

**BYRAM TOWNSHIP COUNCIL MEETING - MAY 17, 2016**

**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; Deputy Mayor 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
- c. Personnel
  - Staffing – Tax Collector
  - Health Benefits
- d. Capital Project Subcommittee

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 May 17, 2016. Doris Flynn, Municipal Clerk

Motion by Councilman Gray, second by Councilman Olson 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	Late 7:02 p.m.	x
No					
Abstain					
Absent					

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilwoman Raffay, to return to open session. All members were in favor. Motion Carried.

**CALL COUNCIL MEETING BACK TO ORDER**

**BYRAM TOWNSHIP PLANNING BOARD CALLED THE MEETING TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Gray, second by Councilman Olson, to approve the agenda. All members were in favor. Motion carried.

**JOINT SESSION WITH THE BYRAM TOWNSHIP PLANNING BOARD – Public Hearing on the Amendment to the Master Plan – The Sustainable Economic Development Plan**

Township Manager Joseph Sabatini introduced Township Planner Paul Gleitz, and Chuck Latini of Latini & Gleitz Planning. Mr. Gleitz said that this initiative, which began roughly a year ago, and is funded through a Highlands Grant, is part of the Highlands Plan Conformance process. He said that through public outreach by means of a survey, meetings, market analysis, and interviews with merchants and stakeholders, this document is the result of those findings and a pathway towards Byram meeting its goals and objectives to encourage and sustain economic development.

Mr. Latini reviewed the key conclusions of the study saying that Byram should promote eco-tourism and recreational activities since most of Byram is restricted from development, and in the Highlands preservation area. He reviewed the sustainable retail categories:

- Full service restaurant
- Specialty grocery store
- Grocery store
- Furniture store
- Specialty food service
- Other general merchandise such as house wares/home furnishings.

Mr. Gleitz and Mr. Latini reviewed the goals and objectives of the plan.

- Create an environment that business can succeed and create an identity for Byram as a place for business to go and people to remember.
- Promote a regional economy
- Support economic opportunities offered by sports, entertainment, history and ecotourism.
- Encourage specialty retail and variety of dining opportunities.
- Facilitate Smart Growth strategies and principles.

Mr. Gleitz discussed ways to reach the goals and objectives and talked about the implementation matrix saying that success of the plan will rely on residents, businesses, Township employees, and surrounding communities. The finalization of this report is just the beginning of the Economic Development process.

## **PUBLIC COMMENT**

Chairman Shivas opened to the public.

*Skip Danielson, 7 Hunters Lane* asked why Hackelbarny Park is mentioned rather than more local parks. Mr. Gleitz said it was just an example of resources in the region.

*Mr. Eric Gernant, 2 Mayne Avenue* said that between Acorn Street and Waterloo Road there has been tremendous development and the bottom line for homeowners is lowering property taxes. How will this document help. Mr. Gleitz said hopefully by attracting and maintaining business will help the tax base.

*Luann Byrne, 34A Richmond Road* asked where to find this information. Mr. Gleitz said it will be on our website and the Highlands website. Ms. Byrne asked who to contact. Mr. Gleitz said there will be more meetings and more opportunity to participate.

Councilman Olson recognized Judy Thornton, Highlands Council saying that the Highlands Council has been instrumental in supporting Byram and that Judy, our liaison is always willing to help and provide answers to some crazy questions.

No one else from the public came forward. Chairman Shivas closed to the public.

Motion by Mr. Morytko, seconded by Mr. Riley, to adopt the Sustainable Economic Development Plan as an Element of the Master Plan. Roll call was taken. All members yes.

Motion by Councilman Olson, second by Councilwoman Kash to endorse and accept the Sustainable Economic Development Plan. All members were in favor. Motion carried.

## **TOWNSHIP MANAGER/COUNCIL REPORTS**

### Township Manager

**Sussex County Day** - Sunday, June 5, 2016 – Rescheduled Postponed due to inclement weather. Date TBD.

- **Byram Township Recycling Center 2016 Heavy Duty Rigid Plastic Waste Dates**
  - BYRAM WILL BE COLLECTING MIXED RIGID PLASTIC (MRP) FOR RECYCLING
  - MRP Recycling May 23rd-June 3rd
- **The Sussex County MUA provides the following Recycling Services to residents and businesses:**
  - Household Hazardous Waste Days –6/4/16 & 11/5/16
    - o Dispose of lead & oil base paints, stains, thinners, pool chemicals, mercury, lubricants, chlorine, driveway sealer, fluorescent bulbs, household batteries and more. Limits:100 lbs dry, 10 gal liquid waste, 25 fluorescent bulbs per vehicle Scale charge for larger quantities Electronics\*
  - Recycling Days –6/18, 8/6 & 10/8/16 – e-waste - Limits: Up to 5 units per vehicle Scale charge for larger quantities

- **Medicine Drop:** Ordered a box and residents will be able to drop off unused medications. Will be available 7x24 in PD.

Councilman Olson

- Scott expressed his condolences to Jim and his family.
- \$1500 ANJEC grant received, and Scott thanked Joe and Donna for putting the grant together.
- Scott commented that he was glad to see the purchase order for the recycling receptacles and noted that it is paid for by a recycling grant

Nisha Kash

- Participated in an informal Youth Guidance Council meeting. Next meeting will be June 13 at 7 p.m.
- Attended Byram Day meeting – still in the planning phase
- Attended the SCLOM meeting on Wednesday, May 11 – they were voting in new president. Nisha asked to put the SCLOM on for discussion at the next meeting regarding payments to the SCLOM.

David Gray

- Attended a Legislative Meeting last week. Summarized the 3 pending bills in the Legislature.
- David commented that Paul Gleitz and Chuck Latini gave a great presentation. Plan looks terrific. He stated that there needs to be communication and dialogue with the business owners and the township and this plan should help.
- David agreed with Nisha and would like to see the SCLOM as a discussion item. He stated that he does not support any payments to SCLOM until the financial end has been understood.

Councilwoman Raffay – Planning Board meeting on May 19 at 8 p.m.

James Oscovitch - Attended Hobb Engler opening day—it was a wonderful day.

**Public Participation I** – Motion by Councilwoman Kash, second by Councilman Olson to open to the public. Motion carried.

- Doug Mertrude, 12 Waterloo Road, expressed his concerns and opposition to Capital Care occupying 7 Waterloo Road.
- Terry Kepler, 9 Waterloo Road, stated that they live next door to this new business and they are negatively impacted by it because people gather outside and are very noisy. Prior businesses have never impacted their lives. They asked if the Council would look into the matter.
- Tom Leahy, 1 Chestnut Street, stated that he spoke to legal counsel who said that the neighbors should have been put on notice because of change of business. Tom Molica stated that the municipal land use law does not require noticing for a site plan waiver. Mr. Leahy stated that there are no lights in the parking lot. Dumpsters are not in an enclosure, but our ordinance says that they should be in an enclosure. Joe Sabatini stated that the parking lot lights can be addressed by the zoning officer. The zoning officer will also look into the use of the parking lot.
- Eric Gernant, 2 Mayne Ave., commented on the parking lot of the building and that years ago a 50’ buffer was mandated between the business and residential area.
- Barbara McLoughlin, President of West Brookwood, stated that the water company was told originally that it was going to be a “back” office, and then she learned at the planning board meeting that there were going to be programs held at this location. She did witness 12-15 people in the parking lot at 7:15 p.m.
- Skip Danielson, 18 Hunters Lane, stated that Hacklebarney State Park should be replaced with Hopatcong State Park in the Sustainable Economic Development Plan.
- Luann Byrne, 34 Richmond Road, questioned the insurance amount on the bill list. Joe Sabatini stated that it was the monthly payment for health insurance. Luann stated it was a very large number.
- Tom Leahy, 1 Chestnut Street, stated that an operation like this got shut down in Stanhope. Marie Raffay stated that this site plan waiver was fully vetted in front of the Planning Board. This is not the same operation as in Stanhope.
- Patti Poff, North Shore Road, thanked the Mayor, Council and EC, for the support they give to the Environmental Programs being done at the school.

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

**COUNCIL APPOINTMENTS** – Youth Guidance Council – Peter Zabita, James VanDyke – Motion by Councilman Gray, second by Councilwoman Kash to make these appointments.

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

**APPROVAL OF MINUTES**

- May 2, 2016 – 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					x
Absent					

- May 2, 2016 - 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	
No					
Abstain					x
Absent					

**PROCLAMATION** – Mayor’s Monarch Pledge – Motion by Councilman Olson second by Councilwoman Raffay to authorize the Mayor to sign the pledge. All members were in favor. Motion carried. Katie Barron had contacted the Mayor about this, and the Mayor was happy to take the pledge. The Environmental Commission has been very involved with saving the monarch population for the last several years.

**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. 95-2016 – Authorize Refund of Redemption Monies to Outside Lien Holder – 55 Lackawanna Drive, Block 226, Lot 21
- Resolution No. 96-2016 - Resolution of Approval for Volunteers from PPG Architectural Coatings and Home Depot to Donate Supplies and Designate a Work Day to Paint Buildings, Structures and Accessories Located at C.O. Johnson Park
- Resolution No. 97-2016 - Authorization for the Purchase of Seventy-Four (74) Recycling Receptacles for use in Byram Township Parks
- Resolution No. 98-2016 – Resolution Authorizing the Acceptance of a 2016 Grant from the Association of New Jersey Environmental Commissioners in the Amount of \$1,500

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			X		
2 <sup>nd</sup>		X			
Yes	X		X	X	X
No					
Abstain					
Absent					

**APPROVAL OF MAY 17, 2016 BILL LIST**

Motion by Councilwoman Kash, second by Councilman Olson 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					

**ORDINANCES** – 2<sup>nd</sup> Reading/Public Hearing

**Ordinance 17-2016** - Be it resolved that ordinance entitled “Amended Ordinance for Administration & Hourly Positions, Salary and Wages for the Years 2013-2016” be read by title on second reading and a hearing held there thereon.

Motion by Councilman Olson, second by Councilwoman Raffay to adopt the ordinance. The Mayor opened to the public for comments. Luann Byrne, Richmond Road, asked why we were doing this. Joe Sabatini stated that we need to add the temporary and seasonal staff to the ordinance. The Mayor closed to the public.

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

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.

**Ordinance 18-2016** - Be it resolved that ordinance entitled “Bond Ordinance Appropriating \$638,000, and Authorizing the Issuance of \$405,000 Bonds or Notes of The Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township Of Byram, in the County of Sussex, New Jersey.” be read by title on second reading and a hearing held there thereon.

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. The Mayor opened to the public. No comments were made. The Mayor closed to the public.

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

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.

**Ordinance 19-2016** - Be it resolved that ordinance entitled “- Bond Ordinance Providing for the Improvement of the Sanitary Sewerage System in and by the Township of Byram, In The County of Sussex, New Jersey, Appropriating \$525,000 Therefor and Authorizing the Issuance of \$498,000 Bonds or Notes of the Township for Financing such Appropriation” be read by title on second reading and a hearing held there thereon.

Motion by Councilman Gray, second by Councilwoman Kash to adopt the ordinance. The Mayor opened to the public. No comments were made. The Mayor closed to the public.

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

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.

**ORDINANCES – 1<sup>st</sup> Reading / Introduction**

- Be it resolved that ordinance entitled “An Ordinance Amending chapter 240 Zoning of the Township of Byram Code” be read by title on first reading.

**Purpose Statement:** The purpose of this ordinance is to clarify various sections in the Byram Land Use

Motion by Councilman Olson, second by Councilwoman Kash to introduce the ordinance on first reading. This is for an amendment on the accessory structure section of the ordinance.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd				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 Monday, June 6, 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 Acquisition of New Vehicular Equipment for use by the Department of Public Works of the Township to Provide Funding in the Amount not to Exceed \$41,000.00” be read by title on first reading.

**Purpose Statement:** Acquisition of new vehicular equipment for use by the Department of Public Works of the Township.

Motion by Councilman Olson, second by Councilwoman Kash 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					

Be it resolved that said ordinance shall be further considered for final passage at the meeting of the Township Council on Monday, June 6, 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.

**PUBLIC PARTICIPATION II** – Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. No comments were made

Luann Byrne, 34 Richmond Road, commented on the gypsy moth problem. She said they are not spraying in Byram but she saw a huge amount of gypsy moths along Waterloo Road. Joe stated that we participated in the gypsy moth survey and it was determined that spraying was not necessary in Byram. Homeowners could arrange for a bug company to come and spray their property if it is needed.

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

**DISCUSSION ITEM**

- Marie stated that she would be the BOE representative for Byram Lakes School if no one else wanted it. The Council was in agreement.
- Carpenter Road – Marie asked for information about what was being done about the property at the end of Carpenter Road. The zoning officer had prepared a zoning log and copy of the violation letter on the property that was doing work.

Milling and Repaving on Route 206 – Marie stated that if we want anything done during this repaving, we should contact the NJDOT.

**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
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  - Health Benefits
  - Capital Project Subcommittee

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 May 17, 2016.

Doris Flynn, Municipal Clerk

Motion by Councilman Olson, second by Councilwoman Kash 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 Gray, second by Councilwoman Raffay, to return to open session. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilwoman Kash, second by Councilman Olson, and with all members in favor, the meeting was adjourned at 10:57 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor