

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 19, 2016

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; Deputy Mayor Gray, here; Councilman Olson, here; Councilwoman Kash, absent; Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

Motion by Councilman Olson, second by Councilwoman Raffay to go into closed session. All members were in favor. Motion Carried.

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
 - Byram Plaza – Sewer
 - LLIC
- b. Contract Negotiations
 - Open Space
 - Conserve Wildlife Foundation
- c. Personnel – Staffing
 - Committee Appointments

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 April 19, 2016.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Gray, second by Councilman Olson, to return to open session. 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 Councilman Gray, to approve the agenda. All members were in favor. Motion carried.

PRESENTATION - NEW JERSEY FUTURE – MAINSTREAMING GREEN

Louise Wilson, Green Infrastructure Manager, presented a power point presentation to the Council. Green infrastructure is the use of natural systems and natural design, rather than storm sewers, to manage rain, stormwater and snowmelt. Green infrastructure saves and cleans water, while uninterrupted runoff results in pollution and flooding. NJ Future is asking Byram to participate in the Mainstreaming Green Infrastructure Program by passing a resolution and entering into a Memorandum of Understanding. Councilman Gray asked if there were any incentives given to developers to use green infrastructure. Louise stated that they meet with developers and bring to the table suggestions and guidance in going green instead of gray. Councilwoman Raffay wanted to find out the impact on staff and resources before we adopt the resolution. Louise said that they are not looking for Byram to invest any money into this. The Mayor asked if it would be mandatory or voluntary for developers. Louise stated that the governing body enacts ordinances, and NJ Future can only make recommendations. Councilman Olson stated that our Village Center is in a water deficit area and a great area to promote and use green infrastructure. Scott would like to see Byram participate in this program. The Mayor thanked Louise for coming and giving the presentation.

TOWNSHIP MANAGER/COUNCIL REPORTS

Township Manager:

Safe Exchange Location:

- The Manager thanked Chief Zabita and the Byram Township Police Department for establishing a safe exchange location for Byram Township residents.
- The Byram Township Police Department has established a safe exchange location in the parking lot in front of the Police Department. Throughout the nation there have been far too many instances of robberies, assaults and murders that have occurred when people meet to make exchanges from deals they have made on line. While none of these have occurred in Byram Township, the police department is being proactive in establishing a safe exchange location to help prevent such events. The safe exchange location provides our residents a safer place for buyers and sellers to complete sales made on Craigslist, eBay or through any other method. The two parking spaces are marked by safe exchange location signs and are under 24 hour recorded video surveillance. This area will also provide a safer place for child custody exchanges to take place. Police officers will not be involved in or witness any transactions but this does offer our residents the ability to conduct exchanges without having to give the other party their home address. The Byram Township Police Department is located in the back of the municipal complex at 10 Mansfield Dr. Stanhope, NJ 07874 for GPS purposes.

Sussex County Day:

- On March 21 Councilman Olson and the Manager attended an information session meeting regarding Sussex County Day, which is being held on Sunday, May 1, 2016 from 12:00 – 4:00 at Sussex County Community College.
- We are hoping to get members from the Open Space, Environmental and Recreation Committees to spend a short time at the event.

Sussex County Southern Chamber Meeting:

- Discussion about upcoming Sussex County Day.
- Advised that Township is working to complete the Township’s Sustainable Economic Development Element of the Master Plan with Market Feasibility Analysis. Joe will present to the Chamber in the future after it is adopted and determine how the Chamber can help with Action Items identified in the plan.

Leaf Dump:

- The Byram Township Leaf Dump will re-open on April 13, 2016 and will remain open until December 3, 2016 (Weather Permitting). All leaves can be brought to the recycling center on Wednesdays from 7:30am - 2:00pm, and on Saturdays 7:30am – 4:00pm.

Brush Recycling:

- Brush can be brought to the Byram Township Recycling Center on the following designated dates (all brush must be less than 4 inches in diameter)
- April 13th -May 28th 2016
- September 17th-October 29th 2016

Councilman Olson

- Scott announced that the last Vernal Pool walk at Waterloo Village is scheduled for May 3, 2016.
- Green Infrastructure Workshop for Municipal Leaders on Wednesday, April 27, 6:30 -8:30 p.m. at Lake Hopatcong Senior Center
- Highlands meeting to discuss DEP's proposed changes to the Highlands Septic Density Rule and what it may mean to your Municipality or County at the Parsippany Municipal Building April 21, 9-10 a.m.
- Attended April 11th Open Space meeting and discussed another acquisition.

David Gray – Thanked Chief Zabita for sending out the letter reminding our residents and guests to be courteous to their neighbors in developments and lake communities. He stated that the Police Department is doing a great job with the new programs that have been implemented.

Councilwoman Raffay - PB meeting on April 21 at 8 p.m.

James Oscovitch - The Mayor was happy to see that three new buildings were opening at Waterloo Village. Opening Day of Little League is on Saturday, April 23 at 9 a.m.

Attorney Tom Collins – Updated the Mayor and Council and stated that he expected to get a letter soon regarding a scheduling date on final judgment on the Housing Element and Fair Share Plan.

PROCLAMATION – 45th Anniversary of the Byram Township Police Department

Motion by Councilwoman Raffay, second by Councilman Gray to adopt this Proclamation.

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

COUNCIL APPOINTMENTS – Youth Guidance Council

Motion by Councilman Olson, second by Councilwoman Raffay to appoint:

Nisha Kash, term expires 12/31/2017; Allyson Botto, term expires 12/31/2017; Michael Wagner, term expires 12/31/2016 and Karyn Woods, term expires 12/31/2018. Additional members will be appointed at the next meeting.

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

ORDINANCE – 2nd Reading/Public Hearing

Ordinance 12-2016 Township Manager Joseph Sabatini and Councilman David Gray stepped down.

Be it resolved that ordinance entitled “An Ordinance of the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey Authorizing a Special Assessment to Ensure the Collection, Proper Administration and Repayment of Loan monies for the Forest Lakes Dam Rehabilitation ” be read by title on second reading and a hearing held there thereon.

Purpose Statement: The purpose of this Ordinance is to authorize a special assessment to ensure the collection, proper administration and repayment of loan monies for the Forest Lakes Dam Rehabilitation.

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

Kevin Eitel, 103 Forest Lakes Drive, expressed his opposition to the Forest Lake Club lots being exempted from the special assessment. He also opposed the distribution of the assessment.

Tom Collins stated that he was satisfied that this ordinance is fair and reasonable, and the lake was a significant benefit to all properties in this lake community.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. All in favor. Motion carried. Councilman Olson thanked the clerk, finance department and the Special Assessment Committee for the work they’ve done.

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

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

APPROVAL OF MINUTES

- April 5, 2016 – 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
No					
Abstain					
Absent				x	

- April 5, 2016 - 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					
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 Councilman Gray to approve the consent agenda.

- Resolution No. 76-2016 – Extraordinary Unspecifiable Services Contract – Housing Rehabilitation Program
- Resolution No. 77-2016 - Volunteer Fire Assistance Grant
- Resolution No. 78- 2016 - Chapter 159 – Accepting the \$22,500 Bonus Recycling Grant
- Resolution No. 80-2016 – Resolution for Cancellation of 2015 Bond Ordinance
- Resolution No. 81-2016 – Resolution to Amend Capital Budget
- Resolution No. 82-2016 – Awarding a Bid to Provide Jet Vac Stormwater Cleaning Services - \$8,750
- Resolution No. 83-2016 – Award the Bid for Guide Rail Improvements for Stonehedge Ln. and Bridget Way - \$34,540
- Resolution No. 84-2016 – Award the Bid for Lynn Drive and Susan lane Catch Basin Repairs - \$54,325.00

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

APPROVAL OF APRIL 19, 2016 BILL LIST

Motion by Councilman Gray, second by Councilwoman Raffay to approve the bill list 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	

PUBLIC PARTICIPATION I

Motion Councilman Olson, second by Councilman Gray, to open to the public.

Kevin Eitel, 103 Forest Lakes Drive, expressed his gratitude to the police department and Lakeland emergency squad for responding so quickly when his wife had a very bad fall at his house. He stated that we have some wonderful people who work in our township. He also commented on the powerpoint presentation tonight and said it was great.

Elizabeth McGloughlin, 3 Johnson Blvd., complained about the adjacent property. She stated that they are running a demolition business out of their home and they burn furniture in the backyard. The Fire Department and Police Department did come out and told the owner to put out the fire and directed him to the State Forestry Department to apply for an Open Burn permit. Jessie Wolosky, resident of Sparta, stated that if the neighbor burns again, she should just call the police who will alert the Forestry office. There are strict regulations are what you can burn and you can't do it without a permit. Skip Danielson, 18 Hunters Lane, stated that you can only burn vegetation, not debris. Joe Sabatini reported that the Zoning Officer is investigating the complaint. Motion by Councilman Gray, second by Councilwoman Raffay to close to the public. All members in favor. Motion carried.

ORDINANCE – 1st Reading / Introduction

- Be it resolved that ordinance entitled “**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS AS THE STREETS AND ROADWAYS KNOWN AS PORTIONS OF COLES TRAIL, CYPRESS TRAIL, HICKORY TRAIL, PHEASANT WAY, SPRING TRAIL, WATERLOO ROAD AND WILD CHERRY TRAIL BUT NOT INCLUDING THE COUNTY ROAD KNOWN AS “WATERLOO ROAD” a/k/a SUSSEX COUNTY ROUTE 604, PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**” be read by title on first reading.

Motion by Councilman Olson, second by Councilman Gray to introduce the ordinance on first reading.

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

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 Monday, May 2, 2016 at 7:30 p.m. at the Byram Municipal 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

Be it resolved that ordinance entitled “**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AUTHORIZING THE CONVEYANCE OF UNIMPROVED REAL PROPERTY TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION**” be read by title on first reading.

Motion by Councilman Olson, second by Councilman Gray to introduce the ordinance on first reading.

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

Be it resolved that said ordinance shall be further considered for final passage at the meeting of the Township Council on Monday, May 2, 2016 at 7:30 p.m. at the Byram Municipal 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- Be it resolved that ordinance entitled “**AN ORDINANCE TO AUTHORIZE A SEWER CAPITAL EXPENDITURE FOR IMPROVEMENTS TO SANITARY SEWERAGE SYSTEM TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$31,000.00**” be read by title on first reading.

Motion by Councilman Gray, second by Councilman Olson to introduce the ordinance on first reading.

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

Be it resolved that said ordinance shall be further considered for final passage at the meeting of the Township Council on Monday, May 2, 2016 at 7:30 p.m. at the Byram Municipal 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- Be it resolved that ordinance entitled “**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE REMOUNT OF AN AMBULANCE FOR USE BY THE AMBULANCE SQUAD OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$155,000.00**” be read by title on first reading.

Motion by Councilman Gray, second by Councilman Olson to introduce the ordinance on first reading.

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

Be it resolved that said ordinance shall be further considered for final passage at the meeting of the Township Council on Monday, May 2, 2016 at 7:30 p.m. at the Byram Municipal 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

OTHER BUSINESS

Scott Olson commented on the Bowman Consulting letter that was in the Council packages. Presently, the speed limit increases from 35 mph to 50 mph at the Byram/Stanhope border. Additional curb cuts in the area south of the Exxon Station on Route 206 could pose safety concerns for the drivers entering and exiting. Marie Raffay agreed and suggested that we should ask the NJDOT to investigate traffic calming measures. Motion by Councilman Gray, second by Councilwoman Raffay to direct the Manager to send a letter requesting the NJDOT investigate traffic calming measures or adjust the speed limit in the specified area.

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

PUBLIC PARTICIPATION II – Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members in favor. Barbara McLaughlin thanked the Township for authorizing a letter with comments to be sent regarding the change in access by the NJDOT. She also asked if the vacant properties that the water company owns could be turned over to the township or state. Luann Bryne, Richmond Road, asked who gets the money from the Cranberry Ledge sale to Green Acres. Joe Sabatini stated that the money goes back into the open space fund. Scott Olson thanked Luann for writing the letter to editor about our budget hearing. Skip Danielson, 18 Hunters Lane, suggested sending Stanhope a copy of our letter to the NJDOT.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. All members 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 9:35 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor