

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 1, 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, here; 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 Kash, 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:

- Pending Litigation
Hopkins v. Byram Township, et al.
- Attorney Client Privileged Communication
 - General
 - PSE&G
 - COAH
- Contract Negotiations
Architect

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 1, 2015.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilwoman Raffay, second by Councilwoman Kash to return to open session at 7:35 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 Councilwoman Kash, to approve the agenda with the addition of Resolution 85-2015 to the consent agenda. All members were in favor. Motion carried.

PRESENTATION OF THE JUNE DOBSON SCHOLARSHIP by the Byram Township Historical Society to Tyler Prime of Pope John High School – A \$1000 scholarship was presented to Tyler by Frank Gonzalez. Tyler will be attending St. Michael’s College in Vermont studying business.

APPROVAL OF NEW MEMBER OF THE BYRAM FIRE DEPARTMENT – Nikolai Fortuny was sworn in by Mayor Oscovitch.

PUBLIC PARTIPATION I –Motion by Councilwoman Raffay, second by Councilman Olson to open to the public. All members were in favor. Motion carried.

Earl Riley, 5 Louis Drive, asked for an explanation about Res. 87-2015 authorizing a grant between Byram and NJDEP. Joe explained that it was the No Net Loss Grant and stated that it can be used for reforestation on municipal properties.

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

TOWNSHIP REPORTS

Manager’s Report: Joe participated in a webinar on Friday, May 29th regarding Affordable Housing. The resolution that was added to the agenda tonight has to do with what is going on with COAH, which has been put in the hands of the courts. Our fair share housing plan is being challenged. Tom Collins will be filing a declaratory judgment by June 8. There has not been a method set yet for determining the numbers. Resolution 85-2015 authorizes Dr. Burchell to prepare an expert report not to exceed \$2000 to determine what Byram’s fair share housing numbers should be.

Councilwoman Kash– Byram BOE meeting was held on May 27.

Councilman Olson

- Attended the annual Memorial Day ceremony which was organized by Rich Bowe. Rich and the Mayor spoke, and their words were very moving.
- CAG meeting is scheduled for Monday, June 8 at 7:30 p.m.
- The EDAC meeting is scheduled for Thursday, June 11 at 7:30 p.m.

Councilwoman Raffay

The next Planning Board meeting is at 8 p.m. on Thursday, June 4. Marie thanked the Fire Department for putting together the parade – great job. A big thank you to Rich Bowe for the Memorial ceremony.

Councilman Gray – Attended the Memorial Service here at town hall—Rich Bowe did a great job. Dave said the Police and the Fire Department did an awesome job at the parade. It really showed Byram pride. BOH meeting was held on May 30th. The committee is revamping the ordinance structure--slimming down the ordinance code and keeping what is applicable. They will be discussing recycling in the upcoming meetings. They would like to look at what it will take to get another pick up in the month. EC meeting was postponed. Dave attended the 2nd annual St. Michael’s Festival at the Waterloo concert field. It was very well done, and the food was awesome.

Mayor Oscovitch – The Mayor thanked the Fire Department for hosting a great parade. It was a hot day as usual. The Mayor got an email from a resident in Cranberry Lake who complained about the septic pumping fee. Joe explained that the fee pays for the administration of the program.

APPROVAL OF MINUTES

- May 19, 2015 - Regular Meeting Minutes –Motion by Councilman Gray 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					x
Absent					

- May 19, 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					
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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. 86 – 2015 – Resolution of Support to Establish New Jersey Transit Bus Stops along Route 206 in Byram Township
- Resolution No. 87 – 2015 – Resolution Authorizing Grant Agreement between Byram Township and the NJDEP
- Approval of County of Sussex 2015 donation of \$2,800 to Lakeland Emergency Squad
- Resolution No. 85 – 2015 – Resolution Authorizing the Preparation of an Expert Report Determining Byram Township’s Fair Share Obligation

	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 JUNE 1, 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	
No					
Abstain					
Absent					x

ORDINANCE NO. 6-2015 – 2nd Reading/Public Hearing

Be it Resolved that Ordinance entitled, “**Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Locations in and By the Township and to Provide Funding in the amount not to Exceed \$70,000.00**” 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 in favor. Motion carried.

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, roads in the Forest Lakes Community, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

	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.

ORDINANCE NO. 7-2015 – 2nd Reading/Public Hearing

Be it Resolved that Ordinance entitled, “**Ordinance to Authorize a Capital Expenditure for Drainage Improvements of Various Streets and Locations in and by the Township and to Provide Funding in the amount not to Exceed \$63,000.00**” be read by title on second reading and a hearing

held thereon. Motion by Councilman Gray, second by Councilwoman Raffay. Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. Motion carried.

Purpose Statement: Drainage Improvements to Lynn Drive including materials, equipment, site work and engineering costs fully funded by Capital Reserve for Drainage and Other Trust Reserve for Drainage.

No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public.

	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.

ORDINANCE NO. 8-2015 – 2nd Reading/Public Hearing

Be it Resolved that Ordinance entitled, “**Bond Ordinance Providing for the Improvement of Amity Road in and by the Township of Byram, in the County of Sussex, New Jersey, Appropriating \$125,000 therefor and Authorizing the Issuance of \$90,250 Bonds or Notes of the Township for Financing Such Appropriation**” 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 Kash to open to the public. All members in favor. Motion carried.

Purpose Statement: Reconstruction and resurfacing of various roads in and by the Township, including without limitation, Amity Road.

No comments were made. Motion by Councilman Olson, second by Councilwoman Raffay to close to the public. Scott Olson stated that Phase I of Amity Road was budgeted this year even though we did not receive any grant money because the road is in very bad shape.

	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.

ORDINANCE NO. 9-2015 – 2nd Reading/Public Hearing

Be it Resolved that Ordinance entitled, “**Ordinance to Authorize a Capital Expenditure for Technology Upgrades for the Township to Provide Funding in the Amount not to Exceed \$20,000**” be read by title on second reading and a hearing held thereon. Motion by Councilwoman Kash, second by Councilwoman Raffay. Motion by Councilman Olson, second by Councilman Gray to open to the public. All members in favor. Motion carried.

Purpose Statement: Technology Upgrades for the Township including a server for the administrative offices, workstations and all related costs incidental thereto fully funded by Capital Improvement Fund.

No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

	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.

ITEMS FOR DISCUSSION – Radio Communications

The Manager prepared a memo and a detailed time line, which he summarized for the Council and public. Chief Rafferty, Chief Putz, several other members of the Fire Department and Skip Danielson from Lakeland Emergency Squad were present.

Scott Olson and David Gray were part of a committee that met numerous times over the past several months to review radio communications. Scott Olson stated that there are a lot of moving pieces, and we have to consider all the emergency departments and also the communication with emergency departments from surrounding towns and the DPW. Joe stated that the cost would be approximately \$185,000 to get this up and running for the Police and Fire Departments. The squad operates on a different frequency and does not have any major problems with the equipment they are using right now. They are not opposed to moving to the state radio network, but right now they don't see it being an option for them. There would be some secondary issues that would need to be worked through. Part of the goal to moving to the state infrastructure was that at some point in time we would no longer support our local infrastructure. Joe Sabatini stated that regardless of what decisions are made, we should be looking at documenting a radio communications plan. By doing this, we can define the plan for the short term and long term.

David Gray said there are two main issues--dispatch and equipment. He stated that they looked at what the county is offering. The Township knows what we have with Sparta. David said that the Council needs to look for a long-term solution because the equipment is very expensive. Other counties have better infrastructure than Sussex County. David said 700 MHz is run by the State of New Jersey – paying an annual subscription of \$45 per radio and we don't need our own infrastructure. He said we have to look for economy of scale--trying to get multiple departments using the same equipment. Marie asked why the existing system works well for the squad. Ray said that Lakeland is on a different repeater. The Fire Department and Police Dept. want the 700 MHz – it's been tested and it works great. Each of these departments would continue to have two radios in the cars/trucks, but they don't see that to be a problem. With regard to the 700 MHz, there is a tower in Netcong, one in Walpack and Highpoint and one will be put on Hamburg Mountain and that is why the transmission is so clear.

Skip participated on a committee in Trenton for 10 years. He applauds the Council for looking into this so thoroughly. He stated that this should be done on a coordinated effort in Sussex County.

In conclusion, Scott said he sees benefit for us to switch to the State 700 MHz network, but a process needs to be determined for rolling it out, and interoperability issues need to be addressed. We need to look at the whole plan to see how we get from where we are right now to being fully up and running across the board, which would include the DPW and the squad. It is more difficult with the squad because they are servicing two different dispatches. Scott's recommendation would be that we start the process of moving to 700 MHz network by plotting out how this should be done, and the full cost of doing so. David reiterated that we need to set up a policy for the game plan of when we are going to buy radios, who will be getting them, and what happens with the equipment we have now. Todd Rudloff stated that both the Fire and Police departments gave bare bones figures to Joe. Ray said that the officer will have one portable, and there will be two radios in the car, until there is not a need for them anymore. The squad, DPW and Fire Department will continue to be dependent on the Indian Springs Tower. The police have been using the radios they have in the cars for at least 15 years. They only had to replace radios because the law required narrow banding. Joe said that we could outfit the Police and Fire Department as per the quotes submitted—the Council needs to decide how and when to do this. Scott stated that we will be negotiating next year for a new dispatch contract with Sparta, and as part of that, should negotiate the equipment needed as well. Ray stated that we need to make the application to the State so that we get approved. The subcommittee will meet again to lay out the plan for implementation of switching over, and the funding required to do so.

Marie thanked the Police and Fire Department for participating in tonight's discussion.

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.

Alex Rubenstein, 3 Partridge Run, asked if the Council could give any information about contract negotiations with the architect. The Mayor stated that we have interviewed architects to do a feasibility study and master plan with regards to our municipal complex. The Council will make a decision shortly on what architect will be hired.

Alex asked if drainage would be addressed in Lake Lackawanna in the near future. Joe stated that it was not in the capital plan. Alex thought that Lakeland should also go to the 700 MHz.

Earl Riley, 5 Louis Drive, stated that the flag at the corner of Route 206 and Lackawanna Drive should have been lowered on Memorial Day.

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 Gray, second by Councilwoman Raffay, to go into executive session and adopt the below resolution.

RESOLUTION

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on June 1, 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 Councilwoman Raffay, second by Councilman Olson to return to open session at 9:32 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 9:32 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor