

BYRAM TOWNSHIP COUNCIL MEETING - JULY 19, 2011

CALL MEETING TO ORDER

Deputy Mayor Scott Olson 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, absent; 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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Rafferty, second by Councilwoman Raffay, to go into executive session at 7:02 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 - Reassessment for Byram Township

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 19, 2011.

Doris Flynn, Municipal Clerk

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

RETURN TO OPEN SESSION

APPROVAL OF AGENDA – Motion by Councilman Olson, seconded by Councilman Rafferty to approve the agenda with moving the Ordinance Introduction to the front portion of the agenda. All members were in favor. Motion carried.

ORDINANCES – Introduction/1st Reading

1. BE IT RESOLVED that Ordinance entitled “**Ordinance Authorizing a Special Emergency Appropriation N.J.S.A. 40A:4-53 for a Program to Update and Make Current the Previous 2008 Revaluation Program When Ordered by the County Board of Taxation**” be read by title on first reading. Motion by Councilman Rafferty, second by Councilwoman Raffay to introduce the ordinance.

Byram Tax Assessor Penny Holenstein was present and recommended that the Council introduce this ordinance. Penny stated that she will be speaking to the County Tax Board for an order to do a reassessment which will bring current the revaluation that was done in 2008 to reflect the current market values. With the decline in the property values here in Byram, this would bring Byram back to 100% of market value and equalize at the current rate

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscovich
Motion			X		
2nd		X			
Yes	X	X	X		
No					
Abstain					
Absent				X	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 August 16, 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.

SPECIAL PRESENTATION by Frank Covelli, PIA, explained two resolutions which are on tonight's consent agenda: Implementation of a Premium Only Section 125 Plan and the Delta Dental Renewal.

Resolution Authorizing the Renewal of the Group Delta Dental for Employees of Byram Township – Frank Covelli has been able to negotiate with Delta Dental to provide an option for a one-year renewal with a 0% increase in premium with a second year rate cap increase not to exceed 7%. Frank Covelli stated that this year he looked at several different options and Delta Dental came in with the best option. He feels that next year's rate will be lower than 7%, because our claim's experience has went down. It is becoming more competitive now--Met life is trying very hard to get into municipal dental programs so Delta Dental will have to remain very competitive.

The Manager stated that with this renewal, we are introducing an alternate PPO plan design. It will be available to the employees on a volunteer basis. Should they choose it, there would be some benefit to the employee as well as cost saving to the Township. There are some enhancements over the existing plan, but someone would have to use a PPO network dentist.

Resolution Authorizing the Implementation of a Premium Only Section 125 Plan – This will allow employees to take pretax dollars to pay any premium they have to pay. It would be a pre-tax payroll deduction, which benefits the employee. The Township saves the FICA on that portion of the premium. There should be no cost to implement this from the Township's prospective.

The Manager has been working hard to stay abreast of all the changes that will be occurring with respect to Chapter 78. There is a Health Insurance meeting on Friday which will discuss all the upcoming changes. They will discuss a Flexible Savings Account, to be used for any out-of-pocket expenses not covered under the health plan. It is a sister-part of the Premium Only Section 125 Plan. Employees will be able to take pre-tax dollars and put them into a Flexible Savings Account that they can use for any out-of-pocket costs not covered by their plan. This is something that will have to be implemented in the future.

Motion by Councilwoman Raffay, seconded by Councilman Rafferty to open to the public for questions for Frank Covelli. No comments were made. Motion by Councilman Rafferty, second by Councilwoman Raffay to close to the public. All members were in favor.

TOWNSHIP REPORTS

Township Manager

E-Waste Day:

- The June 25, 2011 E-Waste event was a success. 12.77 tons of electronics was collected this year. This was an increase from last year's 8.28 tons.

- According to “The Electronic Waste Management Act” N.J.S.A. 13:1E-99 prohibits the disposal of Televisions and all personal or portable computers; including desktop and laptop computers, as well as computer monitors in with Solid Waste.
- The Manager thanked Cindy Church for coordinating this event.

Waste Water Mgmt Plan:

- At the July 14th Meeting of the Sussex County Water Quality Management Agency’s Policy Advisory Committee a resolution was approved recommending that the Freeholders approve Byram’s WMP as an amendment to the County.
- The Manager thanked Councilman Olson and Tom Borden from Highlands for attending and presenting the Township’s plan.

Best Practices:

- Local Finance Notice 2011-18 was published July 15 to provide guidance with respect to how the Division of Local Government Services will implement the statutory requirement for Best Practices.
- How the Town responds to questions related to Best Practices Inventory will determine how much of the municipality’s final 5% allocation of its CMPTRA and ETR.
- The Township’s last 5% payment is \$28,774.
- Several changes have been made to the Inventory and its implementation:
 - Fewer, More Focused Questions:
 1. Shortened from more than 80 questions to 50.
 2. Some questions from last year are repeated.
 3. There are new questions designed to encourage financial accountability and transparency or to ensure compliance with various laws and regulations where compliance has sometimes been lacking.
 - The completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response.
 - Additional responses besides Yes and No:
 1. “Not applicable” is only an appropriate answer if a municipality concludes that the requirement is impossible to meet given the municipality’s circumstances. Using “not applicable” requires an explanation of why it is not applicable in the “comment” space provided.
 2. The “prospective” answer should only be used to indicate that compliance with a practice will be forthcoming in the upcoming year based on good faith efforts and direction from appropriate officials to implement the practice.
 3. Credit will be given for all “yes” answers and answers of “not applicable” where an appropriate explanation has been given.
 4. Answers of “prospective” will be given credit, but the Division will spot check for compliance and may withhold credit if requisite good faith efforts to comply are not apparent.
- The Inventory must be returned to the DLGS by September 1, 2011.
- The Manager met with the Township Clerk and Finance Officer. It appears we will be in good shape. Copies of draft responses will be available August 16. The Manager is planning a formal discussion at our September 6 meeting.

Update on Roseville Road (Phase 2):

- Reconstruction work and drainage started last week.
- Reclamation and Grading is scheduled for July 25 and 26.
- Road paving is schedule for July 27 and 28. Shoulder work is schedule for July 29.

Update on Jones Lane Recreation Fields (Tamarack Park):

- A Highlands preapplication meeting has been scheduled with the NJDEP, Division of Land Use Regulation on Friday July 22. The Manager will be attending with Councilman Olson and the Township’s Engineer.

August 16:

- Targeting initial presentation on the Budget for our August 16 meeting.

Councilman Scott Olson

- The next Environmental Commission meeting is on July 28 at 7:30 p.m. at Town Hall.
- The Green Team meets on July 26 at 8 p.m. in the Council Conference Room.
- The Council will meet again on August 16th – we only have one meeting in August.
- On July 8th, Scott attended a Musconetcong River Management Council historical plaque dedication. Chief Patrick Waddilove of the Munsee Delaware Nation from St. Thomas, Ontario, Canada spoke. It was a great event.
- On July 14th, Scott and Tom Borden from the Highlands Council attended the Sussex County Water Quality Management Policy Committee meeting. The Wastewater

Management Plan has been approved to go before the Freeholders next week. It looks like Byram will have the first approved Waste Water Management plan in the State.

Councilwoman Marie Raffay

The Planning Board will meet on Thursday, July 21st at 8 p.m. The CVS application and the Sustainability Element are a few of the agenda items.

Councilman Dan Rafferty

The next Recreation Committee meeting will be August 17. The meetings are now bi-monthly.

Tom Collins received a letter from the New Jersey Courts asking that the Municipal Attorney look at Byram Ordinances regarding public consumption of alcohol.

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

Barbara McLaughlin asked when the paving will occur in West Brookwood. Joe Sabatini stated that it should happen at the end of August.

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

APPROVAL OF MINUTES

Motion to table the minutes of July 5th until the next meeting was made by Councilman Rafferty, seconded by Councilwoman Raffay. All 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 Rafferty, second by Councilwoman Raffay, to approve the consent agenda.

- A. Resolution No. 90 - 2011 – Resolution Authorizing the Implementation of a Premium Only Section 125 Plan for Municipal Employees Covered Under the Employee Health Benefits Plan
- B. Resolution No. 91 – 2011 – Renewal of Group Dental Program for Eligible Employees and Their Covered Dependents with Delta Dental of New Jersey, Inc.
- C. Resolution No. 92 – 2011 – Resolution of Continued Support to Participate in the Consolidated County Operated 911 PSAP
- D. Resolution No. 93 - 2011 – Resolution Supporting a Grant Application to Sustainable Jersey for Improvements to the Township Recycling Center
- E. Resolution No. 94 – 2011 – Resolution Authorizing Submission of an Application from the Lenape Municipal Alliance For Funding
- F. Resolution No. 95 – 2011 – Resolution Authorizing the Byram Township Tax Collector to Place a Municipal Lien in the Amount of \$51,042.25 against the Real Property located at 34 Belton Street, Block 5, Lot 687, relating to Costs to Remedy and Remove Unsafe and Unsanitary Conditions Thereon
- G. Social Affair Permit for Byram Township Fire Department – 11/4/11 – Proceeds to National MS Society
- H. Raffle/Bingo Licenses:
 - 50/50 Raffle - Samaritan Inn at Adam Todd on 9/25/11
 - 50/50 Raffle – Byram Township Fire Department on 11/4/11
 - Tricky Tray Raffle – Byram Township Fire Department on 11/4/11
 - Special Bingo License for Lakeland Senior Citizens for games at Tomahawk Lake

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

BILL LIST OF JULY 19, 2011 - Motion by Councilman Rafferty second by Councilwoman Raffay to approve the bills. Councilman Rafferty recused from P.O. No. 8054, 8095.

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

MAYORAL APPOINTMENT – Deputy Mayor Scott Olson appointed Charles Wood to the ARC committee for a 6 month temporary term.

PUBLIC PARTICIPATION II

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

Skip Danielson, 18 Hunters Lane, thanked the Council for approving Resolution 92-2011. He noted that a few corrections needed to be made to the resolution.

Motion by Councilman Rafferty, second by Councilwoman Raffay to close to the public at 8:00 p.m. All members were in favor. Motion Carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Rafferty, second by Councilwoman Raffay, to go into executive session at 8:01 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. County Sheriff's Department/Shared Services
 2. Stanhope Sewer Gallons
 3. FEMA Flood Maps

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 19, 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		
No					
Abstain					
Absent				X	X

RETURN TO OPEN SESSION - Motion by Councilman Rafferty, second by Councilwoman Raffay to return to open session at 8:45 p.m. All members were in favor. Motion Carried.

OTHER BUSINESS

Motion by Councilman Rafferty, second by Councilwoman Raffay to authorize the Manager to draft a letter on behalf of the Mayor and Council. This letter will be supportive of a letter issued by Jason Engelhardt of Langan Engineering on behalf of Byram Plaza addressed to the Mayor regarding an inaccuracy on the FEMA map. Mr. Sabatini will send his letter, with the attachment, to Scott Duell, Branch Chief of FEMA Region II.

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

Joe Sabatini informed the Council that he will be on vacation and not reachable from the evening of July 25th through August 1st. He will return to the office on August 2.

ADJOURN

On the motion by Councilman Rafferty, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 8:47 p.m. Motion carried.


 Doris Flynn, RMC


 Scott Olson, Deputy Mayor