

BYRAM TOWNSHIP COUNCIL MEETING JUNE 6, 2005

CALL MEETING TO ORDER

Mayor Danielson called the meeting to order at 8:00 p.m.

FLAG SALUTE & MEDITATION

Mayor Danielson said we lost a lot of people on the attack on Omaha Beach 61 years ago today.

STATEMENT BY CLERK

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meeting Act.

ROLL CALL

Councilman Esposito, here; Councilwoman Griff, here; Councilman Riley, here; Councilman Oscovitch, here; Mayor Danielson, here. Also present were Manager Greg Poff, and Attorney Megan Ward

CAPTION OF CLOSED SESSION

Personnel matters were discussed at the May 16, 2005 closed session meeting regarding the administration of the court.

CONSIDERATION OF MINUTES

Motion by Councilman Oscovitch, second by Councilman Esposito to approve the minutes of May 16, 2005. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

CONSIDERATION OF BILLS

Motion by Councilman Riley, second by Councilman Esposito to approve the bills for June 6, 2005. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, abstained from Bill No. 2319; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

SWEARING IN CEREMONY OF SGT. GUY MARIANI

Manager Greg Poff said we have the opportunity this evening to recognize the achievements of a dedicated officer Sgt. Guy Mariani and a dedicated police force.

Sgt. Guy Mariani was sworn in by Mayor Danielson. Guy Mariani has been with the Byram Police force for 5 years, graduated from Morris County Police Academy on December 7, 2000 and holds a bachelors degree in criminal justice. Sgt. Mariani will be assigned as a patrol supervisor on the evening shift. He currently lives in Allamuchy with his wife Jennifer.

PRESENTATION OF EAGLE SCOUT AWARD

Mayor Danielson presented the Eagle Scout plaque to Andrew Joiner. Mayor Danielson expressed his congratulations on the rank of Eagle Scout. There is a very small percentage of boys who pursue scouting that carry it all the way through Eagle Scout.

MANAGER AND COUNCIL REPORTS

Manager Greg Poff reported on the following:

A meeting was held with state and local officials regarding TCE on Wednesday. Residents are reminded to provide copies of the test results to the Township. The DEP will begin testing late this month or early July to determine the extent of contamination.

Council received e-mail today from Greg regarding the design changes on Waterloo Road and Lackawanna Drive.

The Annual Mayors' Canoe Race will be held on Sunday, June 12, 2005 at 11:00 am at Lake Musconetcong. Councilman Oscovitch will take charge and had several suggestions and maybe ask a resident or board members to enter race.

Letter from the Byram Board of Education was submitted to the Mayor and Council from the Principal Thomas Podgurski in regards to funding under No Child Left Behind.

Earl Riley attended the 605 stakeholders meeting at the county where they discussed the possibility of 5 to 6 different routes. None of the routes enter into Byram Township.

Councilman Oscovitch mentioned about the article on the New Jersey Municipalities re-schooling for planning board members.

Councilman Esposito said the Planning Board meetings consisted of redevelopment and village center ordinance discussion.

Mayor Danielson attended a meeting on June 1st regarding the Highlands legislation. Sussex County is not taking any legal action with regard to the Highlands yet. Townships should take the time to comment on the DEP regulations.

Mayor Danielson said Catherine Elizabeth Poff was born on 5/27/05, 7 lbs. 13 oz.

PUBLIC PARTICIPATION I

The meeting was opened to the public by Mayor Danielson.

Marie Venes of 36 Brookwood Road attended a meeting last Wednesday on well water. She congratulated Greg for a very well run meeting and special thanks to Valerie for all the backup work.

Marie Venes wanted to know the status of making vendors available including lowest, and best price posted on the web. Greg stated that is being worked on and will be on the web either Wednesday or Thursday. Councilman Riley said we will be putting extra links on the web to NJDEP. Councilwoman Griff said she will be putting a page with a compilation of information. Marie Venes asked if the area could be designated on the web and asked what the communication plan is to keep all the residents of East Brookwood informed. Greg stated that the website would be the most frequently updated information and the quarterly newspaper would be another source for information. Greg said if anyone is looking for information that is not on the website to reach out to him, Valerie or the County Health Department. Greg will work with the Community Relations Office at the NJDEP and discuss ways of contacting people. Marie asked if he would use an e-mail list that a local resident has established. Greg would like to check with the NJDEP and hope to find this information out by the end of the week. Marie Venes asked Megan Ward about the Private Well Testing Act and the requirement that if the well is found contaminated that notification is given to 200' property owners. Megan explained the Private well testing act but stated that the notification to surrounding property owners is not required by this act. She stated that this may be something done by the NJDEP.

Councilman Oscovitch discussed a reverse 911 to alert residents.

Councilwoman Griff felt that there should be a greater radius when something like this happens. Notice of suspected hazardous discharge are sent to the Municipal Clerk and Township Manager by the NJDEP.

Marie Venes would like the Council to find a way for the Township to be proactive using the information available so that a broader spectrum of people are made aware of situations such as this.

Leanne Clark of 6 Joan Drive has the e-mail list and the NJDEP has contacted them to get information from Leanne. East Brookwood Water Co. deals with a company in Pennsylvania regarding the testing.

No one else wishing to speak, the meeting was closed to the public.

ORDINANCES

a. Introduction

1. Ordinance No. 6-2005 – Bond Ordinance – Tanker Type Fire Truck -\$300,000
Reintroduced

Motion by Councilman Riley, second by Councilman Oscovitch to move for first reading, publish the ordinance, and advertise public hearing on July 1, 2005 at 10:00 am. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye.
Motion carried.

b. Adoption

2. Ordinance No.7 –2005 – Performance & Maintenance Guarantee

Motion by Councilman Oscovitch, second by Councilman Esposito to adopt this ordinance. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

CONSENT AGENDA

a. Tax Refund

1. Resolution No. 75–2005 – B-250, L-131- Kaskie - \$1,739.83

b. Tax Sale Certificate Redemptions

1. Resolution No. 76-2005 – B-273, L-307 - Waverly \$264.55 and B-366, L-12
- Mooring \$41,069.00

c. Liquor License Renewals:

1. Resolution No. 77-2005 – Adam Todd Inc.
2. Resolution No. 78-2005 – Lackawanna Inn, Inc.
3. Resolution No. 79-2005 – Sakfel Inc. (Porky's)
4. Resolution No. 80-2005 – Wild West City – Pink Elephant
5. Resolution No. 81-2005 – Rotone Inc. – Tony & Rosemary's
6. Resolution No. 82-2005 – Byram Beverage Inc. – Shop Rite
7. Resolution No. 83-2005 – WGB-Byram Motel

76 ERS, Barones and Tomahawk Lake were pulled off because we did not receive the tax clearance certificates from the ABC Commission. The clerk will contact the ABC to find out the status of the license for Unkies.

d. Resolution No. 84-2005 – Cancellation of Capital Improvement fund balances

e. Resolution No. 85-2005 – Authorizing releasing claims associated with Egoavil v.

Byram

f. Raffle License – Byram Township Fire Department

g. Animal Control Agreement

Motion by Councilwoman Griff, second by Councilman Esposito to approve the consent agenda as noted above. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

DISCUSSION ITEMS

a. Feral cat trapping program update

Greg summarized the feral/stray cat problem as explained in his May 23, 2005 memo to the Township Council.

Greg recommended that the Township Council consider adopting an amendment to local code consistent with his report. Greg also suggested that the Township Council allow this program to continue as recommended by the Board of Health for another six months. Greg said the progress in reducing the feral cat colony size has been slower than anticipated, the recruiting of additional qualified staff and changes to local code should improve the Township's ability to control the size of the feral cat colonies. Once the colonies are reduced to a level that is no longer negatively affecting residents' quality of life, a trap, neuter, release program might be considered.

Ruth Rhodes stated that the BOH is in line with Greg's recommendations. She feels that the ACO needs to be involved more and the BOH should work on providing residents with an education program. Ruth said the Board of Health does not favor cat licensing.

Councilwoman Griff feels that the only way that we can provide identification is by cat licensing. Councilman Esposito is in favor of cat licensing and does not think they should be treated differently than dogs. He said feeding stray animals is a problem. Councilman Riley agrees that the food source is a problem, if people stop feeding them the colony would dwindle. Councilman Oscovitch agreed with Greg that we should try it for 6 months and also agreed that the feeding of the cats is a problem. Councilman Esposito asked what is the down side of licensing cats. Ruth Rhodes said the Board of Health is not in favor of it and feels that Byram Township does not have the staff to handle it. The council members feel that cat licensing would only be one component of solving the problem. Councilwoman Griff, Councilman Riley, and Councilman Esposito are in favor of the Board of Health and Greg's recommendation but would also like to see cat licensing. Greg has the approval to go forward with his recommendation. Councilman Oscovitch suggested that the BOH attend a work session 30 minutes prior to the next meeting at 7:00 pm. on 6/20/05.

b. Rt. 206 recommendations and resolution.

Letter was sent to John Lettiere on May 23, 2005 asking for a six-month moratorium. Greg prepared a resolution supporting a six-month design moratorium. Greg received a copy of a letter from John Eskilson asking the State to expeditiously move forward with the Route 206 improvements.

Mayor Danielson is in favor of phasing if we don't lose the project.

Councilman Riley said things have changed since we came to an agreement with the NJDOT about the Route 206 improvements. The Highlands, 605 extension, and Context Sensitive Design have to be taken into consideration.

Councilman Esposito and Councilwoman Griff are in favor of the phasing of this project.

Councilman Esposito said we should not back down because we are afraid we will lose the project totally, and we should not live in fear.

Councilman Oscovitch feels that phasing is the answer, and feels the NJDOT is wrong to not consider it.

Resolution No. 74-2005 – Rt. 206

Motion by Councilman Oscovitch, second by Councilman Esposito to adopt this resolution. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

PUBLIC PARTICIPATION II

The meeting was opened to the public by Mayor Danielson.

Scott Olson from 194 Glenside Trail sited some traffic instances on Saturday. Councilman Oscovitch and Tina have called Scott Olson each night after work. The longest wait from Acorn to Shop rite Plaza has been 8 minutes and the shortest 3 minutes.

Doug Mertrud from 12 Waterloo Road talked to all the NJDOT officials individually. No one seemed to be on the same page. The project is taking 15 feet from his property. Doug has lived here for 10 years. He has been in contact with engineers on the project and is opposed to the taking of property on the westbound side of Waterloo Road.

Terry Kepler from 9 Waterloo Road has two small children who walk to the bus stop and if the DOT takes property there won't be any place for the children to walk. The speed on the road will increase if the road is widened.

Luis Alonso from 8 Waterloo Rd. had concerns with the widening of the road. He was contacted by the NJDOT about a month ago.

Councilman Esposito commented that Debbie Hirt had stated that the NJDOT was working with property owners. If only some of the property owners were notified within the last 30 days, it doesn't appear the NJDOT is actually working with property owners.

June Prefezone from 11 Waterloo Road said her septic is in the front yard and wanted to know what will happen to it. She said if Waterloo Road is widened she would never be able to walk on it, because it would be too dangerous.

Dominic Romano commented that the Council is a hard working group. He was concerned about the image that Byram Township may have. He said in 2003, there was a collaborate effort getting together and agreeing on a plan, but today he fees the Township Council is back-tracking on its agreements and the reasons did not seem sound to him.

Leanne Clark from 6 Joan Drive wanted to know what is considered indoor feeding. She asked about pictures that she dropped off to the Manager.

Margaret McGarrity said Regional, State and local land use planning has changed in the last two years and NJDOT planning has changed. NJDOT has stated that widening does not work and hopes this council stands behind what they are saying tonight.

Scott Olson said all the properties that were brought up tonight are in the Highland Preservation Area.

No one wishing to speak, the meeting was closed to the public.

CLOSED SESSION

Motion by Councilman Oscovitch, second by Councilman Esposito to adopt a resolution to go into closed session to discuss personnel matters. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

RETURN TO PUBLIC SESSION

ADJOURN

Motion by Councilwoman Esposito, second by Councilman Oscovitch to adjourn. VOTE: Councilman Esposito, aye; Councilwoman Griff, aye; Councilman Riley, aye; Councilman Oscovitch, aye; Mayor Danielson, aye. Motion carried.

Meeting adjourned at 11:15 p.m.

Respectfully submitted,

Doris Flynn
Deputy Township Clerk