

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 17, 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, here, Councilman Olson, here; Councilwoman Kash, late 7:03 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
 - Stag Pond Road
 - Health Benefits
- b. Personnel
 - Staffing
 - Shared Services
- c. Contract Negotiations
 - PBA, Clerical and DPW
 - Solid Waste

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 October 17, 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 7:37 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 Councilwoman Kash to approve the agenda.. All members were in favor. Motion carried.

REAFFIRMATION OF FIRE DEPARTMENT MEMBERS

- David Del Sontro
- Garrett Lonzello

Motion by Councilman Gray, second by Councilman Olson to affirm the appointment of the Fire Department Members. All members in favor. Motion carried.

COMMITTEES

- Resignation of Shawn Armstrong from the Recreation Committee – Mayor Oscovitch stated that Shawn has been one of the longest standing members of the Recreation Committee and thanked him for all that he has done. Motion by Councilwoman Kash, second by Councilman Olson, to accept his resignation and send a letter of thanks to Shawn.

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

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report – The Manager announced that leaf pick up in Byram Township will occur the week of 11/13 and 12/11, weather permitting.

Nisha Kash – No report

Councilman Olson

- 10-10-11 - OS committee met and they are working on the Stewardship plan. There is a question on the November ballot regarding allowing the open space tax to be used for stewardship – Ballot question No. 2. The committee hopes this passes and if so, will apply for funding.
- 10-16-17 – CAG meeting was held with the EPA to update everyone on the decision to hook up the 19 homes to existing water supplies.

Councilman Gray

- Thanked everyone involved in the Hudson Farm Charity Hike. It was a great event with a big turnout.
- Committee head meeting on October 30 at 7 p.m.
- Lakeland Emergency squad will hold the dedication of the Goodale building on October 27, at 6 p.m.

Councilwoman Raffay –Planning Board meeting November 19 at 8 p.m. The next Council meeting is Monday, November 6, because of Election Day on Tuesday, November 7.

Mayor James Oscovitch – Ron Gatti, former Township Manager and long time Byram resident, passed away suddenly due to a motor vehicle accident. Please keep thoughts and prayers with Ron’s family at this time.

PUBLIC PARTICIPATION I

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

Richard Schneider, River Road, asked about Resolution 165-2017, which was regarding the EMEX auction. He questioned whether we have done this before. Joe said yes this was the 3rd time and we got a lower rate than the last contract.

Skip Danielson, 18 Hunter Lane, asked if we have given any further consideration to adopting a resolution to support the change in workman compensation. The Mayor stated that we did not.

Charles Iulo, 100 North Shore Road, questioned if the discussion in executive session which was listed as solid waste was about our current hauler, Blue Diamond. Charlie asked how many bids were received, and Joe responded that only one bid was received. Joe reviewed the bidding process and the local public contract law. Kevin Danielson, resident of Hackettstown, asked if leadership has prevailed with bringing a resolution before the governing body for adoption. Kevin asked if Joe was a member of Statewide. Joe Sabatini stated that he is the fund commissioner for Byram and is appointed by the Mayor and Council. Joe stated that claims are only handled by Statewide, not by a fund commissioner. Kevin expressed his dissatisfaction with the Council for not taking action.

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

APPROVAL OF MINUTES

- October 3, 2017 – Regular 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	x	x
No					
Abstain					
Absent					

- October 3, 2017 - Executive Meeting Minutes –Motion by Councilwoman Raffay, 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					

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 Councilwoman Kash, second by Councilman Olson to approve the consent agenda.

- A. Resolution No.160-2017 - A Resolution to Commemorate November 2017 as No-Shave November in Order to Raise Awareness of Men’s Health Issues
- B. Resolution No.161-2017 - Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Roseville Road Improvement Project
- C. Resolution No. 162-2017 – Chapter 159 – Body Armor - \$1,624.83
- D. Resolution No. 163- 2017 - Amending Authorization to Purchase Rock Salt under the Morris County Cooperative Pricing Council for Budget Year 2017 – not to exceed \$126,308.00
- E. Resolution No. 165-2017 - Resolution Authorizing the Execution of a Contract for Electricity Generation through Energy Market Exchange (EMEX)

	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

- Resolution No. 164- 2017 – Resolution of the Mayor and Council of the Township of Byram Approving the Relocation of the easements by Alex Rubenstein in Accordance with the Planning Board Approval Resolution Dated September 7, 2017 and the Prior Agreement of the Township Council and Authorizing the Mayor and the Clerk and the Township Attorney to Take any Necessary Steps to Effectuate the Relocation of the Easements and the Payoff of the LLIC Mortgage by Mr. Rubenstein and LLIC

Marie Raffay recused from this resolution and stepped down. Scott Olson stated that he will be voting no and wanted to explain why. Scott distributed a hand out which was a Township Guide to Conservation Easements. Scott Olson expressed his disappointment with the Planning Board regarding their approval of the relocation of the conservation easements. Twenty additional acres were annexed to Block 234, Lot 1.04. Scott felt that there were areas to the back of the lot that should have been protected. David stated that he sees some positive outcomes of the relocation of the conservation easements, such as the LLIC Mortgage will be paid off and also mentioned that homeowner’s property rights were being preserved. Scott responded by saying that the original conservation easements were placed on the lot prior to Mr. Rubenstein purchasing it, and therefore Mr. Rubenstein was aware of these restraints. Motion by Councilman Gray, second by Councilwoman Kash to approve the above resolution.

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

OCTOBER 17, 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		x			
2 nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ORDINANCE – Introduction / First Reading

BE IT RESOLVED that Ordinance entitled **“Ordinance Authorizing The Acquisition And Acceptance of Certain Real Property Known As Block 218.05, Lot 1 in the Township of Byram, County of Sussex and State Of New Jersey Adjacent to the Township Road Known As Roseville Road from the County of Sussex Subject to an Easement Reserved by the County of Sussex to Maintain its Bridge”** be read by title on first reading.

Purpose Statement: The purpose of this Ordinance is to authorize acceptance of the Property known as Block 218.05, Lot 1 adjacent to the Byram Township road known as Roseville Road from the County of Sussex, subject to an easement reserved by the County of Sussex to maintain its bridge.

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 November 6th 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.

DISCUSSION ITEMS

FIRE DEPARTMENT PURCHASING

Todd stated that large of the fire department members have cancer now or have had it. Shoprite donated 25 H41 Interceptors, and Todd has put in place the use of Action Wipes, which he has purchased himself. A new company has made washer/dryers for turnout gear. They can purchase them for \$7,000. It will make the turnout gear last longer and make it safer for the fire fighters. Todd is very passionate about this topic and continues to gather more information about the effects on fire fighters. Homes are being built with different materials loaded with chemicals now, which makes it more flammable and dangerous to fire fighters. Marie talked with two different Fire Departments about this and was told similar information, and asked if we could get a grant to purchase the washer/dryer. Todd just found out that the Fire Department was turned down for the federal grant they applied for to install air systems at Cranberry Lake and Lake Lackawanna. They will reapply next year, which he feels is a better use for a grant because of the cost difference. There was consensus among the Council to approve the purchase of the washer/dryer.

FIRE TRUCK AND BOND ORDINANCE

In June we adopted a bond ordinance for \$600,000 for a new pumper tanker fire truck. We were using the Houston Galveston Co-op. When the truck was priced out, it totaled more than the bond ordinance. At our subcommittee meeting, everyone agreed that we should go out to public bid.

Joe suggested having a professional work on the specs for another truck and going out to public bid. It would be money well spent. Todd explained why they have decided that a pumper tanker was the right piece of apparatus to purchase. It is a combination of two trucks, and it only carries 500 less gallons of water than the existing tanker. Independence and Newton both have a pumper tanker. The Fire Department tested out the truck and took it throughout town to make sure it fit through tunnels, in the fire house, and small roads through town. If we bring on a professional to spec out the truck, we should get an estimate of what the truck would cost.

Todd stated that there are several draft spots around town. If they have to draft water, they lose a truck because they are getting water.

Todd said that they do not recognize the fire hydrants around town because the private water companies do not give them information on testing, and if a fire hydrant is out of service they do not know about it.

The Council was in agreement that a professional should be hired. Joe will work with Todd to put together an RFP. When we get some responses, the Council will need to award it.

PUBLIC PARTICIPATION II

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

Richard Schneider, River Road, asked if there was any salvage value to the existing old trucks. Todd said they will plan on selling them and recouping some money.

Charles Iulo, 100 North Shore Road, asked why we would be accepting the land along Roseville Road. The County purchased the land for the bridge project. They offered the land to the Township since the bridge is complete.

Helene Jaros, 460 Stanhope Road, poll worker at Lee Hill Safety Building, and asked if we could make sure that the lights worked on the outside of the building for the early morning start.

Charles Iulo, 100 North Shore Road, commented further on the bidding process, and expressed his concern about only receiving one bid for solid waste disposal. Marie Raffay stated that the Township was disappointed also.

Luann Byrne, Richmond Road, was very impressed with what Todd Rudloff is doing with the Fire Department.

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

RESOLUTION

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on October 17, 2017.

Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay to go into closed session and adopt the above resolution at 9:07 pm. All members in favor. Motion carried.

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

Councilwoman Kash left the meeting prior to the start of the second closed session.

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 10:56 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor