

**BYRAM TOWNSHIP COUNCIL MEETING - JULY 11, 2017**

**EXECUTIVE SESSION – 6:30 P.M.**

**REGULAR SESSION – 7:30 P.M.**

**CALL MEETING TO ORDER**

Mayor Oscovitch called the meeting to order at 6:30 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, late (7:50 p.m.) 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 and Contract Negotiations -
  - Architect
  - General
  - Solid Waste Collection Services
- b. Anticipated Litigation
- c. Personnel

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 11, 2017.  
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay 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
No					
Abstain					
Absent		x			

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:30 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 Councilwoman Kash, to approve the agenda with the removal of approving a new Fire Department member which we will add to a future agenda. All members were in favor. Motion carried.

**PROCLAMATION** – Designation of July as Parks and Recreation Month – Mayor Oscovitch read the proclamation. Motion by Councilwoman Raffay, second by Councilwoman Kash to adopt the proclamation. All members were in favor. Motion carried.

**TOWNSHIP MANAGER/COUNCIL REPORTS**

Manager’s Report

- Received notification that the milling and paving project on Route 206 will start back up on July 17, weather permitting.
- Roseville Road bridge is targeted to reopen on August 3, 2017
- Byram is having a Tire Recycling Day on Saturday, August 10 from 9 to 1 p.m.

**Councilman Olson**

- Scott reported on the EPA meeting held at Town Hall on June 27.
- Scott attended a Radio Communications Meeting at town hall on July 6.

**Mayor Oscovitch** – Thanked the Byram Police Department for stepping up and taking on extra work by overseeing the State parks that were closed by the State during the shutdown period.

**PUBLIC PARTICIPATION I**

Motion by Councilwoman Raffay second by Councilman Olson to open to the public. All members in favor. Motion carried. No comments were made.

Councilman Gray arrived (7:50 pm).

Earl Riley, 5 Louis Drive, reported that this Thursday evening at 7 p.m. there will be a pub and pottery night at Waterloo Village, sponsored by Friends of Waterloo. Call the park and reserve a seat.

Water chestnut handpull from 10 am to 2 pm this Saturday – lunch provided. Earl summarized the progress that has been made over the years and

Skip Danielson, 18 Hunter Lane, stated that Dave Hanley who was a past captain and chief of the LES passed away in Florida this past week.

Carlos Luaces, 7 Johnson Blvd., commented on the Township’s noise ordinance, which is Chapter 171. The police officers can’t enforce this law unless they are certified, which they are not. The authority lies with the County, but he stated they are not being responsive. He asked if the Council would consider changing the ordinance so that it can be enforceable.

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

**APPROVAL OF MINUTES**

- June 20, 2017 – Regular Minutes – Motion by Councilman Olson, second by Councilman Gray, to adopt the minutes as presented.

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

- June 20, 2017 - Executive Meeting Minutes –Motion by Councilman Olson, second by Councilwoman Raffay, to adopt the minutes as presented.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd	x				
Yes	x	x	x		
No					
Abstain				x	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 Councilman Olson to approve the consent agenda.

- A. Approval of Raffle License – 50/50 and Tricky Tray held by Sussex County PAL Inc., at Panther Lake Camp Ground on 7/29/2017
- B. Approval of County of Sussex 2017 Donation of \$2,800 to Lakeland Emergency Squad
- C. Resolution No. 106-2017 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Participation in the Electronic Tax Sale Program”

- D. Resolution No. 107-2017 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Electronic Tax Sale Notice Fees”
- E. Resolution No. 108-2017 - Redemption of TTL # 2010-017 – Block 241 Lot 503
- F. Resolution No. 109-2017 - Redemption of TTL# 2011-20 – Block 241 Lot 502
- G. Resolution No. 110-2017 – Resolution of Acceptance of a Donation of a Balloon Arch
- H. Resolution No. 111-2017 - Resolution Authorizing the Execution of an Agreement between Byram Township and Andover Township for Snow Removal Services on the Forest Lakes Section of Road of Andover Township
- I. Resolution No. 112-2017 – Authorization for the Purchase of One (1) 2017 Ford F-550 Heavy Duty Cab/Chassis with Dump Body and Optional Equipment for the Township of Byram Department of Public Works – Not to Exceed \$73,064.00
- J. Resolution No. 113-2017 – Confirmation of Redemption of TTL#2015-013 – Block 286 Lot 124.02, 10 Hemlock Road
- K. Resolution No. 114-2017 – Resolution to Award the Bid for Well Drilling, Development & Testing at Tamarack Park to H.R.S. Drilling Co., Inc. Not to Exceed \$19,810
- L. Resolution No. 115-2017 – Award of Bid to Contractors under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Lynn Drive, Susan Lane, Catherine Terrace, Douglas Terrace & Carlisle Drive – Not to Exceed \$368,055.50
- M. Resolution No. 116-2017 – Township of Byram, County of Sussex, State of New Jersey Resolution Extending Grace Period for Payment of 2017 Third Quarter Taxes
- N. Resolution No. 117-2017 – Resolution Suspending One-Way Travel on Weaver House Road and Allowing Two-Way Travel During Construction to Replace Culvert on North Shore Road on or about July 31 for Approximately Two Weeks

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

**JULY 11, 2017 BILL LIST**

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

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

**ORDINANCES – Second Reading/Public Hearing**

- BE IT RESOLVED that Ordinance 14-2017 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 second reading and a hearing held thereon.

Motion by Councilman Olson, second by Councilwoman Raffay to adopt the ordinance on 2<sup>nd</sup> reading.

David Gray stated that this ordinance is a result of a subcommittee, including the Fire Chief and DPW Superintendent, looking at the fire department equipment over the past 6 months, which was vetted thoroughly. This new vehicle is both a pumper and a tanker, which replaces two vehicles that are very old.

Motion by Councilman Olson, second by Councilwoman Kash open to the public. Motion carried. Earl Riley, 5 Louis Drive, asked what will happen to the two vehicles that the new truck will replace. David said that we will either trade them in or auction them off. The money received for the sale of those vehicles will go back into the general fund.

Skip Danielson, 18 Hunter Lane, asked if the new truck would fit within our infrastructure. David Gray responded that it is the biggest truck that we could handle to fit within our infrastructure.

Scott Olson stated that it was a great effort by the Fire Chief, DPW Superintendent, Joe Sabatini and the rest of the committee over the past several months.

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

Be It Resolved that Ordinance 14-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **BE IT RESOLVED** that Ordinance 15-2017 entitled **“Bond Ordinance Providing for the Construction of 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 second reading and a hearing held thereon.

Motion by Councilman Olson, second by Councilwoman Raffay to proceed with second reading and adopt the ordinance.

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

Harvey Roseff, 33 Sleepy Hollow Road, stated that one year ago we went through this same process. The main message they tried to send by doing the petition was to let the people vote on it. He is not saying that we don't need a new building, but he is saying the cost is way too high.

Barbara Bohnemann, 5 Sherwood Forest Drive, asked why are we doing it based on assessed value instead of number of units. Joe stated that it comes out of the budget which is based on assessed value, and this is not the same as a special assessment which occurred in Forest Lakes.

Joann Smith, 57 Lake Drive, stated that this is a burden on homeowners and business owners. She feels something should be done to the building, but the number is too high.

Luann Byrne, 34 Richmond Road, supports the construction of a new municipal building. Luann prepared a statement, which Donna Koenig read. Luann stated that she has been attending town council meetings for the past two years and has an understanding on how people's taxes are being spent. She feels Byram has been extremely transparent throughout the municipal building project process. Luann's statement ended with "this building is not just for the present, as the future is built on what has been done in the past."

David Romano, Gordon Byram Associates and co-owner of Byram Shop Rite, expressed his concerns on the cost of the proposed municipal building. He referred to the website [Thebuildingjournal.com](http://Thebuildingjournal.com) and gave some examples of costs of municipal buildings in New Jersey which was much less than the construction estimate done by MJA Construction. Ronetco is involved in a project of a new ShopRite in Sparta, which would be over 95,000 square feet. The cost for this new building was approximately \$260/square foot. He questions the cost not the need of a new municipal building.

Richard Schneider, 73 River Road, stated that he asked about the costs of other municipal buildings that we had visited. Joe stated that we found that \$300-\$350/s.f. was the cost of construction. Joe stated that the cost estimate was based off a floor plan schematic and a proposed site plan. The bond is to put a funding mechanism in place and doesn't cost anyone anything until funding is authorized. The first step is to adopt the bond ordinance, and then we would award the project to an architect and the engineer. Any spending would be done publicly.

Barbara Meltz, 11 Briar Lane, asked what the square footage of the existing building. It is 10,000+. The largest % of increase is for the police department, which is mandated by law. The second largest increase is the meeting room, and the administrative offices have decreased in size. She asked what was the increase in size in the meeting room. David stated that it increased about 200 square feet.

Roslyn Steinberg, 8 Colby Drive, asked if there are any issues with the foundation of the existing building. Joe explained that the front part of the building is brick and mortar, but the rest of the

building was put together with 12 trailers. She asked if we could temporarily be moved to the open space area in the Byram Immediate School, and build on the existing foundation to save money.

Joe explained that we are required to put this out for public bid. He stated that if we hire the right professionals, we will work with them to explore the options and come up with the best utilization at the lowest cost. Joe did say that it could be an option to relocate to the school temporarily and phase the construction of a new building on the existing site. In order to figure out what plan is best, we have to secure funding to geotechnical work, design, etc. Right now we only have a schematic floor plan.

Barbara Bohnemann, 5 Sherwood Forest Drive, asked about fixtures and furniture. Joe directed her to where that was listed on the cost estimate.

Eric Serilli, 199 Glenside Trail, commended the Council on all the work they have put into this project so far. Once the design starts, he asked if we would be doing estimates at different stages. Joe stated that it would be monitored by a project manager.

Dave Romano commented again comparing the cost estimate for the Byram municipal building to a supermarket, and insisted our costs are too high.

Shelly Wilcock, 1 Whitehall Hill Road, asked why we are starting with such a high bond amount. She asked why don't we start with a bond for \$1 million. Shelley also felt that Dave Romano made some good points and she questioned our high numbers.

Dave Romano commented on MJA construction company's website regarding other projects they have been involved in.

Joann Smith, 57 Lake Drive, asked if there was any discussion to put it out to public vote. Jim said the Council discussed it and decided to work on scaling back the building and go forward with another bond ordinance. Joann asked if the Council would listen to the people tonight and resubmit another bond ordinance at a reasonable amount.

Barbara Bohnemann, 5 Sherwood Forest Drive, said that this is going to end the same way as last time with a petition and she thought we should be more realistic and lower the amount of the bond ordinance.

Skip Danielson, 18 Hunters Lane, asked if this was similar to a home equity loan, when you only pay interest on what you use. Joe explained the process.

Luann Byrne, 34 Richmond Road, asked if the bid came in for 1/2 the amount of the bond ordinance, what happens. Joe said the balance would be cancelled at the end of the year.

Earl Riley, 5 Louis Drive, about 15 years ago he sat up on the Council, they looked at replacing the building. He said he recalls that the estimate they got was \$6 million. He commends the Council and Joe Sabatini for the transparency that they have done. The Council has made a great effort

Donald Meltz, 11 Briar Lane, expressed his concerns about the cost of the proposed project and suggested that we look harder to find cheaper solutions.

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

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

Be It Resolved that Ordinance 15-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **BE IT RESOLVED** that Ordinance 16-2017 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 \$180,500.00”** be read by title on second reading and a hearing held thereon.

**Purpose Statement:** Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, the East Brookwood Section, 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 Kash, second by Councilman Olson for second reading. Councilman Gray stated that he hopes the NJDOT funding comes back to Byram.

Motion by Councilman Gray, second by Councilwoman Raffay to open the public. Motion carried. No comments were made.

Motion by Councilwoman Kash, second by Councilwoman Raffay to close to the public. Motion carried.

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

Be It Resolved that Ordinance 16-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

**PUBLIC PARTICIPATION II**

Motion by Councilman Olson, second by Councilman Gray to open to the public. All members in favor. Motion carried. No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. All members in favor. Motion carried.

**ITEMS FOR DISCUSSION**

Sussex County League of Municipalities – There is a new executive board on the SCLOM and the Council is in favor of being a member of the SCLOM. David feels now that they have a new executive board, it is a good thing for Byram to be a part of.

**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 and Contract Negotiations - Architect
  - General
  - Solid Waste Collection Services
- b. Anticipated Litigation
- c. Personnel

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 11, 2017. Doris Flynn, Municipal Clerk

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

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

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

**ADJOURN**

On the motion of Councilman Olson, second by Councilwoman Raffay and with all members in favor, the meeting was adjourned at 10:00 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor