinance. Motion by Councilman Olson, second by Councilman Rafferty to open to the public. All members were in favor.

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

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	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 is passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

- BE IT RESOLVED that Ordinance 12-2011 entitled “**Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 213, Article VI of the Township Ordinances Regarding Responsibility and Costs of Snow and Ice Removal**” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilman Rafferty to approve the ordinance. All members were in favor. Motion by Councilwoman Raffay, second by Councilman Olson to open up to the public. All members were in favor.

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

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	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 is passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

**DISCUSSION ITEMS**

Fingerprinting ordinance – Joe Sabatini gave an overview of the existing fingerprinting ordinance.

- All employees and volunteers of a nonprofit youth-serving organization must undergo a criminal history record background check.
- Must be fingerprinted every 3 years.
- Ordinance states that the organization shall bear the costs associated with conducting the criminal history background check for its members. (NJSA 15A:3A-2, subsection D)
- Violation and Penalties – failure to comply may result in the Township withholding funding for the program or league, prohibiting the use of facilities and/or prohibiting the use of facility maintenance.

The Manager received a formal request in early August to amend the ordinance to require a one-time fingerprint check. They feel it presents a financial burden on all organizations. The requester referenced the State of NJ only requires a Teacher or Police Officer only be checked once.

The following was discussed at the August Recreation Committee Meeting:

1. Minor wording changes were discussed.
2. Concern was raised as to whether or not the school property is “township funding or facilities, including maintenance” and whether the Township can prohibit use.
3. Other concerns, such as scouts, wrestling or lacrosse, how to enforce since not using Township facilities.
4. Committee may recommend changing length of time between fingerprinting after they have review other Town ordinances.
5. Support of this ordinance impacts Township staff for tracking and enforcement.
6. Goal of ordinance is the protection of Byram’s youth.
7. This ordinance has not been fully implemented with all youth organizations or associations. The scout leaders have not been required to get finger printed. There are non-profit organizations that have used Township facilities for special events but have not been asked to be finger printed.

Frank Perry, President of Lenape Valley Patriots Football commented that Little League does their own background check. He would like to see coaches only get fingerprinted once, and have each organization do their own background check.

Mary Beth Hall, a board member of the local football organization, stated that she has never been asked to get fingerprinted. There are a tremendous amount of coaches between football and cheerleading. This is extremely costly to the organization.

Harvey Roseff, 33 Sleepy Hollow Road, commented that all the organized groups should put the background check in their by-laws, and let the Township regulate the parameters.

Dan Rafferty suggested sending this back to the Recreation Committee. The committee can meet with all the sports organizations and come up with a clear policy which includes all the organizations.

Deer Culling on Open Space Parcels

- In the past the Township received a request from the Lake Mohawk Country Club to conduct a deer hunt on Township property that is in proximity of the country club.
- The last official hunt conducted by the club was for the season 2009/2010.
- The Manager contacted the club and it does not appear they will be conducting a hunt for the 2011/2012 hunting season.
- The open space committee would like to implement a deer culling program on select open space parcels as referenced in the Forest Stewardship Plan. (Open Space Parcels: Arnell, Owners Maintenance, Beckman/Kostrý and One Main Street)
- The Manager is exploring options for an organization to conduct the hunt. Main concern is liability and ensuring hunters are properly insured.
- Township ordinance will only permit the deer hunt by resolution or motion of the Township Council.
- In the past we have required the Lake Mohawk Country Club to provide a notification letter that was sent to the adjacent property owners informing of the hunt.

The Township has a stewardship program on 3 open space parcels: Arnell/Owners Maintenance, One Main Street and Kostry/Beckman. Scott Olson stated that it is important to note that the Forestry Management Plan calls for deer management. Some of these parcels have been browsed clear, dirt below 6 feet. Ron Farr has come up with a program that recommending areas that are most impacted. The first motion would be to authorize hunting on these parcels.

Motion by Councilman Rafferty, second by Councilwoman Raffay to authorize the deer culling on Arnell/Owners Maintenance, One Main Street, and Kostry/Beckman. Councilman Olson recused from voting on One Main Street, Block 337, Lot 9.

Donna Griff, 71 Brookwood Road, expressed concerns about hunting on open space properties that was originally purchased for passive and active recreation. These parcels are known for trails and she feels allowing this hunt would be dangerous to residents.

Merwyn Lee, 44 Winding Way, asked if the hunting would be done according to State law. He wanted to know what the time period was for hunting. Joe Sabatini stated that the hunt would be for bow only and all State rules and regulations would be followed. Merwyn stated that Safe Zones are posted on State parcels.

Scott stated that a healthy forest can sustain 7-9 deer per square mile. Some of these areas have 44-90 deer per square mile. In order to effectively manage the deer, it would have to be done a long term basis vs. a one-week hunt.

Harvey Roseff, 33 Sleepy Hollow Road, stated that the Township needs to define specifically what they are planning to do. The Township needs to define the timeframes. Scott Olson stated that the Council will be going into closed session to discuss details of a contract with New Jersey Bow Hunters.

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	

\*recused from One Main Street parcel, Block 337, Lot 9.

Council Ethics Training Date:

D&H the Township’s Risk Manager would like to conduct Ethics Training on October 4 starting at 6:00 p.m. for the Mayor and Council. This will satisfy the training requirement as referenced in Best Practices. Also, through Stateside Insurance Fund we will receive an incentive for completing the program

**PUBLIC PARTICIPATION II**

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

Harvey Roseff, 33 Sleepy Hollow Road, questioned the special emergency notes that the Township is issuing. Joe Sabatini stated that it is for the reassessment.

Merwyn Lee, 44 Winding Way, asked when the reassessment will start. He questioned why we are doing this. Joe Sabatini explained the reasons and also stated that the county has ordered the reassessment.

Carols Luaces, 7 Johnson Blvd., went to recycling this weekend and appreciated the help of one of our employees. He noticed that there has been more electronics dumped at the center and someone was putting cardboard in the dumpster on a Tuesday, and the recycling days are Wednesday and Saturday.

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 Councilwoman Raffay, to go into executive session at 9:50 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. Route 206 Improvements – UST Tank
- Contract Negotiations – New Jersey Bow Hunters

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 6, 2011.

Doris Flynn, Municipal Clerk

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

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

Motion by Councilman Olson, second by Councilman Rafferty, to authorize Joe Sabatini to continue negotiating and finalize a deer management culling program with New Jersey Bow Hunters of New Jersey subject to the discussions he had with the Council. This would follow the New Jersey Fish and Wildlife regulations as to the dates of bow hunting. There would be a limit as to the number of deer taken from each parcel. Hunting would not be authorized on Sundays. This is for the 2011/2012 hunting season only. Signage would be posted in the parking areas/kiosks, and the hunting areas will be marked and safety zones would be posted. A mailing to property owners within 200 feet would be done.

**ADJOURN**

On the motion by Councilman Rafferty, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:53 p.m. Motion carried.

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Doris Flynn, RMC

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James Oscovitch, Mayor