

## **BYRAM TOWNSHIP COUNCIL MEETING - JANUARY 20, 2015**

### **CALL MEETING TO ORDER**

Mayor Oscovitch called the meeting to order at 6:00 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, late (arrived 7:10 p.m.); Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

### **BUDGET WORKSHOP SESSION**

Joe Sabatini read through his memo that he prepared for the council, which reads as follows:

*Following is a summary of the DRAFT 2015 Municipal Budget reviewed with the Finance Committee on Wednesday, January 14.*

*The present budget plan proposes an increased amount to be raised taxes at \$115,528 (1.4%) which is the amount of the total estimated increases in expenses.*

#### **Summary of Estimated Revenues:**

- *All anticipated revenues are the same amounts as 2014. This includes the amounts for State Aid (Consolidated Municipal Property Tax Relief Aid (CMPTRA) and Energy Tax Receipts (ETR)).*
- *It was decided not to anticipate revenues from Recommunity for recycling payments as there is a possibility these revenues may be eliminated after 2015. Received slightly over \$15,000 in 2014. These funds come into the budget as revenues not anticipated.*
- *We discussed the possibility of reducing anticipated revenues for Construction. The Township's contract with Netcong for Construction Services ends at end of 2015. If we did not anticipate renewing the contract we may want to adjust the anticipated construction revenues. It was decided to leave the anticipated amounts the same as 2014.*

#### **Summary of Estimated Expenditures:**

- *Applied Changes to Departmental Salary and Wages:*
  - *PBA contractually receives an increase of 2.0% in 2015.*
  - *Clerical and DPW contractually receive an increase of 1.75%. The same increase was applied to non-union employees.*
  - *Accounted for changes in longevity (PBA) and contract steps (PBA & DPW).*
- *Staffing Changes:*
  - *Tax Collection Operating Expenses includes Shared Services Agreement with Newton for Tax Collector for all of 2015 - \$3,000 per month.*
  - *Anticipated an increased amount of employee working toward Tax Collection Certification.*
  - *Zoning Officer – did not apply an increased amount over what was previously anticipated for 2015. Currently interviewing for this position.*
- *Court S&W and O&E:*
  - *Removed S&W \$92,500 and O&E \$10,100. Added \$125,000 to O&E for agreement with Andover Township for Joint Court.*
- *Prosecutor:*
  - *Removed \$25,000.*
- *Group Insurance:*
  - *Applied 2015 Changes (Healthcare Increase and Increased Employee Contributions) based on updated census.*
  - *Changed waiver calculation for Township Manager reducing from \$13,994 to \$5,000 - reduction of \$8,994.*
  - *Eliminated cost of retired employee who passed away in November 2014 - reduction of \$21,419.*
  - *Overall Reduced Health Insurance line item \$30,000 from 2014.*

#### **Other Changes or Items for Discussion:**

- *Moved \$5,000 from Fire Dept Fleet Management to Van/Admin. This was a one-time adjustment for 2014 (anticipated major repairs on Fire Truck in early 2014).*
- *Updated Pension Amounts:*
  - *PERS – increased \$13,292 to \$155,905*
  - *PFRS – decreased \$20,594 to \$355,367*
  - *It was decided not to use PFRS savings to cover increase of PERS.*
  - *Moved \$20,500 to Street and Roads for 2015 to help offset cost of Oil and Chip program. This is the reduction of PFRS. Recommend moving back to Pensions in 2016 depending on pension bills.*
- *It was decided to remove uniform allowance (\$25,000 = towns potential liability) from the Fire Department Operating Budget and put with statutory expenses.*
- *Audit Fees – anticipated no increase from 2014.*
- *Reduce amount allocated for Sewer Fees for Village Center from \$49,000 to \$40,000. This is the result of MSA reducing fees because they paid down large debt issues from their budget.*
- *Increased Reserve for Uncollected Taxes - \$12,365.*
- *Recreation (2015 Additional Budget Items) – no change to budget recommended.*
- *Fire Department 2015 Goals and Purchases – Received January 16, 2015.*

The Council discussed the memo provided by Fire Chief Putz. They discussed the servicing of emergency vehicles and questioned if we had an inventory of radios and other Fire Department equipment.

Open to the Public:

Joann Smith, 57 Lake Drive, asked who owned the Cranberry Lake Fire House building. She was told that the Fire Department owned it. She asked if the Township pays for the electric and heat in the Cranberry Lake Fire House. Answer – yes. Joann asked who collects the rental money. She was told that the Township pays the Fire Department \$4,500 per year to have the fire trucks in the building. Joann asked what the total budget was, and was told that the budget is \$10,762,998. Joann asked what percentage is the Police Department’s budget. Joann asked if the Township has ever considered going to the State Police for police coverage.

There was a discussion regarding tax incentives. Marie Raffay suggested having a program that would eliminate the school tax for a new business. David Gray talked about a PILOT program. Scott Olson discussed what West Milford does. West Milford is discussing a designation of an area in need of redevelopment. 'Lower-case r' redevelopment. Not the kind of redevelopment that uses eminent domain, but the type of redevelopment that allows for older areas to be bettered with tax breaks for owners. Under the plan the first \$25,000 of assessed value or improvements done by the property owner would be exempt from taxes for 5 years, or taxes on the improvements can be phase in over that time as well.

All it requires is that a significant portion of the structures are deteriorated; more than half the housing stock in the township or a specific area of the township is at least 50 years old; there are patterns of vacancy or under-utilization of properties; environmental contamination is making the parcels less desirable; or a majority of the infrastructure is at least 50 years old and in need of repair.

Motion by Councilman Olson, second by Councilwoman Kash to close to the public. Councilman Olson commended Joe, Ashleigh and the Finance Committee for doing a great job on the budget.

**ADJOURN** - Motion by Councilman Olson, second by Councilman Gray to adjourn the budget workshop session. All members 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 with the swearing in of Councilman David Gray following the approval of the agenda. All members were in favor. Motion carried.

**TOWNSHIP REPORTS**

Manager’s Report:

**Budget Workshop:**

- Introduce and Approval of Budget – Target March 17
- Municipal Adoption – Target April 21

**Sign Ordinance Discussion:**

- The sign ordinance discussion will take place during our regularly scheduled February 3rd meeting, at 7:30 p.m.
- This discussion will be held at the start of the meeting with representatives from the Architectural Review Committee, the EDAC and the Planning Board along with all the Council members.

**Letter from Sheriff Michael Strada:**

- The Manager received an invite and was asked to invite the Mayor and Council to tour the Sussex County Communications Center on Monday, January 26 between the hours of 5:00 and 8:00.
- The letter indicates this will be an open house and a light buffet will be available.

**Special Meeting – Highlands Regional Master Plan Review:**

- This Highlands Council has begun the six year review of the Highlands Regional Master Plan as required in the Highlands Preservation and Planning Act.
- The County is holding a special meeting on February 4 at 7:00 in the Freeholder Meeting room to provide information to the Governing Body and the residents on how to prepare and submit comments on the RMP in the form developed by the Highlands Council.

· Joe Sabatini and his wife attended the Lakeland Emergency Squad Banquet, which was a great event. Below is a list of the 2015 Lakeland Emergency Squad Officers:

President – Matthew Jones	Vice-President – Barbara Carkhuff
Treasurer – Bill Keller	Secretary - Kelly Conkling
Chief – Scott Danielson	Deputy Chief - Jon Cubberly
Rescue Sergeant – Greg Hitpas	

**Councilman Olson**

- EDAC met on January 8. Presented their 5 goals – will be in touch to set up a meeting with the Council soon. Their next meeting is 2/12 at 7:30.
- Attended Byram Day Committee on 1/15 – The committee is reforming. Scott discussed making it a committee that is appointed by the town. There was a little resistance to this. Two tentative dates for Byram Day is May 30 and September 26. There will be a meeting with Steve Ellis and JAM in the very near future.

**Councilman Gray**

- Board of Health will meet January 27 and Environmental Commission will meet on January 22.

**Councilwoman Kash**

- Attended the Municipal Alliance Council meeting on January 15.
- Attended Byram Day meeting – discussed send out for quotes for ride vendors, and also discussed ideas to make it more community friendly.
- Attended Tri-town recreation meeting
  - focused on summer camp - theme is fairytale, planning a small trip and a big trip per week.
- Youth Guidance Council needs members. Nisha would like to put this on for a future discussion at a meeting.
- Nisha Kash would like to be the liaison on the Recreation Committee. The Mayor agreed.

**Councilwoman Raffay**

- .LVBOE – Rich Kuncken was appointed president
- Byram BOE – Andrew McElroy was appointed president
- Reorganization for Planning Board last Thursday

**Mayor Oscovtich**

- Finance committee met last Thursday
- Attended the Lakeland Emergency Squad Reorganization Banquet and they honored Ann Foster for 30 years on the squad.
- Thanked Jill Rafferty, Sharon Tarczynski for volunteering their time to Youth Guidance Council. Thanked Lois O’Brien for volunteering to the Board of Health, and thanked Bob Nunn for his work on the Recreation Committee.

**PUBLIC PARTICIPATION 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.

Skip Danielson, 18 Hunter Lane, thanked the Council for reflecting on the Lakeland dinner on Saturday night. The squad answered 1200 calls in 2014.

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

**APPROVAL OF MINUTES**

- January 6, 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	x
No					
Abstain					
Absent					

- January 6, 2015 - 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	x
No					
Abstain					
Absent					

- January 15, 2015 – Special 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	
No					
Abstain	x				x
Absent					

**EDAC Appointment** – Monica Osgood is interested in becoming a member of the EDAC. Motion by Councilman Olson, second by Mayor Oscovitch, to appoint Monica to the EDAC.

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

**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 Gray, second by Councilwoman Raffay, to approve the consent agenda.

- Resolution No. 31-2015 – Resolution Approving the Transfer of the Ownership of the Community Home at 8 Francis Drive from NewBridge Services, Inc. to Advancing Opportunities, Inc.
- Resolution No. 32-2015 – Final Acceptance of Byram Road Department Garage Floor Replacement by Edge Property Maintenance, Inc.
- Resolution No. 33-2015 – Authorizing a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission
- Resolution No. 34-2015 – Resolution of Support for Making 35 MPH the Official Speed Limit on Route 206 from Acorn Street to the North Corner of Byram Plaza

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

Scott talked about the present speed on Route 206. Marie asked how many tickets the police have written for that section of Route 206. The EDAC is concerned that the business area will be a drive by instead of people going slower to be able to pull in.

**APPROVAL OF JANUARY 20, 2015 BILL LIST**

Motion by Councilwoman Kash 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	x
No					
Abstain					
Absent					

**ORDINANCE- 1<sup>st</sup> Reading/Introduction**

BE IT RESOLVED that Ordinance entitled “**Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 49A:4-45.14)**” be read by title on first reading. Motion made by Councilman Olson, second by Councilwoman Kash to introduce this ordinance

**Purpose Statement:** The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

	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 February 17 at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

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

BE IT RESOLVED that Ordinance 1-2015 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 thereon. Motion by Councilman Olson, second by Councilwoman Kash.

Joe stated that there was a typographical error on this ordinance at introduction regarding the sewer operator stipend. It should be \$5500. Tom Collins stated that it was a minor change. Motion by Councilman Olson, second by Councilwoman Kash 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.

	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 of said Ordinance be published in the official designated newspaper according to law.

**DISCUSSION - Hazard Mitigation Grant for Little Paint Way**

The Manager asked that the Council give him an authorization to allow the Township Engineer to prepare engineering documents with regard to a grant for Little Paint Way. After following up with FEMA, the Manager found that Byram has not been actually awarded the grant. The grant has only been allocated to Byram. Byram has to provide additional information and agree to fund \$6,250.00, in order to try to get the money for the grant. We would be spending about \$9000 in engineering work. Motion by Councilman Gray, second by Councilman Olson to authorize Joe to fund \$12500 from the budget and anticipate the grant, which would be \$125,000. All members were in favor. Motion carried.

The Council has been invited on February 4<sup>th</sup> to meet with Eric Snyder and other officials to comment on the Highlands Regional Master Plan. Marie Raffay and Scott Olson will attend.

Scott Olson stated that it was sad to see Barones/Lockwood Tavern demolished. We do look forward to a new business, and hope that it stimulates other growth.

**PUBLIC PARTICIPATION II**

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

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 Councilwoman Kash, second by Councilman Olson, 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.

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. Anticipated Litigation – Gordon Byram Associates
- c. Contract Negotiations – Open Space - Boyd Property
- d. Personnel
  - Township Manager
  - Emergency Mgmt. Coordinator and Deputy Emergency Mgmt. 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 January 20, 2015.

Doris Flynn, Municipal Clerk

	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 Olson, second by Councilwoman Kash to return to open session at 10:04 p.m. All members were in favor. Motion Carried.

**OTHER BUSINESS** – Motion by Councilman Gray, second by Councilwoman Raffay to appoint Megan Ward as special counsel for the Tilcon Quarry application.

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

**ADJOURN**

On the motion of Councilman Olson, second by Councilman Gray, and with all members in favor, the meeting was adjourned at 10:05 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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James Oscovitch, Mayor