

BYRAM TOWNSHIP COUNCIL MEETING - AUGUST 1, 2017

EXECUTIVE SESSION – 7:00 P.M.

REGULAR SESSION – 7:30 P.M.

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 Meetings Act, NJSA 10:4-6.

ROLL CALL

Councilwoman Raffay, here; Councilman Gray, Councilman Olson, here; Councilwoman Kash, late 7:06 p.m.; 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
- b. Anticipated Litigation – Update on Mid-American Salt
- c. Contract Negotiations – Labor Unions
 - Dispatch Agreement
 - VComm Agreement

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 August 1, 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 Raffay to approve the agenda. All members were in favor. Motion carried.

- **PRESENTATION OF THE 2016 AUDIT** – Township Auditor Ray Sarenelli and Byram CFO Ashleigh Frueholz were present. Ray Sarenelli stated that Byram’s audit was completed in June and Byram is in great shape. There is \$2.331 million in fund balance. Trust assessment fund is a new fund, which is Forest Lakes Assessment. The Township is collecting the money for the Dam Assessment. The assessment fund has its own separate budget, outside of the regular budget.

The Mayor asked why we have a 2 million dollar surplus. Ray stated that it gives you flexibility in the tax rate. Ray said it is important to keep a stable fund balance. The rating industry drives the amount that should be kept in surplus. We have a AA rating, which is quite high.

There is only one recommendation for segregation of duties, which is a common comment throughout many small towns. The only way to get around the recommendation would be to have a central cashier. There are mitigating controls in place in Byram, with checks and balances set.

Resolution No. 120-2017 – Governing Body Certification of the Annual Audit – Motion by Councilman Gray, second by Councilwoman Raffay to adopt the resolution.

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

Resolution No. 121-2017 – Corrective Action Plan for 2016 Audit – Motion by Councilman Olson, second by Councilwoman Raffay to adopt the resolution.

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

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report

- Roseville Road bridge opened today
- Township started a few major projects this week: milling and repaving of Lynn Drive and a few surrounding streets, culvert replacement on North Shore Road, and milling and paving a portion of Brookwood Road and Debbie Drive.
- Saturday, August 5th, is the ribbon cutting and grand opening of Chase Bank in Byram

Councilman Gray announced that he received an invitation from Connie LePray of Chase Bank inviting the Mayor and Council to the grand opening and ribbon cutting on Saturday, August 5.

Councilwoman Raffay stated that there is a Planning Board meeting on August 3 at 8 p.m. There is a special planning board meeting scheduled for next Wednesday, August 9th for the Aqua Water application. Friends of Waterloo is sponsoring a Pottery and Pub night on August 3 at Waterloo Village.

Councilman Olson

- reported on the grants from North Jersey Transportation Authority - \$615,000 for trail and canal improvements and over \$500,000 for amphibian passage under the road in the area of Waterloo Village. The largest population of Jefferson salamanders in the State is located here .
- The Open Space Committee will be meeting on August 14 at 7:30 p.m.
- Salt is sponsoring a Think Outside Hike on Saturday, August 5.

PUBLIC PARTICIPATION I

Motion by Councilman Olson second by Councilwoman Kash to open to the public. All members in favor. Motion carried. Skip Danielson, 18 Hunter Lane, sent letters out to many elected officials throughout the State, regarding the workman’s comp. law. He feels that the law will need to be changed to make it easier for the widows of Fire Fighters, EMS and Police Officers to receive benefits. He is looking for the town’s support in the form of a resolution.

Earl Riley, Chairman of the LMRPB, stated that the hydorrake is being delivered tomorrow which was purchased through a grant in the amount of \$355,000, with an additional \$12,000 to support it for the next three years. Fireman’s challenge is scheduled for August 19, to celebrate receiving the hydorrake. Byram owns 3-1/2% of the shore line of Lake Musconetcong. Earl thanked the Mayor and Council for their support.

Barbara Meltz, 11 Briar Lane, asked who is responsible for maintaining the trails in Byram. This past weekend she was at the school, and stated that the bird sanctuary area is a mess. It used to be beautiful. Joe and Marie Raffay stated that it is on school property. Alex Rubenstein stated that his son Joshua and Denis Raffay are

proposing to repair this trail for their Eagle Scout project over the upcoming school year. Barbara also commented about another section of a trail and asked if something could be done. Joe will look into it.

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

APPROVAL OF MINUTES

- July 11, 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	x
No					
Abstain					
Absent					

- July 11, 2017 - Executive Meeting Minutes –Motion by Councilman Olson, 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	x
No					
Abstain					
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 Olson, second by Councilwoman Kash to approve the consent agenda.

- Resolution No. 118-2017- Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2017-2018 Hunting Season
- Resolution No. 119-2017 – Award of Bid to Tilcon under the Morris County Cooperative Pricing Council for the Proposed Resurfacing of Brookwood Road & Debbie Drive Not to Exceed \$134,323.25
- Resolution No. 122-2017 - Authorization to Purchase Firefighter Protective Clothing and Equipment under the State of New Jersey Cooperative Purchasing Program for Budget Year 2017
- Resolution No. 123-2017 – Chapter 159
- Resolution No. 124 – 2017 – Resolution of Acceptance of a Donation to Paint the Exterior of the Pound

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

AUGUST 1, 2017 BILL LIST

Motion by Councilwoman Raffay, second by Councilwoman Kash 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 – 1ST Reading / Introduction

BE IT RESOLVED that Ordinance entitled “An Ordinance to Add Article XVIII Defense and Indemnification, Sections 3-62 through 3-67 of the Code of the Township of Byram, Sussex County, New Jersey Regarding Defense and Indemnification” be read by title on first reading.

Purpose Statement: The purpose of this ordinance is to authorize the Township to defend and indemnify past and present Township officials, employees and appointees against certain claims under specified circumstances and subject to exceptions.

Motion by Councilwoman Raffay, 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 August 15th 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 Gray, second by Councilman Olson to open to the public. All members in favor. Motion carried.

Alex Rubenstein, 3 Partridge Run, asked for an explanation of the ordinance that was introduced. Joe gave a brief explanation. The intent of an indemnification ordinance is to provide “defense” or indemnification for that official who acted within their authorities, but the action/litigation is outside or excluded by insurance.

Skip Danielson, asked for an explanation of Resolution 123-2017 – Joe stated that it was an amendment to the budget for the Municipal Alliance Grant funding.

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

RESOLUTION

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Motion			x		
2 nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

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 9:53 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor