

BYRAM TOWNSHIP COUNCIL MEETING - AUGUST 15, 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, absent; 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
 - Health Benefits
- b. Anticipated Litigation
 - Mid American Salt
- c. Personnel – Staffing
- d. Contract Negotiations

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 15, 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 Raffay 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.

PROCLAMATION – Mayor Oscovitch read the proclamation for Childhood Cancer Awareness Month – September – Motion by Councilman Gray, second by Councilwoman Raffay to adopt the Proclamation. All members in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report

- Milling and Paving Projects are completed in the area of East Brookwood and Lynn Drive.

- North Shore Road Culvert Project should be completed by end of the week. Weather has not been cooperating which extended the completion date.
- Byram Day is September 9, 11 am. – 5 p.m.

Councilman Gray stated that we have been looking into the paperwork that Skip forwarded us on workman's compensation law.

Councilwoman Raffay stated that there is a Planning Board meeting on August 17 at 8 p.m. There was a special planning board meeting August 9th for the Aqua Water application.

Marie reported that several new businesses that have opened in Byram in the last year, which is very exciting—Chase Bank, Liquor Factory, Reiner Pump and CVS. Friends of Waterloo are looking for new volunteers.

Councilman Olson

- The Open Space Committee met on August 14 at 7:30 p.m. The Committee is concentrating on stewardship plans. The County will have a question on the ballot in November to use open space funding for stewardship. It would benefit Byram by being able to apply for funding.
- Attended the grand opening of Chase Bank on August 5.
- Salt is sponsoring a Think Outside Hike on Saturday, August 5.

Mayor Oscovitch – Jim could not make the grand opening but reached out to the branch Manager to wish them best of luck. Chase Bank plans on being very involved with the community.

PUBLIC PARTICIPATION I

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

Wayne Levante, Mayor of Newton, shared with us Resolution 160-2017 from Newton, which supports a Sussex County consolidated school system. He provided the Council with some background of the Patterson school system that he worked in. Wayne stated that there are 21,000 students in Sussex County. He is asking Byram and other Sussex County municipalities to join Newton in asking the State and County freeholders to support a regionalization study to evaluate increasing efficiencies, reducing administration costs and eliminating redundancies. Wayne Levante is leading this charge.

Alex Rubenstein, 3 Partridge Run, asked if we can make comment on Mid-American Salt. Tom Collins explained that Mid American Salt has sued most municipalities in Northern New Jersey because municipalities provided estimates on the amount of salt they would look to purchase, but purchased the salt elsewhere.

Skip Danielson, 18 Hunter Lane, stated that he visited Chase Bank and gave them the history of the building. Skip asked to pull Resolution 131-2017. Skip stated that there were 2 studies done and stated that the goal should be a centralized county 911 system. Skip commented on the workman's compensation situation. He stated that his committee is moving forward.

Harvey Roseff, 33 Sleepy Hollow Road, did review the contract for 911. He asked if there is a need for Byram to purchase equipment. Joe stated that Byram needs to purchase equipment with or without the County. Joe stated that we are getting a report from our consultant to help define specific needs. Byram is the first police force going to the County.

David stated that there is significant cost savings on the infrastructure. We potentially could have spent \$750,000 on the tower upgrade and equipment. Joe stated that by being the first PD going to the County dispatch, we are the start of the solution. David stated that we considered staying with Sparta and going with Andover Township.

Merywn Lee, 45 Winding Way, commented on the new bridge on Roseville. He stated that there is a berm on Roseville that causes a problem.

He said that logos should be taken off from vehicles that we sell, and referenced the Fire Truck that is sitting in the parking lot in Andover Borough.

Scott Yappin, 5 Catharine Road, appreciated the paved road on Lynn Drive and surrounding roads. He encourages us to support the charge that Mayor Levante is making.

Skip Danielson clarified that the goal should be a County 911 center handling all emergency services including DPW, on the county budget. He stated that an example is Warren County.

Scott Olson stated that we need to put pressure on the County Freeholders to incorporate the 911 center into the county tax.

Kevin Danielson, resident of Hackettstown, commented on the workman's compensation laws.

Charles Iulo, 100 North Shore Road, stated that it is a great idea to have county consolidation for schools. He encourages us to support this cause.

Harvey Roseff, 33 Sleepy Hollow Road, felt that it is the proper role of government to make decisions and feels the Township should support the county consolidation.

Earl Riley, Chairman of the LMRPB, gave an update on what was happening with the lake.

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

APPROVAL OF MINUTES

- August 1, 2017 – Regular Minutes – Motion by Councilman Gray, 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					
Absent				x	

- August 1, 2017 - Executive Meeting Minutes –Motion by Councilman Gray, 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					
Absent				x	

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 Raffay to approve the consent agenda.

- Resolution No.125-2017 – Resolution Authorizing the Issuance of Bond Anticipation Notes Not to Exceed \$562,500 of the Township of Byram, in the County of Sussex, New Jersey
- Resolution No. 126-2017 – Resolution Regarding Support for the New Jersey Division of Parks and Forestry Grant Application to the New Jersey Department of Transportation for Funding through the Transportation Alternatives Grant Program – “Restoration of Three Morris Canal Related Historic Buildings in Waterloo Village”
- Resolution No. 127-2017 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
- Resolution No. 128-2017 – Authorization to Execute Change Order No. I Township of Byram for Well Drilling, Development & Testing at Tamarack Park – Net Decrease \$1,999.00, Adjusted Contract Amount \$17,811.00
- Resolution No. 129-2017 – Final Acceptance of the Well Drilling, Development & Testing at Tamarack Park
- Resolution No. 130-2017 – Award of Bid to Contractors under the Morris County Cooperative Pricing Council for Proposed Improvements to Amity Road – Phase II – Tilcon, New York, Inc. - Not to exceed \$229,015 (Milling & Paving) and Denville Line Painting, Inc. \$10,324.00 (Roadway Striping)
- Resolution No. 131-2017 – Resolution Authorizing the Execution of a Five Year Shared Service Agreement for Municipal Participation in the Provision of E911 Emergency Communications System Management by the County of Sussex

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

AUGUST 15, 2017 BILL LIST

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

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

ORDINANCES – 2nd Reading / Public Hearing

- **Ordinance 17-2017** – Be it Resolved that Ordinance 17-2017 “Initiative Ordinance of the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey Repealing Ordinance #15-2017 be read by title and a public hearing held. Motion by Councilman Olson, second by Councilman Gray to adopt the ordinance.

Purpose Statement: The purpose of this Initiative Ordinance is to repeal “Ordinance #15-2017 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,” pursuant to N.J.S.A. 40:69A-184, et seq. and N.J.S.A. 40:69A-190.

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public.

Harvey Roseff, 33 Sleepy Hollow Road, stated that the people involved with the petition had a lot of building experience. He expressed his opinion on the submittal of the petition.

Joann Smith, 57 Lake Drive, stated that the overwhelming support of this petition speaks for itself and should get the attention of the Council.

Mayor Oscovitch stated that the Council does listen to the public.

Scott Yappin, 5 Katharine Terrace, stated that his neighbors in the Lynn Drive section are not involved. He found that most people want a new building built but they want to hear a different number. Scott stated that the Council has been trying to improve communication.

Luann Byrne, 34 Richmond Road, stated that it is not just office space that we need. She emphasized the need for a new building that Byram could be proud of and a building that could also be used by our volunteer groups, seniors, etc.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

Marie Raffay read a prepared statement, which explained her frustrations with having to repeal the ordinance and outlined all the reasons why she voted for the bond ordinance originally and detailed all the work that went into deciding a new building was best for Byram.

Scott Olson expressed his frustration on the information that has circulated with regard to the petition. Scott rebutted the statements that were written on the letter submitted with the petition.

David Gray stated that the ordinance to repeal the bond shows respect to the petitioners and the democratic process. David stated that we will go back to the drawing board.

Mayor Oscovitch stated that he has seen frustration tonight on both ends. He is disappointed, but has heard what the people have said.

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

Be It Resolved that Ordinance 17-2017 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **Ordinance 18-2017** – Be it Resolved that Ordinance 18-2017 - 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 second reading and a public hearing held.

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 Councilman Olson, second by Councilwoman Raffay to adopt the ordinance. Councilman Olson, second by Councilman Gray, opened to the public.

Luann Byrne, 34 Richmond Road, asked if this was redundant. Joe Sabatini explained that our Risk Manager recommended that Byram adopt this ordinance. Joe gave a few examples of cases that would not be covered under insurance and this ordinance would allow defense.

Harvey Roseff, 33 Sleepy Hollow Road, asked a few questions about the ordinance.

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

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

Be It Resolved that Ordinance 18-2017 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 Councilwoman Raffay to open to the public. All members in favor. Motion carried.

Merywn Lee, 45 Winding Way, stated that Reverend Brown school was built for \$4.5 million, because it was a module. He stated that he would volunteer to be on a committee for the building.

Luann Byrne, 34 Richmond Road, stated that tonight the Council told the public their thoughts, which was good to hear.

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

RESOLUTION

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

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 Gray, second by Councilwoman Raffay and with all members in favor, the meeting was adjourned at 10:30 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor