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Highlands vote spurs ethical debate in Byram

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BYRAM — A discussion about a Highlands Act ordinance erupted into a heated ethical debate among three council members leading to a recess to cool down.

When a routine "Highlands checklist" ordinance was introduced at Tuesday's Township Council meeting, council members Nisha Kash and Carlos Luaces, who both took office in January, argued that Councilman Scott Olson should recuse himself from the vote. Luaces said Olson is paid to write "propaganda" for the Highlands Council.

Olson has received a \$5,000 grant to write newsletters for the Highlands Coalition, a separate entity from the Highlands Council, for each of the last three years. Since he was accepting money to write for the coalition, Kash said, there was a conflict of interest.

"The Highlands Coalition's sole purpose is to lobby for the Highlands Council and for the Highlands Act, which makes it a conflict of interest," Luaces said.

Township Attorney Thomas Collins clarified that legally, there was no conflict.

"The Highlands Council is a governmental entity," Collins said. "The Highlands Coalition is a private nonprofit entity."

Collins said that policy positions expressed by nonprofits like the Highlands Coalition as well as political entities are protected by the First Amendment.

"There's a difference between a conflict of interest and First Amendment rights to have a policy perspective," Collins said.

Additionally, since the Highlands Coalition had not taken a stance on the particular ordinance introduced Tuesday, Collins reiterated, "I'm satisfied that it's not a conflict of interest to have him (Olson) work on implementing an ordinance for the township of Byram, where the Highlands Coalition has not taken a position on the specifics of the ordinance."

Kash said Wednesday that she recognized that it was no longer a legal issue, but an ethical one. Luaces said he was disappointed that Olson chose to vote.

The ordinance in question outlined amending a township land use ordinance to update submission requirements for applications for development as it pertains to the Highlands Regional Master Plan and Byram.

Luaces and Kash's comments — accusing Olson of being "immoral and unethical" — dissolved into a diatribe, what Mayor James Oscovitch dubbed "a personal attack." The heated debate resulted in a five-minute recess.

"First and foremost, I'm there to represent the citizens of Byram, and I'm embarrassed for the residents of Byram by Mr. Luaces' actions," Oscovitch said Wednesday. "Never in my 15 years on sitting on the Byram Township Council have I ever seen behavior like that, bar none."

Luaces admitted that he "got heated."

After the brief recess, Luaces refused to vote on the ordinance, stating that he would never vote on a Highlands issue if Olson was, too. Kash and Luaces abstained; Olson, Oscovitch and Councilwoman Marie Raffay voted to approve the ordinance.

Luaces and Kash explained that they support the fundamental idea of the Highlands Act, but do not support the way it is written. The Highlands Act was passed in 2004 with the goal of protecting undeveloped land in the northwestern third of the state, which provides much of the state's drinking water. However, residents who fall within the Highlands zone are suffering from property value losses as a result of severe development restrictions and have not been reimbursed although the act states otherwise.

Olson said Wednesday, "Their ideology is at odds with what's best for the long-term future of our town. Unfortunately, Ms. Kash and Mr. Luaces don't have a substantive argument against Byram's Highlands conformance process, so they resort to personal attacks on my character."

Olson said he had been working on Highlands issues well before he was elected to the council in 2007 and has received the \$5,000 grant since 2009 to partially fund the "NJ News" email series. He further stated that Byram's involvement with the Highlands conformance has been "public and transparent" with opportunity for public input.

"The people of Byram deserve better than unsubstantiated claims and outlandish outbursts from their elected officials," Olson said. "My record of integrity and service speaks for itself, and people in Byram know where I stand and always have. If Ms. Kash and Mr. Luaces don't agree with my positions, they need to learn to communicate their positions in a thoughtful and respectful manner. After all, differing opinions are a big part of what makes for a working democracy and responsive government."