

**BYRAM TOWNSHIP COUNCIL MEETING - JUNE 21, 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, absent; Mayor Oscovitch, absent. 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
  - Fair Share Housing Plan Update
  - No Net Loss Grant
  - Online Auction
  - Sewer - Simeone
- b. Personnel –
  - Staffing
  - Employee Handbook Policy

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 June 21, 2016.  
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		
No					
Abstain					
Absent				x	x

**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**  
**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.

**PRESENTATION OF THE JUNE DOBSON \$1,000 SCHOLARSHIP BY THE BYRAM TOWNSHIP HISTORICAL SOCIETY** to Dennis Phan of Sussex County Technical School  
Frank Gonzalez introduced Dennis Phan and stated that he will be studying bio chemistry at NYU in the fall.

**PRESENTATION OF THE 2015 AUDIT** – Township Auditor Ray Sarinelli, Jr. presented the audit. He thanked the Township staff for assisting him during this process. The fund balance at the end of 2014 was \$2,268,837 and in 2015 the fund balance was \$2,185,752.

The Township has a strong tax collection rate which contributed to stability in the fund balance. Collection rate is very good at 98%. The auditor briefly talked about trust funds, bonds and notes and stated that the Township is in a very healthy financial position. Trust funds operated normally. The Open Space fund received some grant reimbursements.

Sewer utility operated normally, with very good sewer collections.

Ray Sarinelli briefly discussed the only recommendation listed in the audit, which was delegation of duties, which is a common comment for small municipalities.

Deputy Mayor Gray thanked Ray for his presentation.

**RESOLUTION NO. 113 – 2016 – Governing Body Certification of the Annual Audit** – Motion by Councilwoman Raffay, second by Councilman Olson to adopt this resolution.

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

**SPECIAL PRESENTATION OF THE MUNICIPAL COMPLEX MASTER PLAN**

Joe Sabatini will present a power point presentation regarding the background of looking into a new municipal complex, but first asked Ray Sarinelli to talk about the municipality’s position to fund a municipal project. Ray has been doing the audit for Byram since 1980’s and through the years they have made minor capital improvements to the facility, and the thoughts of a major rehabilitation or new complex has been talked about for many years and is finally coming to fruition. Ray stated that a project of \$11 million dollars would require a 5% down payment of \$550,000. The township has that money available because they have been increasing the capital fund account over the years to prepare.

The auditor explained that the Township would first do bond anticipation notes, and taxpayers would see a municipal increase of 1-1-1/2 cents increase in both 2018 and 2019. After that, we would issue bonds to be paid off over 20 years. There would be no additional increase for the cost of the building.

Deputy Mayor Gray opened to the public for questions on the financing of a project should we go forward with it. Ronnie Gilligan, 17 Sleepy Hollow Road, asked about the 98% tax collection rate. Ray confirmed that the township collected taxes in 2015 from 98% of the property owners in Byram Township, which is a very good rate. She also asked what the total cost of the bond plus interest over 20 years. Ray used a 4% interest rate, which is just approximate and it could be on the high side. He didn’t have the exact figure, but he thought it would be approximately 3 million in addition to the 10.5 million. He could provide Joe the exact figure in the morning. Barbara Bohnemann, 5 Sherwood Forest Drive, asked a question about foreclosures, but the Deputy Mayor told her to save those questions for the general public participation session.

Below is an outline of the presentation by Township Manager Joe Sabatini:

Project: Proposal for Municipal Building Assessment and Municipal Complex Masterplan

Township’s Website:

- News & Noteworthy – there is an article titled: Byram Township Municipal Complex Building Assessment and Complex Masterplan.
- Located on the website are several documents and the intention of tonight’s meeting is to review the documents and inform of the content.

Some Early History:

- The planning for a new municipal complex started as early as 2004 when the Township engaged the services of LAN Associates, (Engineering, Planning and Architecture, Survey, Inc. ) for the purpose of assessing the options of using the Consolidated School and existing complex for new municipal building renovations.
- In 2011, the Township needed to address issues with the roof and the HVAC (heating, ventilation and air condition). The Township bonded \$260,000 and started the process of assessing the improvements for the roof and HVAC systems.
- In addition, 3 alternative sites were investigated.
  - 2 Tamarack Road (Admin/PD) – need to renovate existing site for meeting space and DPW.
  - 7 Waterloo Road (Admin, PD & Meeting) (Nov. 2014) – require major renovation. Visited site with Township’s construction official and capital projects subcommittee)

- Lakeland Bank (Lackawanna Drive and Route 206) – admin offices or PD. Existing site would need to be renovated for meeting space, DPW, Admin and/or PD.

#### Report: Building Assessment Report – January 2013:

- This report presents is a summary of the onsite survey completed to address the approximately 5,000 sq.ft. roof over the Court Room/Finance Department.
- Core samples of the roof were extracted in September 2012.
- Two options were presented:
  - Option 1 – Remove and replace the roof systems and install with the same system. Cost of this option is \$50,000 - \$100,000.
  - Option 2 – Minor repairs with re-stripping at perimeter, seams and around roof drains.
- The Township selected option 2 with repairs completed in August 2013. One year later after experiencing some leaks the contractor needed to replace flashing.
- There is no warranty but the hope is that we will get minimum of 5 years up to 10 years.
- Cost to the Township was \$4,650.

#### Building Mechanical Systems Evaluation - October 2014:

- Completed by Strunk-Albert Engineering.
- Objective as to investigate ongoing issues with HVAC (heating, ventilation and air condition) systems from a maintenance, temperature control and indoor air quality perspective.
- They performed a building mechanical evaluation to assess the current state of the systems:
  1. Define current systems in place (pages 2-8)
  2. Outline problems/deficiencies (pages 9-11)
  3. Outline potential options with preliminary cost estimates (starts on page 12)
- Conclusions:
  - All systems Building 1 (court/finance) near/beyond expected service life and options presented are aimed to replace all systems.
  - Building 2 (Admin/PD) options include maintaining existing systems as they are relatively newer.

#### FKA Architects:

- March 2015 – RFP for Architect.
- In May 2015 the Mayor and Council met with potential candidates and assessed based on proposed evaluation criteria from RFP.
  1. Qualifications of the individuals who will render professional service.
  2. Professional experience and success in providing architectural services.
  3. Ability to perform the task in a timely fashion, including staffing and familiarity with subject matter.
  4. Cost competitiveness.
  5. Artistic expression in providing architectural services to municipalities.
  6. Familiarity with Township.
  7. Other factors determined to be in the best interest of the Township.
- July 2015 – the Township awarded a contract to FKA Architects for the purpose of completing a municipal building assessment and municipal complex masterplan.
- December 2015 – the Mayor and Council authorized a building investigation on the Lakeland Bank building to determine if the administrative offices could fit within the existing building or if the police department could fit within the space.

#### Building Assessment Report – September 2015:

- Building was assessed for reuse, modification, upgrade or addition.
- Building consists of two separate structures.
  - Building 1 (court/finance – lower building) is over 45 years old. (average life expectancy of traditional construction is 50 years).
  - Building 2 (admin/PD – upper building) consists of 12 modular trailers with false façade and roof truss canopy system. Average life is 8-10 years. This section of the building was assembled over 40 years ago and is well beyond useful life.
- Recommendation:
  - Building 1: all mechanicals and need to be replaced, portions of building can be reused, major renovation to house required program, ADA compliance, toilet facilities and circulation issues.
  - Building 2: Basically inefficient use of funds to renovate as the building construction is well beyond life expectancy.
  - Based on cost estimates the recommendation is to explore the possibility of new construction.
- Pages 17 – 18 – Building Assessment Matrix – rates existing condition of buildings and site.
  - Overall Building Score = 1.59 (Between Poor and Fair)
- Page 26 – provides a construction cost comparison.
  - Low Intensity and New Construction

#### Building Programming Document – August 2015:

- Programming Phase of the Project where the Architect met with department heads to determine all design and programming needs.
- The report provides summary of program by department with report comparing current size of space to proposed size.

#### Summary of Spaces – November 2015:

- After review of building programming document with a preliminary cost assessment, each department head was requested to review proposed program size for modification.
- This document compares Current Size, Initial Program Size and Modification.
- Original program was about a 10,000 sqft increase.
  - Revised Program 6,000 sqft increase
  - Existing Building is 10,827 sqft
  - Original Program was 20,464 sqft
  - Modification 16,309 sqft
- Cost Estimates were based on a building size of 16,500 sqft.

The next step would be to introduce a bond ordinance, which could occur at the next meeting. We could have the public hearing at the end of July, and award a scope of work to the engineer and architect to start the permitting process and the initial drawings. The permitting process could take 6 months. We will not know the final number until we go out to bid. We added 20% to our estimated number of \$8.7 million, and that would be the amount that the bond ordinance would be and we could not spend more than that. The project could actually be lower than that. Joe stated hypothetically that if you bonded for \$10.5 with a 4% interest rate and if we asked the tax payer to fund the entire project in year one, it would be \$260 to the average tax payer per year. This is a very rough estimate.

Scott Olson stated that part of the reason for the cost of project being high with building across the parking lot, is that we have to reforest the area close to Lubber's Run.

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public for questions on the presentation.

Ronnie Gillian, 7 Sleepy Hollow Road, thanked JS for his presentation. She asked what thought went into consolidation or regionalization, and what is the need to have all services under one complex. Joe stated that there are 24 municipalities in the County with different structures. Some have police departments, some don't. We have had to shrink our services over the years. We have consolidated our court. Joe feels it is more efficient to have all the services together.

Ali Griffith, 22 Old Stage Coach Road, asked what the life expectancy was of a new building. Joe said it should be 50 years. She asked if there was any option for a landowner to building it and to lease it from them.

June Provenzano, 11 Waterloo Road, why would a building only last 50 years.

Merwyn Lee, 45 Winding Way, asked how many households there are in Byram.

Mr. Shubert, 3 Lee Hill Road, questioned the different way of calculating 1-1/2 cents vs. \$260

Barbara Bohnemann, 5 Sherwood Forest Drive, stated that she definitely feels we need a new building. She said that the foreclosures are a problem in the area. The commercial vacancies are also a problem. Joe stated that the banks are paying taxes on homes that are going into foreclosure.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. Scott encouraged people to review the documents on the website and visit town hall if they would like a tour. Marie Raffay stated that the plans that we have been looking at are basic and fits in with the character of Byram. David Gray stated that if we have to spend money, we want to do it in the smartest way possible. We will include other groups in the process for input.

If we go forward with the bond ordinance, we will have the architect and engineer at the public hearing.

**MAYORAL APPOINTMENT** – April Johnson – ARC – Term Expires 12/31/16 – The ARC recommended her appointment. Deputy Mayor Gray appointed April to the Architectural Review Committee.

### **TOWNSHIP MANAGER/COUNCIL REPORTS**

#### Township Manager

- Volunteers from Glidden Paint, the Home Depot Foundation and Byram Township came together Monday morning to give C.O. Johnson Park a touch-up. Organized by township resident Todd Young, the Northwest New Jersey territory manager for Glidden Paint, the group painted the park's dugouts, scoreboards and light fixtures, as well as stained the wood near the playground.

- Young was involved in the township’s baseball league with his children and took it upon himself several years ago to work on the dugouts. This time, he had some help.

Councilman Olson

- Byram Township Historical Society met on June 8—they are still looking at refurbishing one of the buildings at the Village.
- Economic Development Steering Committee met on June 9, and we will talk about it later in the evening.
- Open Space met on June 13 and discussed the possible acquisition of an open space parcel. They said goodbye to Sandy Urgo of The Land Conservancy and thanked her for her many years of service to Byram Township. The new consultants will come on board July 1.
- Scott Olson will be attending the Sussex County Open Space meeting on June 23 to consider the final adoption of the County plan.

David Gray

- The quarry inspection is tentatively scheduled for June 28 and a member of the EC will accompany our engineer.

Councilwoman Raffay

- Planning Board will meet next on July 7 at 8 p.m.
- Recreation Department is running the Kids Tri-Harder Triathlon this Saturday at Lake Lackawanna.
- Marie’s son built a gaga pit at the Intermediate School field as an Eagle Scout project.

Public Participation I – Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. George Shivas, 361 Amity Road, commented on the house that burned down on April 17. The house is still not boarded up. He realizes that Joe and the zoning officer have been working on it but he wants it to get done. Joe stated that the Construction Official has issued a violation and fines are being assessed every day. Joe will talk to the construction official tomorrow about this.

Tony Gilbert, 369 Amity Road, would like to know what the status is with the unregistered dump truck, and the excavating equipment at the property. Joe stated that it will be removed. He wanted to know if the fence violation has been addressed. Joe stated that all the violations have been outlined in a violation letter to him. Joe stated that they are trying to work with him very closely, and the Township has made it very clear to the property owner that progress must be made. Joe stated that they have a meeting scheduled at the end of the week.

Ali Griffith, 22 Old Stage Coach Road, commented on the egress out of the Shop Rite parking lot and asked if accidents have increased. Chief Zabita stated that there has been less accidents since the improvements have been completed.

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

**APPROVAL OF MINUTES**

- June 6, 2016 – Regular 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		
No					
Abstain					
Absent				x	x

- June 6, 2016 - 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		
No					
Abstain					
Absent				x	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 Councilwoman Raffay, second by Councilman Olson to approve the consent agenda.

- Resolution No. 112-2016 – Corrective Action Plan for the 2015 Audit
- Resolution No. 114-2016 – Resolution Authorizing the Renewal of Liquor License to CBK Restaurant LLC, Trading as Orchard Beer Garden, Valid from 7/1/16-6/30/17
- Resolution No. 115-2016 – Resolution Authorizing the Renewal of Liquor License to Zipload, Inc., Trading as Salt, Valid from 7/1/16-6/30/17
- Resolution No. 116-2016 – Resolution Authorizing the Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 7/1/16-6/30/17
- Resolution No. 117-2016 – Resolution Authorizing the Renewal of Liquor License to Adam Todd Inn, Valid from 7/1/16 -6/30/17
- Resolution No. 118-2016 – Resolution Authorizing V-Comm to Assist the Township with the Design, Specification, Installation and Project Management of a New Public Safety Communications Tower and Associated Radio Repeater Equipment at the Old Indian Spring Road Site – Not to Exceed \$73,900.00
- Resolution No. 119- 2016 – Resolution Authorizing Harold E. Pellow & Associates, Inc. to Perform the Civil Engineering Services Required for the Construction of the New Public Safety Communications Tower Located on Old Indian Spring Road –Not to Exceed \$25,000
- Resolution No. 120-2016 – Resolution of the Governing Body of the Township of Byram Regarding the Rejection of Bids for the No Net Loss Tree Reforestation, Phase I
- Approval of Tricky Tray and 50/50 Raffle for Sussex County Police Athletic League to be held on 7/30/16 at Panther Lake Campground.

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

**APPROVAL OF JUNE 21, 2016 BILL LIST**

Motion by Councilwoman Raffay, second by Councilman Olson to approve the bill list as presented. Scott Olson recused from P.O. 16420.

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

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

- Be it resolved that ordinance entitled “An Ordinance of the Township of Byram, County of Sussex, State of New Jersey Establishing a New Chapter 185 to be Entitled “Abandoned Properties” of the Code of the Township of Byram Providing for the Registration of Abandoned Properties and Properties Pending Foreclosure” be read by title on first reading.

Motions by Councilwoman Raffay, second by Councilman Olson to introduce the ordinance on first reading.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2 <sup>nd</sup>			x		
Yes	x	x	x		
No					
Abstain					
Absent				x	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 Tuesday, July 5, 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 “**Amended Ordinance for Administration & Hourly Positions, Salary and Wages for the Years 2013-2016**” be read by title on first reading.

Motions by Councilman Olson, second by Councilwoman Raffay 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		
No					
Abstain					
Absent				x	x

Joe Sabatini explained that this amendment was necessary because there was a modification of the hourly rate for a summer employee.

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 Tuesday, July 5, 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.

**DISCUSSION ITEM**

- Sustainable Economic Development Plan – Scott Olson stated that we are discussing it tonight to be clear what the Council wants the group to do: recommend to the Council to redefine the EDAC, work on specs for a RFP for a marketing expert, and to engage the Chamber to look at grant opportunities. The group would meet again on July 14. David is looking forward to getting the EDAC going again. The Council was in agreement that this group should move forward on these items.

**PUBLIC PARTICIPATION II** – Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members in favor.

Merwyn Lee, 45 Winding Way, asked if anyone has been at the Westby Farm properties to see if they are putting in any commercial activities. He said that he has heard explosions and wants to know what is going on there. Joe said that he can’t walk on the property without permission. Joe will talk to the zoning officer tomorrow.

Earl Riley, 5 Louis Drive, asked questions about the abandoned property ordinance.  
Ali Griffith, asked if there would maintenance done on the properties.

Scott Olson announced that the Roseville Road bridge will be closing on Monday and it will be closed for a long time while a new bridge is built.

Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. All members 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
  - Fair Share Housing Plan Update
  - No Net Loss Grant
  - Online Auction
  - Sewer - Simeone
- b. Personnel –
  - Staffing
  - Employee Handbook Policy

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 June 21, 2016.  
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		
No					
Abstain					
Absent				x	x

**RETURN TO OPEN SESSION** - Motion by Councilman Olson, second by Councilwoman Raffay, 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 11:22 p.m. Motion carried.

\_\_\_\_\_  
Doris Flynn, Municipal Clerk

\_\_\_\_\_  
David Gray, Deputy Mayor