

BYRAM TOWNSHIP COUNCIL MEETING - JULY 19, 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 Molica 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
 - LES Third Party Agreement
- b. Contract Negotiations
 - Health Benefits
 - DPW
 - Professional Appointments
- c. Personnel –
 - Staffing
 - Employee Handbook Policy

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 July 19, 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 Raffay, to return to open session. All members were in favor. Motion Carried.

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 with the removal of E and G from the agenda. All members were in favor. Motion carried.

BOND ORDINANCE – 2nd Reading/Public Hearing

Ordinance 24-2016- Be it resolved that ordinance entitled “Bond Ordinance Providing for the Construction of a New Municipal Building in and by the Township of Byram, In the County of Sussex, New Jersey, Appropriating \$11,000,000 Therefor and Authorizing the Issuance of \$10,450,000 Bonds or Notes of the Township for Financing such Appropriation” be read by title on second reading and a hearing held there thereon.

Joe Sabatini provided the Council and the public with an action timeline to date and a proposed schedule going forward. Joe emphasized that the bond ordinance only puts together a funding mechanism and does not authorize the Council to spend money. Architect Tom Kosten and Township Engineer Cory Stoner were present to answer any questions and were sworn in by Attorney Tom Molica.

Byram Township Municipal Complex (Timeline)

Actions to Date:

- March 2015 – Publicly advertised Request for Proposals for Architectural Services
- May 27, 2015 – Special Public Meeting to conduct interviews with prospective Architectural firms
- July 7, 2015 – Appointed FKA Architects – Resolution 100-2015
- October 20, 2015 – Special Presentation by Tom Kosten of FKA Architects Municipal Building Assessment
- November 16, 2015 – Public Discussion – Municipal Complex Programming Report
- December 15, 2015 – Authorized FKA Architects for Lakeland Bank Assessment – Resolution 190-2015
- February 2, 2016 – Authorized Harold Pellow & Associates – Environmental Assessment – Resolution 41-2016
- March 16, 2016 – Special Public Workshop – Review Environmental Analysis, Cost Analysis and Building Options.
- April 5, 2016 – Authorized Harold Pellow & Associates – Preconstruction meeting with NJDEP – Resolution 64-2016
- June 6, 2016 – Public Discussion – Capital Projects Committee – Municipal Facility
- June 21, 2016 – Special Public Presentation of Municipal Complex Master Plan
- July 5, 2016 – Introduction of Bond Ordinance
- July 19, 2016 – Public Hearing and Vote for Final Approval of Bond Ordinance

Proposed Schedule going Forward (subject to change):

- Council Tours of other recent municipal building projects (July – September 2016)
- Request for Proposals, Review of Responses and Interview of Architectural Firms (July – September 2016)
- Council Appoints Architectural Firm for Design, including bidding and building construction (September 2016)
- Council Authorizes Municipal Engineer for permitting and site engineering services (September 2016)
- Byram Day (September 24, 2016) – public input and tours of existing facilities
- Design/Permitting Phase (September 2016 – April 2017) – includes workshops for public input on building design
- Public Bidding – May 2017

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. Councilman Olson, Second by Councilwoman Kash to open to the public for comments.

Aline Griffith, 22 Old Stage Coach Road, expressed her concerns about the cost and the size of the proposed municipal complex. She sees the need for a new building but stated that the cost is much too high, and would like to see the building size reduced. Aline submitted her comments in writing, which are available in the clerk's office.

Helene Jaros, 460 Stanhope Road, expressed her concerns about doing this project now and does not feel it is a good idea. She talked about the population loss in Sussex County.

Jaros, 460 Stanhope Road, expressed his concerns regarding the project. He discussed the foreclosure problem in the State of New Jersey, and in Sussex County. He commented on the burden to current and future tax payers that would occur if this project moved forward.

Luann Byrne, 41 Richmond Road, stated that she sees the need for a new municipal building. She asked several questions about the bond ordinance, and about when actual money would be spent and when the building would be constructed. She did state that the interest rates a very low right now, which would be a positive.

Skip Danielson, 18 Hunter Lane, stated that we don't want a situation in Byram like there was in Blairstown, when their municipal building burned down. He agrees that we need a new building but asked that it be done frugally, and with the taxpayer's pocketbooks in mind.

Merywn Lee, 45 Winding Way, stated concerns for older people who are on a fixed income and rely on social security. He is opposed to spending \$11 million on a building.

Shelly Whitcox, 34 Sleepy Hollow Road, asked who votes on the decision to have a new municipal building. The Mayor stated that the Council votes on it. She thought the people should vote on it.

Harvey Roseff, 33 Sleepy Hollow Road, asked why the Council would not put this to a referendum in November to vote on a building. He feels that is what should happen. Harvey stated his opposition to the process the Township is going through.

Joe Sabatini stated that the facility that we are in now is completely inadequate and something needs to be done. If we continue to invest in this building, we are throwing good money into something bad. The public will have plenty of opportunity to be a part of the process. We need a funding mechanism in place to start the process. This building will house the administrative offices and the police department, as well as provide much needed community space for our seniors and other groups.

Motion by Councilman Olson, second by Councilwoman Kash, to close to the public.

Scott Olson clarified a few of the statements that were made; i.e., there is not a gym in the most recent plan, storage for paper is a very important—many government records are permanent records. Scott agrees that county trends are down. The present building is in horrible shape and handicap accessibility is a problem. He stated that we looked at other possibilities, but after a thorough investigation, the other options would have been extremely costly, and we would lose a ratable. Scott appreciates the input from the public, but stated that he is totally in support of the bond ordinance and constructing a new building in the most cost effective way.

David Gray agreed with many of Councilman Olson’s comments. He stated that we are way past the life expectancy of the building we are in. He participated in looking at alternate sites, which were not viable. He is open to alternatives and to shared services. David feels we have to be smart, efficient and wise in how we spend our money and sees the Council’s role as containing the costs. If we delay this longer, it will just cost us more. A new building has been talked about for a long time.

Mayor Oscovitch stated that there has been a lot of discussion over the years about the state of the existing building and the need for a new building. It is a difficult decision to make, but the Mayor feels it is necessary.

Councilwoman Raffay stated that it has been a long process and a lot of research has been done. Marie stated that it is time to move forward on this.

| | 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 be published in the official designated newspaper according to law.

TOWNSHIP MANAGER/COUNCIL REPORTS

Township Manager

- Joe announced that there will be only one meeting in August due to our summer schedule, which will be August 16. In September, we will return to our regular schedule, which is the first and third Tuesday of each month.
- Received a letter from Mike Russo, Director of Local Aid and Economic Development at the NJDOT, stating the shutdown order will continue until further notice. This affects the Roseville Road bridge, which has been demolished and the project has ceased.

Councilman Olson

- 7/6 – participated in the kick-off NJ Future Green Infrastructure meeting. The purpose was to introduce NJ Future staff and consultants and Rutgers to key point people in Byram; explain work products—including Rutgers’s Green Infrastructure Plan—and objectives for the Mainstreaming Green Infrastructure (MGI) project.
- 7/8/16 – Met with NJDOT representative to approve the re-staining of the walls built along Route 206. A contractor from Minnesota is painting the walls by hand, and the finished product looks great. Conversation led to all the problems that the Route 206 improvements, the amount of years they have been in Byram working on this project, and the excessive price tag that came with all the mismanagement.
- 7/14/16 – Attended the Sustainable Economic Steering Committee meeting. We worked on revisions to the ordinance, which have been handed out tonight. The group also suggested meeting with Tammy Horsfield from the County to get assistance and ideas on the plan and the matrix.

Councilman Gray

- Board of Health will meet July 26
- Environmental Commission will have a special meeting on August 2, because they couldn’t get a quorum on July 28, due to vacation schedules.
- Thanked the Fire Department for showing support for our Police Department by coming to the municipal building during shift change and cooking hotdogs and burgers for dinner for them. David thanked the Fire Department for this and also thanked the Police Department for all that they do.

- David commented on the NJDOT problems and how it affected Byram. He would support a resolution opposing the gas tax, and specifically addressing the waste of tax dollars that occurred because of the mistake and mismanagement of the Route 206 improvements.

Councilwoman Raffay - Planning Board meeting is scheduled for July 21 at 8 p.m. Marie Raffay stated that she would not support a resolution opposing the gas tax. The Council agreed to add this as a discussion item at the next meeting.

Mayor Oscovitch

- On 7/21, the Mayor will meet with Cindy Randazzo of the NJDEP to discuss weed issues at Cranberry Lake.
- On 7/27, the Mayor will attend a meeting with our legislators regarding the TTF.

PUBLIC PARTICIPATION I

- Merwyn Lee, 51 Winding Way, commented on the legal notice he received about the use variance application by IAT Reinsurance Company, and he said that if this is approved, it shows that the property is being used commercially.
- Harvey Roseff, Sleepy Hollow Road, attended a Morris County meeting and stated that they are continuing with their bridge projects even though Christie made an Executive Order to cease operations. Harvey commented about the Roseville Road bridge, and also stated that the prior Cat Swamp NJDOT project in Byram was also mismanaged, which increased the cost of the project.
- George Shivas, 361 Amity Road, asked for a status report on the house that burned at 367 Amity Road. Joe stated that the property owner has been bringing down truck loads of debris and putting it in a dumpster in our Recycling Center. He has a deadline of Friday, July 22, to meet certain criteria laid out by the zoning officer. If this criteria is not met, a violation letter will be issued, followed by summonses, and then it will be in the hand of the courts.

APPROVAL OF MINUTES

- July 5, 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 |
| No | | | | | |
| Abstain | | x | | | |
| Absent | | | | | |

- July 5, 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 |
| 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. 127-2016 – Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2016-17 Hunting Season
- Resolution No. 128-2016 – Authorize Refund of Redemption Monies to Outside Lien Holder – Block 332 Lot 3.22 – 8 Parsons Rd.
- Resolution No. 129-2016 – Authorize Refund of Redemption Monies to Outside Lien Holder - Block 332 Lot 3.22 – 8 Parsons Rd.
- Resolution No. 130-2016 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Electronic Tax Sale Notice Fees”
- Approval of N.J. State Fireman’s Association Membership Application – Andrew Tesori
- Resolution No. 132-2016 – Chapter 159 – Accepting the \$5,000.00 - Click It or Ticket 2016
- Resolution No. 133-2016 – Chapter 159- Accepting the \$11,420.00 – Municipal Alliance Program

Resolution No. 134-2016 – Resolution Authorizing the Execution of Amendment No. 1 to the Lease Agreement and Shared Services Contract for Community Animal Impound Services between Byram Township and Byram Animal Rescue Kindness Squad (B.A.R.K.S.)

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

Approval of 50/50 Raffle for Byram Township Historical Society to be held on 09/24/2016 at Byram Day – Motion by Councilman Gray, second by Councilwoman Kash, to approve.

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

Resolution No. 131-2016 – Resolution Authorizing a Professional Services Contract with Leggette, Brashears & Graham, Inc. to Provide a Hydrogeologic Feasibility Assessment for a New Well at the Tamarack Park Property – Motion by Councilman Olson, second by Gray to adopt the resolution and open up for public comment. George Shivas, 361 Amity Road, questioned the need to drill a well, and asked if water could be obtained from a nearby lake. The only lake that was nearby was Panther Lake, which is private. Roll call vote.

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

APPROVAL OF JULY 19, 2016 BILL LIST

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

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

PUBLIC PARTICIPATION II

Motion by Councilman Gray, second by Councilwoman Raffay to open to the public.

Courtney Boyle, who was speaking on behalf of the person who lives at 4 Richmond Road, asked for an updated on 6 Richmond Road. Joe stated that there was a stop work order issued for work being done without a permit by the Construction Official, and the Sussex County Health Department has made several visits to the site. The NJDEP has also been contacted. Joe would like the property cleaned up.

Motion by Councilman Gray, second by Councilwoman Raffay to close to the public

| | Councilwoman Raffay | Councilman Gray | Councilman Olson | Councilwoman Kash | Mayor Oscovitch |
|-----------------|---------------------|-----------------|------------------|-------------------|-----------------|
| Motion | | x | | | |
| 2 nd | 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:

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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 July 19, 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 Raffay, to return to open session. 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 10:55 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor