

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 5, 2017

**ETHICS TRAINING – 6:00 P.M.
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION – 7:30 P.M.**

CALL MEETING TO ORDER

Councilman 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 Meetings Act, NJSA 10:4-6.

ROLL CALL

Councilwoman Raffay, here; Councilman Gray, 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

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 Privilege Communication
 - General
 - LLIC
 - Habitat for Humanity
 - Forest South

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 June 5, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Kash to go into closed session and adopt the above resolution.

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

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:37 pm. All members were in favor. Motion Carried.

CALL COUNCIL MEETING BACK TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson second by Councilman Gray, to approve the agenda as presented. All members were in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report

Tamarack Park Grand Opening:

- The Tamarack Park Opening Celebration has been rescheduled to Friday evening June 9 and Saturday, June 10.
- The Ribbon Cutting Ceremony will be held on Friday evening, June 9 at 6:00 pm near the Tamarack Park sign at the Tamarack Park fields. Light refreshments will be served.

- The hike will be held on Saturday morning, June 10 at 9:00 am. The hike will begin at the Tamarack Park athletic fields. You may hike the 1.6-mile trail to Roseville Road, or any portion of the trail before turning back. There will be no shuttle bus transportation.
- Parking for both portions of the event will be at the Tamarack Park fields or Jones Lane just off Rt 206.

Councilman Olson – Open Space Committee meets Monday, June 12 at 7:30 p.m.

Councilman Gray – David will be attending the 65th Anniversary celebration of Tomahawk Park on June 17 at 7 p.m. David attended the Senior of the Year luncheon along with Joe and Doris and Sandy Wray was honored with this award.

Councilwoman Raffay – Quick Check application continued at the Planning Board meeting on June 1. They will continue the application on July 6. Thanked the Fire Department and Rich Bowe for a great job on the Memorial Day Ceremony.

Councilwoman Kash – No report

Mayor Oscovitch – Thanked Rich Bowe for the Memorial Day Ceremony.

PUBLIC PARTICIPATION I

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

Skip Danielson, 18 Hunter Lane, stated that he attended the service at the National Memorial in Arlington, VA on May 19-21, and his son’s name was added to the wall. There will be a Sussex County First Responder Memorial dedication on June 14 at 7 p.m.

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

APPROVAL OF MINUTES

- May 16, 2017 – Regular 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	
No					
Abstain					x
Absent					

- May 16, 2017 - Executive Meeting Minutes – Motion by Councilwoman Raffay, 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	
No					
Abstain					x
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 Gray, second by Councilwoman Kash to approve the consent agenda.

- Resolution No. 84-2017 – Resolution Authorizing the Renewal of Liquor License to Byram Beverage Inc. Valid from 7/1/17 Through 6/30/18
- Resolution No. 85-2017 – Resolution Authorizing the Renewal of Liquor License to Tomahawk Lake Inc., Trading as Tomahawk Lake, Valid from 7/1/17-6/30/18
- Resolution No. 86-2017 – Resolution Renewing a Plenary Retail Consumption License Issued to Andover Wine & Liquors Inc. Trading as Liquor Factory & Lounge Valid from 7/1/17 Through 6/30/18

- Resolution No. 87-2017 – Authorize Refund of Redemption Monies to Outside Lien Holder – Block 154 Lot 237
- Resolution No. 88-2017 – Canceling Outstanding Checks
- Resolution No. 89-2017 – Redemption of TTL # 2012-2018 – Block 348 Lot 2.01 aka Amity Road
- Resolution No. 90-2017 – Resolution Authorizing the Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 7/1/17 through 6/30/18
- Resolution No. 91-2017 – Chapter 159 – 2017 Municipal Aid Program \$168,000
- Resolution No. 92-2017 – Resolution Authorizing the Execution of Documents Associated with the Real Estate Contract for Block 226, Lots 26 and 26.08 by and Between the Township of Byram and Carl and Carole Johnson
- Resolution No. 93-2017 – 2017 Capital Budget Amendment Resolution
- Resolution No. 94-2017 – Resolution Authorizing the Renewal of Liquor License to Zipload, Inc., Trading as Salt, Valid from 7/1/17through 6/30/18
- Resolution No. 95-2017 – Resolution Authorizing the Renewal of Liquor License to CBK Restaurant LLC, Trading as Orchard Beer Garden, Valid from 7/1/17 through 6/30/18

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

JUNE 5, 2017 BILL LIST

Motion by Councilwoman Kash, second by Councilman Olson, to approve the bill list as presented.

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

ORDINANCES - 2nd Reading/Public Hearing

- **Ordinance 9-2017** - Be it resolved that ordinance “**Ordinance to Amend Chapter 48 of the Byram Township Code Entitled Police Department, Article II, §48-24 Outside Services**” be read by title on second reading and a hearing held there thereon. Motion by Councilman Olson, second by Councilwoman Raffay to adopt the ordinance. Motion by Councilman Gray, second by Councilwoman Raffay to open to the public. No comments were made. 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 Ordinance 9-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ORDINANCES – Introduction / First Reading

- BE IT RESOLVED that Ordinance entitled “**Bond Ordinance Providing for the Construction of a New Municipal Building in and by The Township of Byram, in the County of Sussex, New Jersey, Appropriating \$7,400,000 therefor and Authorizing the Issuance of \$7,000,000 Bonds or Notes of The Township for Financing Such Appropriation**” be read by title on first reading.
Purpose Statement: Construction of a new municipal building in and by the Township on lands owned by the Township and located at 10 Mansfield Drive, said building being one story and approximately 14,400 square feet including construction therein of offices, public meeting

rooms, storage facilities and police facilities, installation of telephone, computer, electrical, heating, ventilation and air conditioning systems, improvement of the site thereof, and demolition of the existing municipal building, and including also the renovation of the existing break room of the Department of Public Works.

Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

- BE IT RESOLVED that Ordinance entitled “**Bond Ordinance Providing for the Acquisition of a New Fire Truck by The Township of Byram, in the County of Sussex, New Jersey, Appropriating \$600,000 therefor and Authorizing the Issuance Of \$570,000 Bonds or Notes of the Township for financing such Appropriation.**” be read by title on first reading.

Purpose Statement: Acquisition by purchase of new and additional fire fighting equipment for use by the Byram Township Fire Department, including one (1) pumper-tanker truck.

Motion by Councilman Gray, second by Councilman Olson to introduce this ordinance.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Locations in and by the Township and to Provide Funding in the Amount Not to Exceed \$62,100.00**” be read by title on first reading.

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, roads in the Lynn Drive and East Brookwood Communities, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

Motion by Councilwoman Raffay, second by Councilwoman Kash to introduce this ordinance.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Locations in and by the Township and to Provide Funding in the Amount Not To Exceed \$117,000.00**” be read by title on first reading.

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Amity Road Phase II, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

Motion by Councilman Gray, second by Councilwoman Raffay to introduce this ordinance.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance Amending Chapter 240 Entitled “Zoning” of the Code of the Township of Byram to Create a New Article XV Entitled “Highlands Area Land Use Ordinance, A Supplement to the Land Use Ordinances of the Township Of Byram, Sussex County, New Jersey**” be read by title on first reading.

Purpose Statement: The purpose of this ordinance is to amend Chapter 240 in order to effectuate a number of planning objectives and legal requirements. These ordinance amendments effectuate the goals, policies and objectives of the Township’s Highlands Master Plan Element and represent implementation of land development regulations affecting all land development actions that are not exempt from the Highlands Act or excluded from application of the Highlands Area Land Use Ordinance.

The ordinance revises development ordinances, as applicable to the development and use of land in the Highlands Preservation and Planning Areas, to conform to the goals, requirements, and provisions of the Highlands RMP. The ordinance amendments promote “Smart Growth” and “Smart Planning” consistent with the Byram Township Master Plan, as amended, the Sussex County Strategic Growth Plan, the State Plan and the Highlands Regional Master Plan.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

- BE IT RESOLVED that Ordinance entitled “**An Ordinance Amending Chapter 215 Entitled “Subdivision And Site Plan Review” Of The Code Of The Township Of Byram To Amend Article IV “Plat Details To Amend Section 215-19 “Concept Submission For Major Subdivision” And To Amend Article V Entitled “Improvements” To Amend Section 215-28 “Sidewalks” And To Amend And Replace Sections 215-29 “Shade Trees And General Landscaping” And 215-34 “Lighting” And Create New Sections 215-30 “Commercial And Multi-Family Structures” And 215-30.1 “Loading And Service Areas For Commercial And Multi-Family Development” And 215-30.2 “Off-Street Parking Area Requirements For Commercial And Multi-Family Development” And To Amend And Replace Section 215-34 “Streetlighting” With New Section 215-34 “Lighting” And To Amend Article VII**”

“Environmental Protection” To Amend Section 215-45 “Environmental Impact Statements” And To Amend Article X “Site Plan Review” To Amend Section 215-51 “Planning Board Review Standards” And To Amend Section 215-54 “Preliminary Site Plan Details” And Amending Chapter 240 Entitled “Zoning” Of The Code Of The Township Of Byram To Amend Article I “General Provisions” To Amend Section 240-2 “Purpose” And To Amend Article III Entitled “Definitions” To Amend Section 240-7 “Terms Defined” And To Amend Article IV Entitled “General Regulations” To Amend Section 240-16 “Accessory Buildings And Structures” And To Amend Section 240-25 “Proximity Of Structures And Construction Activity To Waterways” And To Amend Article V “Non-Conforming Buildings And Uses” To Amend Sections 240-30 “Continuance Of Nonconforming Uses” And To Amend Section 240-32 “Cessation Of Operation” And To Amend Section 240-34 “Alterations And Restoration” And To Amend Article VI Entitled “Parking And Loading” To Repeal Section 240-40 “Off-Street Parking Area Requirements” And Amend Article IX Entitled “District Regulations” To Amend Section 240-50.1 “Requirements For All Residential Zones” And To Amend And Replace Section 240-56 Entitled “VB Village Business District” And To Amend And Replace Section 240-57 Entitled “NC Neighborhood Commercial District” And To Amend And Replace Section 240-59 Entitled “VC Village Center Mixed Use District” With New Section 240-59 Entitled “VC Village Center Zone Form-Based Code” And To Amend And Replace Section 240-60 “Industrial Professional Recreation” And To Amend Article X Entitled “Conditional Uses” To Amend And Replace Section 240-62 “Conditional Uses” With New Section 240-62 “Conditional Uses In The Village Business, Neighborhood Commercial And Industrial Professional Recreation Zones” And To Create New Section 240-63 “Conditional Uses In The Village Business & Neighborhood Commercial Zones” And To Create New Section 240-64 “Conditional Uses In The Neighborhood Commercial & Industrial Professional Recreational Zones” And To Create New Section 240-65 “Conditional Uses In The Village Business & Industrial Professional Recreational Zones” And To Create New Section 240-66 “Conditional Uses In The Neighborhood Commercial Zone Only” And To Create New Section 240-67 “Conditional Uses In The Village Business Zone Only” And To Create New Section 240-68 “Conditional Uses In The Industrial Professional Recreational Zone Only” And To Amend Article Xi Entitled “Administration And Enforcement” To Amend Section 240-69 “Office Of Zoning Officer Created” be read by title on first reading.

Statement of Purpose: The purpose of this ordinance is to amend various chapters of the code of the Township of Byram including, but not limited to Chapter 215 and Chapter 240 in order to effectuate a number of planning objectives and legal requirements. These ordinance amendments also effectuate the goals, policies and objectives of the Township’s Sustainable Economic Development Master Plan Element and represent implementation of the plan’s implementation plan and matrix. These ordinance amendments also effectuate the goals, policies and objectives of the Township’s Housing Master Plan Element and Fair Share Plan and assists the Township in implementing its Mt. Laurel affordable housing requirements consistent with the Township’s Superior Court Judgment of Compliance. These ordinance amendments also address a number of outstanding minor ordinance amendments to better administer various chapters of the code of the Township of Byram including, but not limited to, Chapter 215 and Chapter 240.

The ordinance revises development ordinances, as applicable to the development and use of land in the Highlands Preservation and Planning Areas, to conform to the goals, requirements, and provisions of the Highlands RMP. In doing so it establishes a form based code for a planned development in the Village Center Zone District and adopts the Highlands Land Use Ordinance. The ordinance revises development ordinances to simplify and generalize the permitted uses in the VB, NC and IPR zones, revises the permitted, conditional and prohibited uses within, and provides updated definitions of each in order to implement the recommendations of the Sustainable Economic Development Master Plan. The ordinance amendments promote “Smart Growth” and “Smart Planning” consistent with the Byram Township Master Plan, as amended, the Sussex County Strategic Growth

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance. Marie Raffay stated the 2 zoning ordinances was an outcome of many months of work and several joint workshops with the Council. Joe stated that these ordinances along with all the maps are on the website in the News and Noteworthy section and posted on the Council 6/5 agenda.

	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 shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on June 20th at 7:30 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.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. Motion carried. Skip Danielson, 18 Hunter Lane, congratulated the Council and Planning Board on making changes in some of the commercial zones which are favorable to business owners.

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

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 8:12 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor