

**BYRAM TOWNSHIP COUNCIL MEETING - SEPTEMBER 6, 2016**

**CALL MEETING TO ORDER**

Mayor 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, here; Mayor Oscovitch, here. Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

**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
  - NJHIF
  - Housing Element Fair Share Plan
  - Block 34 / Lot 16 & Block 33 / Lot 3
  - Block 267 / Lot 727
  - Forest West Homeowners Association
- b. Contract Negotiations
  - Professional Appointments
  - Health Benefits
- c. Personnel
  - Staffing

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 September 6, 2016.  
Doris Flynn, Municipal Clerk

Motion by Councilman Olson, second by Councilwoman Kash to go into closed session and adopt the above resolution.

	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. All members were in favor. Motion Carried. Deputy Clerk Cindy Church stepped in for Doris Flynn.

**CALL COUNCIL MEETING BACK TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE**

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

## **DISCUSSION ITEMS**

### **Special Presentation – Health Benefits Consultant – Frank Covelli**

Mr. Sabatini explained that Health Insurance is the second largest line item in the budget. Byram Township is a member of the North Jersey Health Insurance Fund (NJHIF), Byram Township has 31 active employees that are eligible for health benefits, and 26 retirees, of the 31 active employees 9 waive the health benefits, and the 26 retirees that receive health care benefits, must continue to receive benefits that are equal to or better than what they received when they retired. Only one out of 26 retirees contribute to the cost of health care.

Mr. Covelli gave an informative presentation about the current health insurance benefits received by Byram Township employees and retirees. He went into detail about the NJHIF (North Jersey Health Insurance Fund) that is made up of 28 other municipalities and how the fund works. He also explained the differences between the Health Benefits obtained through the NJHIF versus the NJ State Health Benefits program and other conventional insurance companies.

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

Joanne Smith, 57 Lake Drive, Ms. Smith asked for clarification as to why Byram Township cannot go into the State Health Benefits Plan. Joe explained that the retiree's liability obligation of what it would cost to supplement claims and make the retirees whole is the reason. Byram Township could lose money if it moved to State Health Benefits. Mr. Sabatini explained that you cannot negotiate with a retiree. Their contract is what they had on the day of their retirement. Ms. Smith asked how much the Township pays for a family plan. Mr. Gray said that it could cost \$40,000.00 for the Patriot 5. Ms. Smith asked Mr. Covelli if he receives a commission from the Township. Mr. Sabatini said that Mr. Covelli receives a flat rate of \$3,000.

Alex Rubenstein, 3 Partridge Road, Mr. Rubenstein asked what the differences are in the benefits that the current retirees have received vs. the employees that have yet to retire and will they also receive the same plans. Mr. Sabatini explained that the police retirees have access to the richest plan which is the Open Access Plan, the others have access to the Patriot 5, any new hires have access to lower cost options. DPW, Administrative, and Clerical Employees that are hired after 2010 are not eligible for health care benefits upon retirement. Mr. Rubenstein asked if the groups can be split and separate out the retirees from the actives. Mr. Covelli explained why this cannot be done because of policies set by the State Health Benefits. Mr. Rubenstein asked what it would cost to make retirees whole. Mr. Sabatini explained that the Township could lose about \$20,000 per year if he were to make them whole. Mr. Rubenstein asked if the claims experience was public information. Mr. Covelli explained that only the sum on all fees paid is public information.

Motion by Mayor Oscovitch to close to the public, second by Councilman Olson. All members in favor. Motion carried.

### **Municipal Building – Next Steps**

Mr. Sabatini looked into options for moving forward with construction of the municipal building. Some options available are to work with the National Joint Power Alliance (NJPA) which is a co-op, EI Associates which is an architectural engineering construction firm, or the possibility of renovating the open space in the Byram Intermediate School.

The Township Manager, Mayor and Council discussed the options and it was agreed upon to move forward with sending out an RFP for an architect.

## **TOWNSHIP MANAGER/COUNCIL REPORTS**

Township Manager – Mr. Sabatini introduced Michael Orgera as the new Superintendent of Public Works. Mike has over 18 years of experience, including sewer and water treatment experience. He is a Certified Public Works Manager, a Certified Recycling Professional, and a Certified Clean Communities Coordinator. Mr. Sabatini welcomed Mr. Orgera to the Township and is looking forward to working with him.

Byram Day is on September 24<sup>th</sup> at 11:00 (Rain Date of September 25<sup>th</sup>). Information is up on the website and there was also a flier that was sent out.

Sussex County Day is September 18<sup>th</sup>, It is same day as the Champion of the Grill. They are looking for volunteers from the Township Council to attend this event.

Nisha Kash

Byram Day is scheduled for September 24<sup>th</sup> with a Rain Date of September 25<sup>th</sup> starting at 11:00am. There will be the annual Byram Day Run, Touch a Truck, inflatable rides, and a mini health fair.

Councilman Olson –

The guide rails at Mohawk Ridge have been taken down and replaced with new rails.

The Transportation Trust Fund / Roseville Road Bridge - A letter was sent to Senator Oroho and copied to the Freeholders as well. Mr. Olson gave Freeholder Graham a call, who then provided additional names of people to send it to. It should be addressed by the freeholders office within the next week, and it appears hopeful that he would be able to help. It may not be until April 2017 that work would start back up.

On September 8, 2016 the Musconetcong Watershed Association will hold a press conference / seminar which is open to the public to attend.

On September 19, 2016 Congressman Frelinghuysen will be visiting the EPA Superfund Site at 9:00am located off of Stanhope Sparta Road.

Scott would like add to an upcoming agenda on behalf of the Open Space Committee a discussion promoting the use of the trails within Byram Township as part of the Economic Stimulus.

Councilman Gray –

On September 29<sup>th</sup> at 7pm there will be a Committee Head meeting.

Councilwoman Raffay –

On September 7<sup>th</sup>, the Lenape Valley Marching Band will be holding a band competition at 6 p.m. at Lenape Valley High School.

September 15<sup>th</sup> at 8:00 p.m. is the next scheduled Planning Board Meeting. There has been discussion about making changes to the neighborhood commercial zone. They would like a formal recommendation from the Township Council. Mrs. Raffay would like to suggest authorizing Doris Flynn to write a letter to the planning board to this regard.

Mayor Oscovitch –

September 9<sup>th</sup> at 6:00pm the Lenape Valley Junior Patriots will be having their annual Pep Rally at C.O. Johnson Field.

September 12<sup>th</sup> the Lenape Valley Soccer Club is having their Opening Day.

Mayor Oscovitch followed up on the letter sent to Senator Oroho's office and he received a different response than that of Freeholder Graham's office. He was told that there is no money, and that it's not going to be opened up under an emergency situation.

Tom Collins

Tom would like to recommend adopting resolution 145-2016 at tonights meeting, approving the settlement agreement, and that the Planning Board do the same at their meeting on September 15, 2016.

**PUBLIC PARTICIPATION I**

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

Yvonne Reeves, 80 River Road, expressed concerns about a very strong odor that she believes is coming from the Musconetcong Sewage Authority. Ms. Reves has contacted the MSA and the EPA both to this regard. The smell is on a constant basis and is effecting the quality of life for her, her family and her neighbors.

Sanda Opel – 76 River Road – addressed the same concerns about the smell.

Barbara Kostiuik, 40 River Road, addressed her concerns on behalf of the West Brookwood Property Owners Association about the smell coming from the MSA.

Councilman Gray suggested that this issue should be brought to the attention of the Local Board of Health in an attempt to resolve the problem. If they are not able to attend the Board of Health meeting on September 27, Mr. Gray suggested that they forward him the list of dates that they complied as to when they smelled the sewage and he will bring it with him to the Board of Health meeting.

Councilman Olson suggested bringing it to the attention of the Sussex County Division of Health.

Mr. Collins suggested sending all this information to the Township Manager so he can have it addressed with the Sussex County Division of Health.

Merwin Lee, 45 Winding Way, stated that he recalls the issue with the smell occurring back in 2006. He also addressed his concerns about robo calls, and suggested that Township warn the residence of these calls on the Township website. Mr. Lee informed the Township Council that the Closed Road sign on Roseville Road has been spray painted and that the reflection is now taken away. He also asked who is responsible for trespassing on this site. He also addressed his concerns with Hudson Farm West changing the land use from farmland to commercial.

Joann Smith, 57 Lake Drive, Addressed her concerns about another bond ordinance. She stated that something needs to be done, but with less being put on the tax payers.

Luann Byrne, 34 Richmond Road, asked if the Affordable Care Act helps with the Townships Health Insurance. Mr. Sabatini said that the Township is not able to use the affordable care act at this time to provide Health Insurance.

Ms. Byrne added that she likes Councilman Olson’s idea about a steel frame or pre fabricated building as an option for the Municipal Building. Ms. Byrne did not know where Neil Gyling Park was located. She suggested putting more information on the Byram Day sign. She also is wondering what is happening with putting an interactive map on the Township website. Mr. Sabatini said that this is something that is currently being worked on.

Dawn Christian, 3 Banker Drive, thanked Joe Sabatini for looking into opportunities where the community can be involved with projects that affect the community. She is hesitant about how open the RFP is for the Municipal Building and would like to know how much space is really needed, and asked if anyone has looked at the traffic that goes through the current building. She would like the RFP to be very detailed to the use needed for office space. Councilwoman Raffay said that this was looked into a year ago during the feasibility study.

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

**APPROVAL OF MINUTES**

🗳️ August 16, 2016 – Regular 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					

🗳️ August 16, 2016 - 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	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 Olson, second by Councilwoman Kashto approve the consent agenda.

- Resolution No. 141-2016 – Approving the purchase by the Environmental Commission of a gift certificate in the amount of \$50, to be funded out of the Commission’s 2016 Township budget
- Resolution No. 142-2016 – Resolution of the Township of Byram, County of Sussex, State of New Jersey, Authorizing an Agreement with Lakeland Emergency Squad for Responder Services
- Resolution No. 143-2016 – Authorization to Execute Change Order No. I, Township of Byram for Proposed Guide Rail Improvements for Stonehedge Lane & Bridget Way
- Resolution No. 144-2016- Final Acceptance of the Guide Rail Improvements for Stonehedge Lane & Bridget Way
- Resolution No. 145-2016 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
- Resolution No. 146-2016 – Resolution Authorizing the Execution of the Agreement between the Township of Byram and Aqua New Jersey
- Resolution No.147- Resolution Authorizing the Execution of the Developer’s Agreement Between the Township of Byram and 55 Lackawana Development, LLC
- Resolution No. 148 – 2016 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Approving Settlement with Fair Share Housing Center and Authorizing the Township Attorney to Negotiate and Finalize the language of a Settlement Agreement and Authorize and Direct the Township Clerk to Execute the Final Form of Settlement Agreement

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

**APPROVAL OF SEPTEMBER 6, 2016 BILL LIST**

Motion by Councilman Gray, second by Councilwoman Kash to approve the bill list as presented.

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

**ORDINANCE – 1<sup>st</sup> READING / INTRODUCTION**

- Be it resolved that ordinance entitled “An Ordinance of the Township of Byram Amending Chapter 16, the Economic Development Committee” be read by title on first reading.

**Purpose Statement:** The purpose of this Ordinance is to amend Chapter 16 of the Township of Byram Code, regulating the Economic Development Committee in the Township of Byram. This Committee advises the Mayor and Council of the Township of Byram and the Township Manager of the Township of Byram in the development of plans, programs and strategies that encourage expansion of existing business and commercial enterprises in the Township of Byram and attract new business and commercial enterprises in the Township of Byram consistent with the goals and objectives of the Sustainable Economic Development Plan.

Motion by Councilman Gray, second by Councilwoman Raffay to introduce the ordinance on first reading with changes to the language. Change 16-7 to 16-6 and to correct EDAC to EDC.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion		x			
2 <sup>nd</sup>	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 Tuesday, September 20, 2016 at 7:30 p.m. at the Byram Municipal 10 Mansfield Drive, 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 to Authorize and Ratify the Abandonment of Sewage Pump Station Easement and Private Transfer of Public Property (Easement) Not Needed for Public Use” be read by title on first reading.

**Purpose Statement:** The purpose of this Ordinance is to authorize abandonment and relinquishment of and ratify the unnecessary easement and sewage pump station and related pipes improvements (hereinafter “sewage pump station”) on the former Community Center property known as Block 226, Lot 21 at 55 Lackawanna Drive (hereinafter “the property”). The sewage pump station and easement are no longer required or used by the Township and are only useful for the property, and the Township, by this Ordinance, is abandoning the easement and sewage pump station and relinquishing them to the new title of record of the property known as Block 226, Lot 21, 55 Lackawana Development, LLC, a limited liability company owned by Mr. Gerard Simeone. The Township when it reserved an easement on the property sold the property to Gerard Simeone, pursuant to Ordinance No. 3-2012

Motion by Councilman Olson, second by Councilwoman Kash to introduce the ordinance on first reading.

	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 Tuesday, September 20, 2016 at 7:30 p.m. at the Byram Municipal Building 10 Mansfield Drive, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

**PUBLIC PARTICIPATION II**

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

Alex Rubenstein, 3 Partridge Road, asked questions about resolution 147-2016 – Developer’s Agreement.

Tom Collins said that the developer’s agreement is a standard agreement and says that the developers will complete the improvements in accordance to the plans. It also confirms that the developer does not need to post any bonds. In addition it confirms that the township no longer needs the pump station on the property, as it only serves the school building and the pump station will now be owned by the owners of the property.

Skip Danielson, 18 Hunters Lane, congratulated the action the council took with the building as well as taking the action to move forward with the RFP. He suggested that in creating the EDC, look to sundown the ARC.

Luanne Byrne, 34 Richmond Road, said that the pdf’s on the township website council page and planning board page are empty.

Alex Rubenstein, 3 Partridge Road, asked what the accomplishments of the EDAC. Councilman Olson replied that does not think that they were as effective as they should have been, partly because of lack of leadership from the Township Council.

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

**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:

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**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on September 6, 2016. Cindy Church, Deputy Municipal Clerk

Motion by Councilman Olson, second by Councilwoman Kash to go into closed session and adopt the above resolution.

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

**ADJOURN**

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

\_\_\_\_\_  
Cindy Church, Deputy Municipal Clerk

\_\_\_\_\_  
James Oscovitch, Mayor