

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 7, 2015

CALL MEETING TO ORDER

Deputy Mayor Gray 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; absent; Mayor Oscovitch, late (7:08). Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Raffay, to go into executive session and adopt the below resolution.

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

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. Pending Litigation - Pirone vs. Byram – Settlement Agreement
- b. Attorney Client Privilege Information-Anticipated Litigation – Mt. Laurel II and COAH/ Hopkins vs. Byram Twp. et.al.
- c. Attorney Client Privilege Information
 - VESP
 - General
- d. Shared Services – Fire Prevention
- e. Contract Negotiations
 - Land Swap
 - Architect
- f. Personnel
 - Staffing
 - Emergency Management Coordinator

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 7, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilman Gray to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

CALL REGULAR COUNCIL MEETING 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.

2015 BUDGET – Public Hearing

Township Manager Joe Sabatini prepared the 2015 budget message and read highlights from it. The 2015 municipal budget calls for a proposed increase of .016 for each \$100 of assessed value. This increase represents an estimated \$36.57 annual municipal tax increase for the average assessed home of \$253,014. Township Auditor Ray Sarinelli, Jr. was present along with Byram’s CFO, Ashleigh Frueholz.

Motion by Councilman Olson, second by Councilman Gray to open to the public. Earl Riley, 5 Louis Drive, asked for an explanation of the waivers listed under insurance. The Manager stated that the line item of waivers is for active employees who have elected not to take health care benefits. Motion by Councilman Olson, second by Councilwoman Raffay, to close to the public.

RESOLUTION NO. 68 -2015 – 2015 Budget Adoption Resolution

Motion by Councilman Olson, second by Councilwoman Raffay, to adopt the budget. The Council thanked Ashleigh and Joe for putting together a great budget.

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

PUBLIC PARTIPATION I –Motion by Councilman Olson, second by Councilwoman Raffay to open to the public. All members were in favor. Motion carried. No comments were made.

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

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

TOWNSHIP REPORTS

Manager’s Report:

Township’s Emergency Operation Plan

- The Township has received notification that the Township's Emergency Operation Plan will expire in 90 days (May 31, 2015). The New Jersey OEM Directive 101 states that each municipality shall submit a completed Emergency Operations Plan to the State Office of Emergency Management for re-certification every four years.
- I have been working with the various stakeholders of each of the plans annexes.
- The updated plan must be forwarded to the County Office of Emergency Management for review of changes and approval before submitting and requesting re-certification. I plan to have the plan updates completed by the end of next week and forwarded to the County.

Kick-Off Meeting for all partners interested in participating in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan Update:

- On April 1, 2015 the Superintendent of Public Works and I attended the Kick-off meeting for the Sussex County Multi-Jurisdictional Hazard Mitigation Plan Update. Originally, this meeting was scheduled for March 4 but was postponed due to the weather. Tetra Tech led the meeting whom is the vendor that was appointed by the County to lead this project.
- The Township has the obligation to provide the data and information required to support the Township's chapter of the plan. It was reported that the 2011 All-Hazard Mitigation Plan is not adequate to satisfy FEMA's requirements as a condition of pre-disaster mitigation funding. Also, the process and required participation is different than what was done for the 2011 plan. It is expected that the subject matter experts (SMEs) will be active stakeholders. The list of various SMEs

include: Floodplain Administrator/Building Code Official, Municipal Engineer, Land Use Planner, Municipal Clerk, Municipal Mayor/Administrator, Municipal CFO/Fiscal Rep, Public Works Director, Police Official, Fire Official and EMS Official. This is referred to as the mitigation team.

- The initial task for the Township SMEs is to complete the attached seven (7) worksheets by April 21. The Township is scheduled for a workshop on April 23, 2015 at 10:00 AM at the County OEM office in Newton.

- We will need to keep a log for in-kind tracking (see attached) for any time you spend on the project.

Rabies Clinic:

- The Annual Rabies Clinic has been scheduled for Saturday, April 18, 2015 in the DPW garage from 9:00am- 12:00 noon.

Brush and Leaf Dump:

- Leaf Dump Opening April 22
- Brush Dump will be open April 25 – May 16.
- Tire Recycling in June

Councilman Gray

- Participated in the Capital Budget Committee meeting. Ashleigh is doing a great job in reducing debt service. It is going to be tough going forward, especially because we did not receive the roadway grant.

Councilman Olson

- Open Space Committee meets on April 13.
- 3/18 Scott and the Manager went to the County Dispatch for a tour. It is a great facility to set up emergency services at.
- Attended the Clean Communities event at Waterloo on 3/19. 600 students from all over the state participated. A huge clean up for the first part of the day and educational programs in the afternoon run by Andrea Proctor, who did a great job.
- Attended the Capital Budget meeting on 4/2. Decisions will have to be made regarding what we will purchase, because we do not have enough money for everything.
- Attended the 3/26 EC meeting, filling in for David Gray. They are doing a lot of work with tree plans from the No Net Loss Grant. The amphibian crossing at Waterloo has been going on. This is the largest amphibian rescue in the state.
- The Mayor, Joe and Scott met with a commercial realtor last week. The realtor had some ideas for some properties in Byram, but she wasn't aware of some of the restrictions that we are faced with in Byram, such as not being on the sewer line. She would like to get involved in the EDAC.

Councilwoman Raffay

- The Planning Board meets on April 16 at 8 p.m.
- FOWV annual meeting in April 23 at 6:30 p.m. in the mule barn

Mayor Oscovitch

- Attended the Blue and Gold dinner for Troup 276
- Sat in on a Board Review
- District 24 meeting was postponed to May 6

Chief Chuck Putz

- The Chief expressed an interest in using the house on Jones lane for training if it is going to be demolished. Joe will keep the Fire Department informed when this will happen.
- Fire Department is holding a Beef Steak Dinner and Comedy Show on April 18. Tickets are available.

APPROVAL OF MINUTES

- March 17, 2015 - Regular 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				x	

- March 17, 2015 - Executive Meeting Minutes –Motion by Councilwoman Raffay second by Councilwoman 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				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 Council , second by Councilman Olson, to approve the consent agenda.

- a. Resolution No. 55 – 2015 – Resolution Supporting the Distracted Driving 2015 Crackdown of April 1-April 21, 2015
- b. Resolution No. 56 – 2015 – Resolution Supporting the Click it or Ticket Mobilization of May 18-May 31, 2015
- c. Resolution No. 57 – 2015 – Resolution Authorizing Byram Township Fire Department to Conduct a Bucket Drop
- d. Resolution No. 58 – 2015 – Resolution Amending Agreement Associated with the Real Estate Contract for Cranberry Ledge Parcels by and between the Township of Byram and NJDEP – Green Acres
- e. Resolution No. 59 – 2015 – Resolution Approving the Installation of Two Bus Shelters at the Hi Glen Drive on Both Sides of Route 206
- f. Resolution No. 60 – 2015 – Resolution Authorizing the Execution of a Lease Agreement and Shared Services Contract for Community Animal Impound Services Between the Township of Byram and Byram Animal Rescue Kindness Squad Inc. (BARKS)
- g. Resolution No. 61 – 2015 – Resolution Authorizing the Execution of an Agreement for Veterinary Services Between the Township of Byram and BARKS and Linda Grau, DVM
- h. Resolution No. 62 – 2015 – Resolution Authorizing the Execution of a Treatment Works Approval Permit Application for Jefferson Lakes Day Camp
- i. Resolution No. 63 – 2015 – Resolution Approving an Application to ANJEC for a \$1,500 Grant to Remove Storm Damage at Brookwood Park
- j. Resolution No. 64 – 2015 – Resolution Authorizing the Refund of State Tax Appeal for 2011 and 2014 Totaling \$8,780.05
- k. Resolution No. 65 – 2015 – Tonnage Grant Application Resolution
- l. Resolution NO. 66 – 2015 -Authorization to Purchase Salt under the Sussex County Cooperative Pricing System
- m. Resolution No. 67 – 2015 – Person-To-Person Liquor License Transfer to Tomahawk Lake Inc.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd		x			
Yes	x	x	x		x
No					
Abstain	Recuse from Res. 58-2015				
Absent				x	

PROCLAMATION – Autism Awareness Month – April

The Mayor read the proclamation and stated that teachers from the Byram Lakes School came over and decorated the room. Motion by Councilman Gray, second by Councilwoman Raffay, to adopt the proclamation. All members in favor. Motion carried.

APPROVAL OF APRIL 7, 2015 BILL LIST

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

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

ITEMS FOR DISCUSSION – Hobb Engler – Donations of Work

Hobb Engler Request – 50/70 Field:

- In accordance with Chapter 182 – Parks and Recreation Areas, Hobb Engler Little League is requesting support of a 50/70 field on COJ field 3 (senior field).
- 50 feet is the distance from the pitcher’s mound to home plate.
- 70 feet is the distance between bases.
- Chapter 182 requires written authorization of the Township Manager and the Township Council.
- The project will include installation of a removable home plate that is anchored and installed. When not using the 50/70 field the home plate will be removed and the area covered with infield dirt. I have requested the Superintendent of Public Works to have the home plate installed.
- Hobb Engler will add and maintain additional foul lines.
- Base pegs for 60/90 will be covered with dirt when using 50/70 field dimensions to avoid any trip hazards.

Motion by Councilman Olson, second by Councilman Gray, to support the request made by Hobb Engler.

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

Earl Riley, 5 Louis Drive, asked if the State is planning on reinstalling the bus shelters by Quick Check. Scott stated that they will be replaced. Joe will check on the status of these.

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman , to go into executive session at 8:25 p.m. and adopt the below resolution.

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:

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 7, 2015.

Doris Flynn, Municipal Clerk

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

OTHER BUSINESS

Motion by Councilman Gray, second by Councilman Olson, to have Attorney Tom Collins file the declaratory judgment action on the COAH requirements.

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

Motion by Councilman Olson, second by Councilman Gray, to accept the settlement agreement in the matter of Pirone vs. Byram Township. The Council expressed their dismay in having to settle, and commented that the system is broken. Councilman Gray stated that he felt that our police officer was 100% correct in all his actions.

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

ADJOURN

On the motion of Councilwoman Raffay, second by Councilman Olson, and with all members in favor, the meeting was adjourned at 10:00 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor