

BYRAM TOWNSHIP COUNCIL MEETING - DECEMBER 5, 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, 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
- b. Contract Negotiations
 - Labor Negotiations – PBA, DPW, Clerical
 - Fire Prevention – Sparta
 - B.A.R.K.S.

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 December 5, 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	x
No					
Abstain					
Absent					

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 as presented. All members were in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report – 2nd leaf pick will be week of December 11, weather permitting.

Councilman Gray – Reported that there was an article in the paper stating that Hopatcong Borough Council will be considering a concept plan for a Hopatcong police outdoor shooting range. He urged the public to attend the Hopatcong meeting if they had any concerns.

Councilwoman Raffay – Planning Board meeting on December 7 at 8 p.m.

Councilman Olson – Open Space meets on December 11 at 7:30 p.m.

PUBLIC PARTICIPATION I

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

Skip Danielson, 18 Hunter Lane, asked to pull Items G and H for public discussion, which were resolutions regarding Statewide Insurance. He also asked for the Council to consider the resolution he shared with the Council on the change to the workman’s compensation law. Jim asked how many municipalities have passed the resolution that he spoke about. No municipalities have passed the resolution but organizations have. Skip asked Scott Olson to apology for his comment on social media.

Barbara Meltz, 11 Briar Lane, stated that 2 weeks ago there was a large group of out-of-town people who expressed their opposition against a resolution on guns. She did not feel it was right that they monopolized the meeting and they didn’t live in town. Attorney Tom Collins explained that the 1st amendment allows anyone to speak at a public meeting.

Alex Rubenstein, 3 Partridge Run, commented about the proposed Hopatcong gun range. This lot is closer to the Byram Township boundary than it is to any Hopatcong resident. He feels that the Byram Council should consider imposing on Hopatcong to consider Byram Residents.

Kevin Danielson, Hackettstown, NJ, addressed the social media issue, and asked the Council if they are going to take action against Scott Olson. Scott Olson stated that under his 1st amendment right, he could express his opinion just as Skip Danielson did in his letter to the editor.

Masoud Joudi, Ash Street, commented on the proposed gas station on the corner of Ash Way and Route 206, which affect the residents of Byram who live nearby. Joe Sabatini stated that the Township engineer did attend the planning board meeting and will be providing a report to the Stanhope engineer prior to the next meeting. The Manager stated that the residents of Byram should attend the hearing, which has been moved to January 8, 2018. The Council is not taking a formal position of objection, but we are having our engineer address traffic, lighting and drainage issues. Mr. Judy would like to see more support from the Council. Marie Raffay explained that this is a permitted use and there are not many hurdles the applicant will have to go through. Scott Olson stated that Stanhope said that all residents within the 200 feet will be treated the same.

Dawn Miele, 3 Banker Drive, commented on the proposed gas station in Stanhope and stated that part of the application is a variance to locate a building closer than 50 feet to a residential property. Dawn asked how she could go about opposing this. Marie explained that she needed to review the plans at Stanhope, and attend the meeting. Comments could be made on how to make the application less intrusive to residents. Dawn stated that when the contractor was done with the sidewalk, they dumped debris behind Gyro Bobs. When this was done, forestry debris was pushed down the bank onto Byram property. Joe will have the zoning officer look into this and we can call the SCSCD.

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

APPROVAL OF MINUTES

- November 21, 2017 – Regular 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
No					
Abstain		x			
Absent					

- November 21, 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	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. 189-2017 – Authorization to Execute Change Order No. I Township of Byram for Proposed Milling & Paving of Amity Road – Phase II – Reduction of \$14,806.45
- Resolution No. 190-2017 – Authorization to Execute Change Order No. I Township of Byram for Proposed Milling & Paving of Brookwood Road & Debbie Drive – Reduction of \$6,009.42
- Resolution No. 191-2017 – Authorization to Execute Change Order No. I Township of Byram for Proposed Resurfacing of Lynn Drive, Susan Lane, Catherine Terrace, Douglas Terrace & Carlisle Drive – Reduction of \$17,976.33
- Resolution No. 192-2017 – Final Acceptance of Proposed Milling & Paving of Brookwood Road & Debbie Drive
- Resolution No. 193-2017 – Final Acceptance of Proposed Resurfacing of Lynn Drive, Susan Lane, Catherine Terrace, Douglas Terrace & Carlisle Drive
- Resolution No. 195-2017 - Authorize Refund of Redemption Monies to Outside Lien Holder – Block 256 Lot 1
- Resolution No. 198-2017 - A Resolution Authorizing Byram Township to Renew the Commodity Resale System and to Enter into Commodity Resale Agreements with other Contracting Units for the Resale of Gasoline and Diesel Fuel
- Resolution No. 199-2017 – Resolution Authorizing the Chief Financial Officer to Amend the Amount of Change Fund Previously Authorized
- Resolution No. 200-2017 – Authorization to Purchase One (1) Diamond Boom Mower and Mower Head under the Educational Services Commission of New Jersey Cooperative Pricing System for Budget Year 2017 not to exceed \$24,472.65
- Resolution No. 201-2017 – Authorize Dedication by Rider for Uniform Fire Safety Act Penalty Moneys
- Resolution No. 202-2017 – Appointment of Ashleigh Frueholz as Certified Tax Collector
- Resolution No. 203-2017 – Resolution Authorizing Navitend (aka MSI Services, Inc.) to Provide Email Migration Services to the Township of Byram not to exceed \$3,470.00
- Resolution No. 204-2017 – Resolution Authorizing MSI Services, Inc. to Provide Computer Support Services to the Township of Byram – for 2018

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

RESOLUTIONS

Resolution No. 196-2017 – Resolution Appointing the Commissioner of the Statewide Insurance Fund for Byram Township – Motion by Councilwoman Kash, second by Councilwoman Raffay to adopt the resolution. Mayor Oscovitch opened to the public. Skip Danielson stated that he doesn’t put the Township Manager in the best position to support the volunteers of the Township of Byram when he is the Commissioner.

Resolution No. 197-2017 – Resolution to Join (Renew) the Fund – Statewide – Motion by Councilman Olson, second by Councilwoman Raffay to adopt the resolution. Joe stated that it is the renewal of the workman’s comp and liability from January 1, 2018 through December 31, 2020. Skip stated that he appreciates that there is workman’s comp. insurance, but wished Statewide had a better handle on things. He stated that Statewide had no idea that the law changed in 1985 and was still working under pre-1985 protocols. Skip sent records to the Town regarding this.

December 5, 2017 BILL LIST

Motion by Councilwoman Raffay, 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 OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AUTHORIZING THE ACQUISITION OF THE REAL**

PROPERTY KNOWN AND DESIGNATED ON THE TOWNSHIP OF BYRAM TAX MAP AS BLOCK 337.01, LOTS 82 AND 85 ” be read by title on first reading.

Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to acquire the subject property known as Block 337.01, Lots 82 and 85 in the Township of Byram, pursuant to applicable provisions of the Local Lands and Buildings Law, N.J.S.A.40A:12-5, et seq.

Motion by Councilman Olson, 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 December 19th 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.

- BE IT RESOLVED that Ordinance entitled “**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE MUNICIPAL CONSENT OF THE TOWNSHIP FOR SUEZ WATER NEW JERSEY INC. TO PROVIDE WATER SERVICE TO THE EAST BROOKWOOD ESTATES IN THE TOWNSHIP OF BYRAM AND FOR THE LAYING OF WATER PIPES AND THE INSTALLATION OF OTHER UTILITY FACILITIES AS MAY BE NECESSARY.**” be read by title on first reading.

Purpose Statement: The purpose of this ordinance is to authorize a public utility water franchise area for SUEZ Water for the area of the East Brookwood Property Owners Association.

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					

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PUBLIC PARTICIPATION II

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

Skip Danielson, 18 Hunter Lane, asked where the parcel was located in the first ordinance. Joe stated that it was the parcels that were owned by the water association off of Lynn Drive.

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

Attorney Tom Collins asked the Council if they wanted to take any action regarding Hopatcong Borough Shooting Range. The Council discussed it and decided they would like to have a resolution asking Hopatcong to table it to allow review by Byram Township.

Motion by Councilman Gray, second by Councilwoman Raffay on a resolution of the Mayor and Council to request that the Borough of Hopatcong to table or postpone the resolution on the shooting range scheduled for

December 6 to allow Byram Township to review and comment. Tom Collins stated that it is very reasonable request.

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

RESOLUTION

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on December 5, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay to go into closed session and adopt the above resolution at 8:22 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 9:30 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor