

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 17, 2015

CALL MEETING TO ORDER

Mayor James 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; Councilman Gray, here; Councilman Olson, here; Councilwoman Kash; Mayor Oscovitch, here. 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	x
No					
Abstain					
Absent					

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 Information – General
- b. Shared Services – Fire Prevention
- c. Personnel – Employee Handbook
 - Emergency Management Coordinator
 - SAGE Grants

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 March 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 Gray, second by Councilwoman Kash to open to the public. All members were in favor. Motion carried. No comments were made.

Tom Walsh, Andover Township Mayor, came before the Council to encourage them to pass the same resolution that Andover Township did, which calls for a full investigation and the resignation of the County Administrator and County attorney. Mr. Walsh explained that he and several other Mayors in the County attended the Freeholder meeting and asked them to table the resolution until everyone could get the facts and figures straight. The Freeholders ignored the Mayors and other public officials and passed the settlement resolution. Andover sent a very harsh resolution and they stand behind it.

Scott stated that it is not often that Oroho, Phoebes and he agree on something, but they do agree on this topic. Councilman Gray supports an investigation to show accountability, and he stated that it is very disturbing to have a non-disparagement clause.

Mr. Walsh said it is a great opportunity to speak out and take a stand on the issue. He thanked the Council for the time given to him.

Earl Riley, 5 Louis Drive, asked the Council to seriously consider following Andover Township and passing the same resolution.

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	x				
Yes	x	x	x	x	x
No					
Abstain					
Absent					

PROCLAMATION – MS Awareness Week – Special Guest – Tammy Quaisis

Tammy thanked the Council for recognizing MS Awareness Week. Tammy talked about MS and her trip to the Public Policy Conference on Capitol Hill. Tammy’s son, who is a freshman in college, accompanied her. Tammy participated in seven meetings with congressional staffers of the Senate and the House. They were very successful meetings, and all requests were very well received. Congressman Frelinghuysen was selected as the national MS society representative of the year.

The Mayor thanked Tammy for coming to speak to us, and also for all that she does. The Mayor stated that Tammy was instrumental in getting Rodney Frelinghuysen on board to support MS. Councilwoman Raffay asked Tammy to tell the Council about her recent appointment. Tammy stated that she was asked to be the district activist leader for MS and she works closely with the Government Relations Committee. Tammy nurtures the relationship with Congress and staff members.

Mayor Oscovitch read the Proclamation. Motion by Councilman Olson, second by Councilwoman Kash, to adopt the Proclamation. All members in favor. Motion carried.

SPECIAL DISCUSSION – EDAC Goals & Objectives

EDAC members Nancy Eisenberg, Joann Smith, and Kate Reinhart attended the Council meeting to share the goals and objectives of the EDAC. Chairwoman Nancy Eisenberg thanked the council for the opportunity to come to the meeting. The group feels they have made significant strides in the last month. The following are the five EDAC goals:

1) Establish a functioning BBOA (Byram Business Owners Association) via consistent and sustained communications program

- PNC Bank hosting event on April 29 at Trout and the Troll from 6 p.m.-8 p.m.
- EDAC will provide Mailing List for Event
- In May, EDAC will follow-up by hosting BBOA meeting

2) Establish liaison with County efforts for economic development

- Vic Pocarobba, one of our Committee members, is also member of Sussex County Economic Development Partnership
- Chairman of Sussex County Economic Development Partnership has appointed Vic as liaison between County and Byram Township

- Frederick Norton, one of our Committee members, will be the EDAC representative attending Southern Sussex County Chamber of Commerce meetings.

3) Study the possibilities of creating an area in need of redevelopment and/or a pilot program to offer incentive to those who are really interested in pursuing but needing help to enter the market

- After the Highlands Study has been completed, the EDAC Committee would like to meet with a developer to share input and ideas to facilitate a pilot program.
- We would welcome the Council's input and suggestions as to whom to contact.

4) Create a business development and retention program

- In order to create a program, we need to answer in a positive way, "What does Byram Township offer to a new or existing business?"
- We need to have the Council work with the Committee regarding issues such as: tax incentives, etc.
- EDAC would like to suggest that the Council speak with Lakeland Bank to determine if there is a way to retain the Byram Township Branch.

5) Identify positive Byram "feel good" initiatives

- EDAC is working with PNC Bank regarding a "Byram Township" debit and/or credit card. The Logo on the card(s) would be a picture or other representation of Byram Township.
- EDAC is looking at a number of other initiatives such as: Best Existing Sign, Best New Sign, Farmers Market, Store of the Week
- EDAC would like Council's help with "Byram Pride" and/or "Shop and Dine Local" initiatives
- EDAC would like the Council to participate with EDAC in a "Welcoming Committee" for both the new and future new businesses in Byram.

Joe Sabatini stated that the Township planner has been putting together a proposal for an economic development study assessing future needs, especially in the Village Center. Joe hopes to bring the proposal to the Council within the next month.

The Mayor talked about the springboard shops in Newton and suggested that the Tamarack Plaza would be a good place to do something similar. Jim will pass along the contact information to the EDAC for this property.

It was suggested that the Mayor, an EDAC representative and the Township Manager formalize greeting new businesses.

The Mayor would like to see a new logo for Byram – kids could work on it. Marie Raffay suggested contacting Lenape Valley because they have an Arts in the Community class, and the students would most likely love to get involved.

Scott Olson stated that students have to do community service hours, and he suggested they could assist in some type of advertising project. A calendar could be used as advertising tool.

Scott Olson suggested that the Council consider doing a smart growth objectives review with members from the EDAC, Planning Board, ARC and Town Council. It could be a document used for presentations by the EDAC.

Councilman Gray strongly supports tax incentives for businesses that are here or new businesses coming in. He stated that we need to take aggressive action. Councilwoman Raffay would like to know how other towns go about doing incentives to businesses. She asked if the EDAC could do some research to find out how tax incentives are done. Nancy said that they would certainly be willing to do research. She asked if the planner as part of the economic study could include tax incentives and identify areas.

Nancy wants to move forward in a positive way. She stated that they have a little momentum going right now and the group wants to keep it going. The Mayor stated that the EDAC has been doing an awesome job, and he thought the goals presented tonight were fantastic. The rest of the Council shared his enthusiasm.

Earl Riley, 5 Louis Drive, asked if the Herald could do a Byram Business of the week story in the Sunday Herald. Nancy would like to see if there was an article that talked about the professional businesses in Byram. Diana did say the Herald does have a business section and would definitely be able to do a story on local businesses.

TOWNSHIP REPORTS

Manager’s Report:

- Budget adoption is scheduled for April 7, 2015.
- Rabies clinic scheduled for Saturday, April 18 at 9 a.m. – 12 noon at the Byram DPW garage
- Manager and staff members met with the County Health Department to review procedures for applying for septic applications. A few changes were recommended that should improve communications.

Councilman Olson

- Will be volunteering at the Clean Communities event on March 19th at Waterloo Village.
- Will be attending Boy Scout Pack 276 Blue & Gold Dinner on March 22
- FOWV has rescheduled the annual meeting to April 23 from 6:30 p.m. -8 p.m.

Councilwoman Raffay

The Planning Board meets on March 19 at 8 p.m.

Councilman Gray

- Will be attending the County dispatch meeting tomorrow along with Scott Olson, Joe Sabatini and representatives of the Police Department and Fire Department

Councilwoman Kash

The next Recreation committee is Wednesday, March 18 at 7:30
 Byram BOE meeting is also on Wednesday, March 18

APPROVAL OF MINUTES

- March 9, 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		x			
Absent					

- February 17, 2015 - 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					

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 Councilwoman Kash, to approve the consent agenda.

- Resolution No. 49-2015 – Redemption of TTL #2012-022
- Resolution No. 50-2015 – Resolution Authorizing Harold Pellow & Associates, Inc. to Prepare Construction Specifications and Contract Documents Regarding the Lynn Drive Drainage Improvements
- Resolution No. 51-2015 – Resolution to Amend the 2015 Temporary Budget
- Resolution No. 52-2015 – Resolution to Amend the 2015 Temporary Budget for the Sewer Utility Fund

	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 MARCH 17, 2015 BILL LIST

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

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

ORDINANCES – Introduction

- Be it Resolved that Ordinance entitled “AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION, PROPER ADMINISTRATION, AND REPAYMENT OF LOAN MONIES FOR THE FOREST LAKES DAM REHABILITATION TO THE 2003 DAM, LAKE AND STREAM REVOLVING LOAN FUND AND/OR NJDEP PURSUANT TO DAM REHABILITATION LOAN 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 authorize a special assessment to ensure the collection, proper administration, and repayment of the loan monies to NJDEP for the Forest Lakes Club, Inc. Dam pursuant to the Forest Lakes Dam Rehabilitation Loan and Co-Borrowers Agreement between and among Forest Lakes Club, Inc., Byram Township and Andover Township.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			x		
2nd	x				
Yes	x		x	x	x
No					
Abstain		recuse			
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 April 21 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.

- Be it Resolved that Ordinance entitled AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE 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 organize, consolidate and supplement signage regulation in the Byram Township Land Use Development Code, so as to facilitate compliance with said regulations and allow for more efficient review and enforcement by the Township.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd			x	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 April 21 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.

ITEMS FOR DISCUSSION

County Solar Project

Mayor Oscovitch worked with Councilman Olson and staff to put this resolution together. The Mayor felt it was a strong resolution but stated that it does not call for the resignation of anyone.

Councilwoman Raffay liked the way this resolution was written, and she feels it represents Byram and its residents very well. She stated that she would not be supportive in calling for resignations.

The Council discussed the resolution further, and several recommendations were made to add clarity to it. The clerk read the last four paragraphs with the corrections.

Resolution No. 53-2015 – Resolution Opposing the Settlement Agreements Regarding the Solar Projects for Sussex-Morris-Somerset Counties and Calling for a Full Investigation of this Project and the Settlement – Motion by Councilman Gray, 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	x	x
No					
Abstain					
Absent					

SCMUA – SWMP Amendment:

- March 5, 2015 – Memo from John Hatzelis SCMUA Administrator to the SWAC (Solid Waste Advisory Committee)

Grinnell Recycling, Inc. and new operator, Cavalier Environmental Compliance Services is seeking a permit to accept ID13 Bulky Waste in addition to the ID13C (Construction & Demolition) waste they are currently permitted to accept.

- SCMUA has developed a Sussex County solid waste and recycling system with provides many recycling programs to the residents of Sussex County and without a sufficient revenue stream, these programs could no longer exist as presently offered.
- SCMUA is obligated under its agreement to both the County of Sussex and the Solid Waste Facility Bond Holders that the solid waste system must be financial self-sufficient.
- The proposed Grinnell amendment will negatively impact SCMUA’s future revenue stream which will have an upward pressure on future tipping fees, including ID10 Household Waste. This will have a direct impact to the residents of Byram Township.
- Byram Township is one of only the 10 towns in the County that provide contracted solid waste disposal services for the residents.
- February 1, 2016 the Township has decision to make regarding the first of two one year renewals under our current contracted solid waste agreement.
- SCUMA has taken a position to oppose the amendment.

The Council discussed it and wanted to move forward with the resolution.

Resolution No. 54-2015 – Resolution in Support of Sussex County Municipal Utilities Authority’s Opposition to a Proposed Amendment to the Sussex County Solid Waste Management Plan

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

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.

Paul Quaisis, 39 Lockwood Ave, knows business contracts not government contracts but asked if there were templates that you use to make sure you have the appropriate level of deliverables.

Joe stated that there are requirements in the Local Public Contracts Law and the DCA provides guidance over it. Joe said you also have to have good contract management. For Route 206, there was a contract but they were not imposing the requirements of the contract to the vendors.

Luann Byrne, 34A Richmond Road, asked if the Freedom of Information Act would come into play with regard to the solar project. Scott Olson stated there were 4,000 pages made public. She thought a project that big would have to go to referendum. Attorney Tom Molica stated that the Freeholders had the power to vote on very large projects.

John Byrne, 34A Richmond Road, congratulated Marie Raffay’s son on being part of the Lenape Valley Robotic team and winning the state competition.

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 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.

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 March 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	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Olson, second by Councilwoman Kash to return to open session at 11:25 p.m. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Kash, and with all members in favor, the meeting was adjourned at 11:25 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor