

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 17, 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; Deputy Mayor Gray, here; Councilman Olson, here; Councilwoman Kash; Mayor Oscovitch, absent. 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	x	
No					
Abstain					
Absent					x

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/Anticipated Litigation - Gordon Byram
- b. Attorney Client Privilege Communication – General
- c. Contract Negotiations – Shared Services – County Dispatch
- d. Personnel

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 February 17, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Raffay 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

ROLL CALL

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

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

Ken Collins, 14 Pine Cliff Road, Andover, spoke at length regarding the 35 mile speed limit from Acorn Street to Byram Plaza on Route 206. He feels this speed limit is too low and is asking the Byram Township Council to reconsider the speed limit. Collins said he submitted a complaint to the NJDOT and urged the council to consider undertaking a study aimed at raising the limit to 40 mph.

Earl Riley, 5 Louis Drive, commented that he was in favor of the lower speed limit stating it was necessary to keep the newly widened corridor safe. He stated that shoulders in some spots are less than 2 feet wide.

Jackie Espinoza, JCP&L Area Manager, asked if anyone else wanted to be added to the emergency notifications. Joe asked for her to add the Council members, clerk, Adolf Steyh and the Fire Chief.

Mike Pellek, 2 Lee Hill Road, asked the Council to consider an honorary street sign, Firefighter Rich Choate placed on top of Crescent Drive, in his memory.

Marie Raffay announced that John Lutz, who is a 7th grader at Byram Intermediate, is here tonight working on a Boy Scout badge about government.

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

2015 CAPITAL BUDGET PRESENTATION

Joe Sabatini introduced CFO Ashleigh Frueholz who has worked with on the capital budget.

Nearly \$3 million worth of proposed capital improvement projects are outlined in Byram's 2015 capital budget. A three-year expenditure plan that will be adopted as part of the municipal budget in March. According to Joe Sabatini, the plan is based on recommendations made by department heads for recurring and new projects. A capital item is anything that has a useful life of at least five years, Sabatini said. He stated that the challenge with our capital plan and program is, if we did everything on this list you're looking at, there is a little less than \$3 million worth of projects, and the reality is we just don't have that amount of money. The projects will be prioritized based on need and other sources of funding.

Though the capital budget is a plan for expenditures, the Manager stated that the plan does not in itself confer any authority to raise or expend funds. The plan simply presents the schedule for capital projects, showing projected costs and revenue source. A few notable improvement requests in the plan, which is available to residents online on the township website, are a two-year, two-phase plan to rehabilitate Amity Road and other road improvements. Joe stated that the road items are of particular concern in light of the current issues with the state Transportation Fund, which is facing an imminent shortage of funds if a new gas tax or other revenue source is not found. The Township usually receives \$150,000 each year from the state Department of Transportation. We depend greatly on getting our annual NJDOT grant, and right now there's no indication that if they don't get a new source of funding, we will not get the grant this year. If Byram Township does not get the grant, then we're going to have to find another way to fund the project.

Other requested items listed on the capital budget include drainage improvements, snow removal equipment, a standby generator, servers for the police department and administrative offices, a dump truck replacement for the Department of Public Works, and new police radios.

The Manager stated that another important element of the capital plan is debt service. According to the plan, the township's outstanding balance of debt as of Dec. 31, 2015, will be about \$1,938,000, when taking into account the current schedule of principal pay downs and new debt scheduled to be issued. Increasing the budget for debt service will provide the opportunity to fund future capital projects. Joe stated that the goal is to begin to increase our debt service to facilitate some improvements that are long overdue.

Scott Olson thanked Ashleigh and Joe for all their hard work in this process.

RENEWAL OF LICENSES - 2015

1. Tilcon N.Y. Quarry

Special Counsel Megan Ward was present for this application representing Byram Township. Township Engineer Cory Stoner, of Harold Pellow & Associates, gave an overall recommendation to renew the license subject to maintenance conditions submitted in his report dated 1/29/15. Cory Stoner also raised some environmental concerns for discussion between the council and Tilcon representative Rich Finley and their Attorney Gail Conenello.

After confirming that the Township would have recourse to revoke the license should any contamination be discovered, the council approved a motion to draft a resolution renewing Tilcon's license. At issue was an ongoing lawsuit between Tilcon, a division of Tilcon New York Inc. separate from the road construction division, and quarry owners Byram Land Development in which the latter alleged that Tilcon contaminated the quarry site with tainted soil.

Deputy Mayor David Gray stated, "We don't know what it is, and our concern is just that everybody is safe and there is no risk of environmental contamination." According to Tilcon representatives at the meeting, the accusations are a ploy tied to larger litigation between the two companies. According to Attorney Conenello, Tilcon acknowledges that leftover soil material from the Route 206 project was taken to the quarry for storage, but denies that any contamination occurred. Ms. Conenello said the company has gone to great lengths to prove as much, to both the Sussex County courts and the state Department of Environmental Protection, which retains ultimate jurisdiction over the issue. In 2012, Ms. Conenello said that Superior Court Judge Edward Gannon ruled in favor of Tilcon based on hearings on the matter. They have two reports from two different departments at the NJDEP that show there is no violation.

Rich Finley submitted several copies of an aerial photograph of the quarry, which was a condition of the application. He also agreed to amend several of the application pages to correctly list the block and lots under the quarry license, which was noted in the environmental commission report dated 1/23/15.

Motion by Councilwoman Raffay, second by Councilwoman Kash to prepare a resolution for approval.

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

2. Raimos Junkyard

Township Engineer Cory Stoner reviewed his report dated 1/27/15. He went through all the conditions that were outlined in last year's resolution, and highlighted some of the improvements made on this site. He gave an overall recommendation to renew the license subject to the conditions outlined in his report. The area along Netcong Avenue near Route 206 has been fully landscaped as part of the Route 206 project, which eliminates any potential for vehicle parking. Marie Raffay commented that she was happy to see that there were improvements made on the site. Motion by Councilman Olson, second by Councilwoman Kash to open to the public. Earl Riley, 5 Louis Drive, commented that the stacking on this site has been reduced and he was glad to see the improvements. Motion by Councilman Olson, second by Councilwoman Kash to prepare the resolution of approval.

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

3. North Jersey Auto Wreckers

Township Engineer Cory Stoner reviewed his report dated 1/27/15. He went through all the conditions that were outlined in last year's resolution, and noted the improvements on this site. North Jersey Auto Wreckers have reduced the stockpile of tires this year by 479. They are working with a new company and will continue to remove tires each year. The trees that died last year were not replaced. Cory Stoner stated that the applicant has difficulties getting trees to grow in these locations because of the heavy shade. He recommended that these trees be removed and not replaced, which could aid in allowing the larger trees to have more room to grow. He gave an overall recommendation to renew the license subject to the conditions outlined in his report. Motion by Councilman Olson, second by Councilwoman Kash to prepare the resolution of approval.

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

APPROVAL OF NEW FIRE DEPARTMENT MEMBER – Thomas J. Laird

Deputy Mayor Gray swore in the new Fireman. The Council welcomed him and thanked him for volunteering.

TOWNSHIP REPORTS

Manager’s Report:

Budget will be introduced at the March 3 meeting and adoption is planned for April 7, 2015.
 Rabies clinic scheduled for Saturday, April 18 at 9 a.m. – 12 noon at the Byram DPW garage

Councilman Olson

Open Space meeting was cancelled, and rescheduled for 2/23 at 7:30 p.m.
 Attended the EDAC meeting. They are moving forward with the Byram Business Owners Association.
 Met with State Park representatives, JMC, Janet Meisner and Joe Sabatini regarding hosting Byram Day at Waterloo Village. We will need to be flexible and we have some things to work out.

Councilwoman Raffay

The Planning Board meets on February 19th at 8 p.m. There is a variance application on and the board will also discuss the sign ordinance.

Marie attended the Highlands Regional Master Plan meeting and Sussex County Planner Eric Snyder led the discussion. The County had several concerns and Marie thinks that it may be a good idea for Byram to also comment.

Councilwoman Kash

There is a recreation committee meeting on February 18th and a Byram Board of Education meeting. Next school dance is March 20th. The dance will be held at the American Legion.

APPROVAL OF MINUTES

- February 3, 2015 - Regular 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					
Absent					x

- February 3, 2015 - Executive Meeting Minutes –Motion by Councilwoman Kash 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 Councilwoman Kash, second by Councilman Olson, to approve the consent agenda.

- Resolution No. 38 – 2015 – Resolution Confirming the Redemption of TTL #2012-016
- Resolution No. 39 – 2015 – Authorize the Release of the 2014 Executive Session Minutes to the Public
- Resolution No. 40 – 2015 – Approval of Execution of a Shared Services Agreement between Byram Township and the Town of Newton to Provide Certified Tax Collection Services for May 1, 2015 through December 31, 2015
- Resolution No. 41 – 2015 – Amendment to Resolution No. 157-2014 – Authorization to Purchase Salt under the Morris County Cooperative Pricing Council and Sussex County Cooperative Pricing System

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

APPROVAL OF FEBRUARY 17, 2015 BILL LIST

Motion by Councilman Olson second by Councilwoman Kash, 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

ORDINANCE 2-2015 – 2nd reading/Public Hearing

BE IT RESOLVED that Ordinance 2-2015 entitled “Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilwoman Kash.

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 Kash to close to the public. All members were in favor. Motion Carried.

BE IT RESOLVED, that said Ordinance is passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

	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

□ Proposed Sign Ordinance

The Council received a copy of the revised draft sign ordinance with changes to the special permit section and the addition of sandwich board signs. The Council was happy with the revisions. The Planning Board will review it on February 19th and forward any comments they may have. The Council anticipates introducing the ordinance on March 17.

□ Transportation Trust Fund

The Council discussed this and agreed to send a letter of strong support for the immediate need to address the Transportation Trust Fund problems. The Council agreed to add the following paragraph that Scott Olson suggested, “As part of this plan, the governing body of Byram Township – having recently dealt with a major state highway project that ran out of control – believes there are significant savings to be found by reforming the culture and efficiency of operations of the Department of Transportation. This must be done in conjunction with any plan that would seek additional taxpayer dollars, to ensure that all funding for transportation projects is utilized to its fullest.” Motion by Councilman Olson, second by Councilwoman Kash to send this letter. All members were in favor. Motion carried.

The Council would like this letter to go out immediately and followed up with an additional letter written to the Transportation Fund Committee by the Mayor stating that Byram would like to be kept aware of future meetings and would like the opportunity to testify at a hearing.

PUBLIC PARTICIPATION II

Motion by Councilwoman Raffay, 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 he could send an email to the council and manager with his points regarding the sign ordinance.

John Lutz, 59 Lake Drive, asked for the Council’s help with regarding to getting permission slips out earlier to the students for the dances. He stated that the students only get them one day before the dance and it isn’t enough time to make plans to go. Marie Raffay stated that Nisha Kash is our liaison to Byram Schools. Nisha said she will speak to the principal about this.

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Olson, second by Councilwoman Kash, to go into executive session 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.

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- a. Attorney Client Privilege Communication – General
- Partridge Run
- b. Anticipated Litigation – Gordon Byram Associates
- c. Personnel
 Zoning Officer Position

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 February 17, 2015.

Doris Flynn, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Kash to return to open session at 11:35 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilman Olson, second by Councilman Gray, and with all members in favor, the meeting was adjourned at 11:35 p.m. Motion carried.

Doris Flynn, Municipal Clerk

David Gray, Deputy Mayor