

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 3, 2017

EXECUTIVE SESSION – 7:00 P.M.

REGULAR SESSION – 7:30 P.M.

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
 - Health Benefits
- b. Anticipated / Pending Litigation
 - Mid American Salt
- c. Personnel
 - Staffing
- d. Contract Negotiations
 - DPW, Clerical and Police

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 October 3, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay 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 at 7:37 pm. 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 Gray, second by Councilman Olson to approve the agenda with the removal of item E and F from the consent agenda to allow discussion. All members were in favor. Motion carried.

TOWNSHIP MANAGER/COUNCIL REPORTS

Manager’s Report – No report.

Nisha Kash – No report.

Councilman Olson

EPA will release a press release on Mansfield Trail Superfund Site tomorrow. They are looking to bring a well line into the neighborhood. Scott Olson has been assured by Congressman Frelinghuysen that Byram will remain high on the list because it affects the drinking water of residents.

October 6 – Subcommittee meeting with Fire Chief to review the pending order of the fire truck.

October 7 & 8 – Sussex County Heritage Council is celebrating this weekend. The Byram historical school house will be open on October 7 for tours. More information can be obtained at www.SCHC.org

October 10 – Open Space meeting at Town Hall at 7:30 p.m.

October 13 – Southern Sussex County Chamber meeting at 8:30 a.m. at the Andover Diner

October 17 – Elected officials meeting at 10 a.m. at the Branchville Borough municipal building.

October 16 - EPA meeting regarding Mansfield Superfund Site at town hall at 7:00 p.m.

Councilman Gray – Capitol budget meeting on October 6 to review the fire truck. David said a few words about the tragedy in Las Vegas and asked to keep everyone in their prayers.

Councilwoman Raffay – The next Planning Board meeting is on October 5. At the last meeting, the Quick Check application was approved. Lenape Valley just put in some serious punishments for smoking and vaping on school property. Marie was glad to see that strict enforcement will be in place and awareness is being raised.

Mayor James Oscovitch – Fred Milens, who was a long time resident of Byram and member of our Planning board, passed away last month. He was a wonderful person--please keep his family in your thoughts.

PUBLIC PARTICIPATION I

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

Skip Danielson – 18 Hunter Lane, stated that he was proud of the Planning Board for the job that was done with Quick Check. They listened for 13 months and made a good decision.

Skip asked for support of the Resolution that changes the law for workman's comp for emergency workers.

Kevin Danielson, resident from Hackettstown, talked about the Statewide grant for security cameras. He thought the grant should be used to do something to benefit the emergency service volunteers. Kevin referred to phone message that was left on his phone on December 15, 2016, and read the message aloud. He stated that the Township Council needs to be an advocate to the volunteers.

Judy Danielson, 18 Hunter Lane, stated that she has been in this community for 49 years. Volunteering has been what her family has done. She expressed her dismay about the Council not acting on the resolution for support to change the workman's comp law.

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

RAIMOS LICENSE PUBLIC HEARING

Tom Collins asked the attorney for the applicant to come forward.

Attorney Jim Brody was present to represent the applicants and shareholders. He summarized the applicant's request to confirm the junkyard license. Instead of purchasing the properties outright, his clients are purchasing the shares of the two corporations that own the properties. They will operate the junkyard on one lot and lease one lot back to the existing shareholders to store heavy equipment and parts that will be used for the junkyard on the lot.

Councilman Olson questioned the use on the lots and asked if the new entity will be operating it differently. There was discussion on whether it was a new use.

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

Alex Rubenstein, 3 Partridge Run, asked questions about the use of the property.

Frank Detrolio, who was sworn in by Tom Collins, explained how the property was going to be used. Frank Detrolio stated that it is being used for storage of equipment just as it is today.

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

Attorney Tom Collins recommended that the Council confirm the junkyard license, which will be valid for the remainder of the year. Motion by Councilman Olson, second by Councilwoman Kash to confirm the license. All members were in favor.

PROCLAMATION – FIRE PREVENTION WEEK- October 8th-14th, 2017

Motion by Councilman Olson, second by Councilwoman Kash to adopt the proclamation. All members in favor.

COMMITTEES

- Resignation of Giovanni F. Dimeo from the Recreation Committee - Motion by Councilman Olson, second by Councilwoman Kash to accept the resignation and thanked Giovanni for his service. All members in favor.
- Resignation of Bill Koelhoffer from the Board of Health – Motion by Councilman Olson, second by Councilwoman Raffay to accept the resignation and thanked Bill for his service. All members in favor.

APPROVAL OF MINUTES

- September 19, 2017 – 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 | | | | | |

- September 19, 2017 - Executive Meeting Minutes –Motion by Councilwoman Raffay, second by Councilman Olson, 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. 150-2017 – Resolution Amending and Confirming a License for 2017 to Raimo of Stanhope, Inc. and Joseph Raimo, Inc. to Operate a Junk and Junk Dealer’s Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 151-2017 – 2017 Parks and Recreation Fee Structure for Fall Programs
- Resolution No. 153-2017 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding From Tax Sale Delinquent Special Assessment” – Block 286 Lot 143
- Resolution No. 155-2017 – Resolution in Support of Assembly Bill No. 4532 and Senate Bill No. 3049 Amending the Open Public Records Law
- Resolution No. 158-2017 – Resolution Authorizing L&G Planning to Provide Planning Services for the Amendment and Adoption of the Township Zoning Map – Not to Exceed \$1,200.00
- Resolution No. 159-2017– Resolution for Environmental Commission to Purchase Gift Cards for Byram Day Raffle Basket

| | 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 No. 156-2017 – Authorization to Purchase Rock Salt under the Morris County Cooperative Pricing Council for Budget Year 2017 – Not to Exceed \$121,450.00
- Resolution No. 157-2017 – Resolution Approving and Authorizing the Execution of a Settlement Agreement with Mid-American Salt Settling All Claims Against Byram Township

Attorney Tom Collins stated there was an offer of settlement that the Council is being asked to approve to purchase 70% of the salt at the bid contract price. By doing so, we would be removed from the lawsuit.

Motion by Councilman Olson, second by Councilwoman Kash to approve the above resolutions. Councilman Olson, second by Councilman Kash, to open to the public. All members in favor.

Alex Rubenstein, 3 Partridge Run, asked for a further explanation. Joe explained the procedure regarding bidding on products offer through the Cooperative and about providing estimated quantities.

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

| | 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 No. 152- 2017 – Marie Raffay recused from this matter.

Resolution of the Mayor and Council of the Township of Byram Approving the Relocation of the easements by Alex Rubenstein in Accordance with the Planning Board Approval Resolution Dated September 7, 2017 and the Prior Agreement of the Township Council and Authorizing the Mayor and the Clerk and the Township Attorney to Take any Necessary Steps to Effectuate the Relocation of the Easements and the Payoff of the LLIC Mortgage by Mr. Rubenstein and LLIC

Motion by Councilman Olson, second by Councilwoman Kash, to table this resolution.

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

OCTOBER 3, 2017 BILL LIST

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

Charles Iulo, 100 North Shore Road, asked if there was discussion regarding Mayor Levante’s request for support for school consolidation. Marie Raffay stated that she was not interested in taking any action on this. She does not feel it is our business to tell the Board of Education how to operate.

Scott Olson stated that he felt it was a poorly written resolution and hasn’t taken the time to rewrite it. Scott stated that the Mayor of Newton could provide more facts about doing a study. Scott also agreed to Marie Raffay, and felt this was a matter to be taken up with the Boards of Education.

Charles Iulo asked if we have been looking into any cost savings operations within the Township. Marie stated that we are always looking at cost saving efforts in all areas.

David Gray stated that he is in support of consolidation of services. He also stated that you have to consider the affect of the quality of the schools and property values. It is another factor that has to be looked at.

Mr. Iulo asked if there was any update on the municipal building. Scott stated that there was a short discussion at the last meeting but we haven’t done anything further.

Mayor Oscovitch expressed his condolences on the passing of Bud Albrecht, George Albrecht’s brother.

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

RESOLUTION

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on October 3, 2017.
Doris Flynn, Municipal Clerk

Motion by Councilman Olson second by Councilwoman Raffay to go into closed session and adopt the above resolution at 8:30 pm. All members in favor. Motion carried.

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

Councilwoman Kash left the meeting prior to the start of closed session.

RETURN TO OPEN SESSION - Motion by Councilwoman Raffay second by Councilman Olson to return to open session. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilman Olson, second by Councilwoman Raffay and with all members in favor, the meeting was adjourned at 11:08 p.m. Motion carried.

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor