

**TOWNSHIP OF BYRAM
COUNCIL REORGANIZATION MEETING
MINUTES**

JULY 5, 2011-- 7:00 P.M.

CALL MEETING TO ORDER – Mayor Oscovitch called the meeting to order.

STATEMENT BY CLERK – Township Clerk Doris Flynn read the Open Public Meetings Statement.

ROLL CALL OF THE TOWNSHIP COUNCIL – Councilman Olson, here; Councilwoman Raffay, here; Councilman Thompson, here; Mayor Oscovitch, here. Also present was Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn.

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

SPECIAL PRESENTATION – Gold Award – Angelica Sabatini

Mayor Oscovitch discussed Angel’s Gold Award project which was done on recycling. Angel Sabatini organized and held a booth at Byram Day and gave out information on recycling and canvas shopping bags for people to use to avoid using plastic bags. She took a survey on what people are recycling and what they would want to recycle in the future. Angel compiled the results and prepared a powerpoint presentation which was posted on the Township’s website.

Mayor Oscovitch commended Angel on this achievement as well as her parents and presented her with a plaque from the Mayor and Council.

NOMINATION AND SELECTION OF DEPUTY MAYOR - Motion by Councilman Rafferty, seconded by Councilman Thompson, to nominate Scott Olson as Deputy Mayor for a six-month term.

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			

COUNCIL APPOINTMENTS FOR 2011

TOWNSHIP ATTORNEY - Councilman Thompson made a motion, seconded by Councilman Rafferty, to appoint Thomas F. Collins, Jr. of Vogel, Chait, Collins and Schneider for a six-month term. Thanked Tom for keeping his rate the same.

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			

SPECIAL COUNSEL FOR LABOR & NEGOTIATIONS - Councilman Rafferty made a motion, seconded by Councilman Thompson, to appoint Tom Ryan of Laddey, Clark & Ryan for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion			X		
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

BOND COUNSEL - Motion by Councilman Olson, seconded by Councilman Rafferty to appoint Robert H. Beinfield from Hawkins Delafield & Wood LLP for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion	X				
2nd			X		
Yes	X		X	X	X
No					
Abstain					
Absent		X			

PROSECUTOR - Motion by Councilman Rafferty, seconded by Councilman Thompson to appoint Anthony Arbore for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion			X		
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

PUBLIC DEFENDER - Motion by Councilman Olson, seconded by Councilman Rafferty to appoint Daniel Colfax for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion	X				
2nd			X		
Yes	X		X	X	X
No					
Abstain					
Absent		X			

TOWNSHIP ENGINEER - Councilman Olson made a motion, seconded by Councilman Thompson, to appoint Cory Stoner of Harold Pellow & Associates for a six-month term.

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

TOWNSHIP SEWER OPERATOR - Motion by Councilman Thompson, seconded by Councilman Rafferty to appoint Wastewater Management, Inc. for a six-month term.

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

TOWNSHIP SEWER ENGINEER - Councilman Rafferty made a motion, seconded by Councilman Thompson, to appoint Steven Donati of Cerenzio & Panaro for a six-month term.

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

TOWNSHIP PLANNER - Councilman Thompson made a motion, seconded by Councilman Olson, to appoint Heyer, Gruel & Associates for a six-month term.

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

BOARD/COMMITTEE APPOINTMENTS BY TOWNSHIP COUNCIL

PLANNING BOARD

Councilman Olson made a motion, seconded by Councilman Rafferty, to appoint Wayne Valentine as a Class IV member for a six-month term. It was based upon Tom Collin's legal opinion, the statute confirms extensions to allow the government to continue for a temporary period.

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

Councilman Rafferty made a motion, seconded by Councilman Olson, to appoint Lisa Shimamoto to the Alternate II position for a six-month term.

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

Councilman Olson made a motion, seconded by Councilman Thompson to appoint Councilwoman Raffay to the Planning Board as a Class III member for a six-month term.

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

RECREATION COMMITTEE

Councilman Thompson made a motion, seconded by Councilman Rafferty to appoint William Shilling and to a 6 month term.

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

Councilman Thompson made a motion, seconded by Councilman Rafferty to appoint John Pappalardo and to a 6 month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion			X	X	
2nd			X		
Yes	X		X	X	X
No					
Abstain					
Absent		X			

BOARD OF HEALTH

Councilman Rafferty made a motion, seconded by Councilman Thompson to appoint Ruth Rhodes to a 6 month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion			X		
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

Councilman Olson made a motion, seconded by Councilman Thompson to appoint Lois O'Brien for a 6 month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion	X				
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

Councilman Thompson made a motion, seconded by Councilman Olson to appoint William Schenkel for a 6 month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffav	Councilman Rafferty	Councilman Thompson	Mayor O'scovitch
Motion				X	
2nd	X				
Yes	X		X	X	X
No					
Abstain					
Absent		X			

OPEN SPACE COMMITTEE

Councilman Thompson made a motion, seconded by Councilman Rafferty, to appoint Raymond Bonker to represent a member of the public on the Open Space Committee for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor O'Scovich
Motion			X		
2nd		X			
Yes	X	X	X	X	
No					
Abstain					
Absent					X

Councilman Olson made a motion, seconded by Councilman Thompson, to appoint Daven Baez as the Environmental Commission representative on the Open Space Committee for a six-month term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor O'Scovich
Motion	X				
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent			X		

YOUTH GUIDANCE COMMITTEE – Councilman Rafferty made a motion, seconded by Councilman Thompson to appoint James Kelly and to a three-year term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor O'Scovich
Motion			X		
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

Councilman Olson made a motion, seconded by Councilman Thompson to appoint Sharon Tarczynski and to a three-year term.

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor O'Scovich
Motion	X				
2nd				X	
Yes	X		X	X	X
No					
Abstain					
Absent		X			

COUNCIL LIAISONS:

- | | |
|--------------------------|---------------------|
| Recreation Committee | Councilman Rafferty |
| Environmental Commission | Councilman Olson |
| Board of Health | Councilman Thompson |
| Youth Guidance | Councilman Rafferty |

MAYORAL APPOINTMENTS

ENVIRONMENTAL COMMISSION - Mayor Oscovitch appointed David Gray as Chairman of the Environmental Commission and move into a full member seat. Jennifer will move to the Alternate I position. Michelle Rehse was reappointed to a 6 month term.

ARC COMMITTEE – Mayor Oscovitch reappointed the following people to a 6 month term.

Andrew McElroy – Planning Board Member
Vincent Gallo – Public Member
Lisa Shimamoto – Planning Board Member
Margaret McGarrity – Township Employee
Christina Honthy – Public Member
Chris Goffredo – Public Member
Eric Serelli – Public Member

PLANNING BOARD

Mayor Oscovitch will continue to fill the Class I position on the Planning Board.

TOWNSHIP MANAGER'S APPOINTMENTS

- Assessment Search Officer – Township Clerk Doris Flynn
- Tax Search Officer – Tax Collector Theresa Vervaeet
- Land Subdivision Search Officer – Planning Board Secretary Cheryl White

Manager's Report:

Updates:

- **Tomahawk Trail** – The repaving of Tomahawk Trail was completed before the eth of July Holiday. The only items of construction remaining are some shoulder and turf repair work. It is expected this work will be completed this week.
- **Roseville Road (Phase 2)** - Reconstruction work is scheduled to begin during the week of July 11th. Reclamation and paving work is scheduled for week of July 25th.
- **Paving Various Streets** – The Township Engineer has been working with Tilcon on getting quotes for doing work under Morris Co. Co-op. A final review of targeted roads (Primarily West Brookwood, South Shore Trail, Rosemary Lane and Jan Way) and budget will be completed during the week of July 11th and work to get this work scheduled for completion in August.
- **Jones Lane Recreation Fields (Tamarack Park)** - The Township Engineer is requesting the Highlands preapplication meeting be held on July 15th.

Waterloo Dump - The Zoning officer called the DEP Enforcement Bureau and advised them of the tire dumping near Waterloo Road. Our regional inspector will not be back to work until July 11, 2011. A message was taken to advise inspector of the complaint when he returns to work.

Sussex Branch Trail – Joe Sabatini provided an update regarding the section of the Sussex Branch Trail in Andover Boro that got washed out. We had approximately \$12,000 in grant money left from a prior trail's grant and approval was sought to use this money for the wash out. There is a procurement aspect that the Manager is working on. Since it is not in Byram Township, there could be liability issues. Cory Stoner did an on-site inspection at the Manager's request. Joe Sabatini will be having a meeting this coming week with Steve Ellis of the NJDEP regarding this matter.

COUNCILMAN THOMPSON – Thanked everyone for their prompt attention to the tire dump problem on Waterloo Road. He drove down Tomahawk Trail and stated that the contractor did a great job.

COUNCILMAN OLSON

- Attended a River Talk on June 28th put on by the Musconetcong Watershed Association. He was on a panel with Julia Summers of the Highlands Coalition and spoke to people from several areas.
- The next Environmental Commission meeting is July 28th at 7:30 p.m.
- The next Open Space meeting is on August 8th at 7:30 p.m.
- On July 8th, Scott will attend a Musconetcong River Management Council plaque ceremony in Hackettstown at 11 a.m.
- On August 6th the Musconetcong Watershed Association will host another Meet the River day. This is always a great event.
- There is a Planning Board meeting on July 7th at 8 p.m. CVS will continue testimony on their application.

Scott Olson asked Tom Collins if the legal decision on Waste Water Management plans will affect Byram. Tom Collins did not feel this decision would affect Byram because Byram conformed to the Highlands in the Planning Area.

PUBLIC PARTICIPATION I – Motion by Councilman Rafferty, second by Councilman Thompson to open to the public. All members were in favor.

Joanne Scally, 144 Seneca Lake Road, expressed concerns about the traffic problems in the area that she lives because of Tomahawk Lake Water Park. She stated that people parked up and

down Tomahawk Trail, at Tomahawk Park, at an abandoned restaurant, at the Byram General Store, on Sparta-Stanhope Road, and other streets in the area.

Joe Sabatini stated that 3 officers were assigned to Tomahawk Lake on the weekend, to maintain order and public safety.

Scott Olson stated that he was called by a resident about the problem, and he made a site visit on July 4th and agreed with the traffic assessment made by Joanne Scally. Scott Olson discussed the problem and stated that there are regulations for restaurants with regard to the number of seats and he was wondering if there is a limit to patrons at the water park. The Manager stated that these are zoning issues. Brian Thompson expressed his concerns regarding the ability to get a fire truck down roads where cars are parking on both sides of the street. Mayor Oscovitch asked about the temporary no parking signs that are put up at Byram Day, and if something similar could be done on the streets around Tomahawk Water Park on the 4th of July weekend. Joe Sabatini will discuss this further with the Chief of Police. Scott Olson asked if the Planning Board could look at the site plan to see if there are any violations.

Skip Danielson, 18 Hunters Lane, stated that it is nice to see Byram Township on TV almost every night, because they are in an advertisement for NJ tourism.

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

APPROVAL OF MINUTES

- 6-21-11 Regular Minutes - Motion by Councilman Thompson, seconded by Councilman Rafferty to approve the minutes as presented. All members were in favor. Motion Carried.
- 6-21-11 Closed Session Minutes - Motion by Councilman Olson, seconded by Councilman Rafferty to approve the minutes as presented. All members were in favor. Motion Carried.

APPROVAL OF JULY 5, 2011 BILL LIST – Councilman Rafferty made a motion, seconded by Councilman Thompson to approve the bill list. Councilman Rafferty recused from P.O. No. 8025.

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			

CONSENT AGENDA – Motion by Councilman Thompson, second by Councilman Olson to approve the consent agenda.

All 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.
Res. No. 81 -2011 - Custodian of Funds, Court
Res. No. 82 -2011 - Signatories
Res. No. 83 -2011 - Official Newspapers
Res. No. 84 -2011 - Police Matron
Res. No. 85 -2011 – Annual Notice of Scheduled Regular Meetings for the Byram Township Council from July 1, 2011 through December 31, 2011
Res. No. 86 -2011 – Appointment of Stuart Klepesch Special Counsel for Foreclosures
Res. No. 87 –2011 – Chapter 159 – Click It or Ticket - \$4,000.00
Res. No. 88 – 2011 – Tax Sale Cert. Redemption-#2009-11 – \$18,629.57 & \$4,600.00
Res. No. 89 – 2011 – Tax Sale Cert. Redemption - #2010-032 - \$437.68

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

PUBLIC PARTICIPATION II – Motion by Councilman Rafferty, second by Councilman Thompson to open to the public. All members were in favor. Motion carried. No comments were made.

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

EXECUTIVE SESSION – Motion by Councilman Olson, seconded by Councilman Thompson to adopt the below resolution and enter into closed session at 8:02 p.m.

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 Privileged Information – Civic Center, PSE&G

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 5, 2011.

Doris Flynn
Municipal Clerk

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			

RETURN TO OPEN SESSION – Motion by Councilman Olson, seconded by Councilman Rafferty, to return to open session at 8:28 p.m. All members in favor. Motion Carried.

REQUEST FOR BAT STUDY

A request has been made by Bill Cesario of Commonwealth Associates, on behalf of PSE&G, to permit them to conduct a Bat Study of the open space parcel in the Mohawk View subdivision. The Township does not own the property but has an interest in its preservation for open space purposes. The property is under the name of Mohawk View Estates i/c/o Winkler. A motion was made by Councilman Olson, seconded by Councilman Thompson, stating that the Township does not object to a bat study being undertaken provided that the people performing the study contact the immediate neighbors, the Byram Police, and does not cut trees or do any significant disturbance of the soil.

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

ADJOURNMENT

Motion by Councilman Thompson, seconded by Councilman Olson to adjourn the meeting at 8:30 p.m. All members were in favor. Meeting adjourned.

Respectfully submitted,

Doris Flynn

Doris Flynn, Township Clerk

J. Oscovitch

James Oscovitch, Mayor