

**BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 6, 2018**  
**EXECUTIVE SESSION – 6:30 P.M.**  
**REGULAR SESSION – 7:30 P.M.**

**CALL MEETING TO ORDER**

Mayor Rubenstein called the meeting to order at 6:30 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**

Councilman Gray, absent; Councilwoman Kash, late (6:40); Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn.

**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
  - Benefits Mall – Presentation
- b. Contract Negotiation
  - Professional Services
  - Labor Contracts

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**

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

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd	x				
Yes	x		x	x	x
No					
Abstain					
Absent		x			

Certification: I certify that the Byram Township Council adopted the above resolution on February 6, 2018.  
 Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:30 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 Olson, second by Councilwoman Kash to approve the agenda as presented. All members were in favor. Motion carried.

**TOWNSHIP MANAGER/COUNCIL REPORTS**

**Township Manager**

- Met with budget subcommittee last week and made a few changes as a result of the 1/30 budget workshop. We will discuss the budget later in the meeting. We are planning to introduce the budget at the March 6<sup>th</sup> meeting.

- The Quarry and the Junkyard renewals will be on the next agenda, along with a capital plan presentation.
- The zoning officer submitted a memo to the Council regarding temporary structures. He has asked the Council to consider a change to the zoning ordinance.

**Harvey Roseff** – Participated in the budget subcommittee meeting held on January 31.

**David Gray** – Recognized the DPW for doing a great job on the roads. He stated that the difference in the road conditions between Byram and Sparta is very evident and very much improved in Byram. There is a capital project committee meeting on February 9 to discuss the fire truck. The Council received a memo from the Chief Pete Zabita regarding the need for video. Joe stated that it is in our capital plan and he is looking for a way to pay for it prior to the adoption of the budget. David also expressed concerns about the condition of the municipal building and said that we need to keep this on our radar.

**Nisha Kash**

- Attended the January 24th BOE meeting, and there was an interesting presentation on RTI.
- Attended the BBOA meeting on February 5. The group is making progress and it was great to see that businesses are attending.

**Scott Olson**

- Attended the EC meeting as the Council liaison.
- Scott announced several Sussex County MUA free events. These will also be put on our website.
- Scott will participate in the Capital Budget meeting on 2/9 and stated that we will be looking at purchasing the same truck as Engine 4.
- The next CAG meeting will be in March.

**Mayor Rubenstein**

- Attended the NJSLOM meeting with Joe Sabatini. Senator Oroho was there and spoke about his accomplishments over the last year.
- Attended the 1/18 PB meeting. Jefferson Lake Camp amended site plan application was heard. They are planning on putting up a new building and moving 5 employees from Livingston to Byram.
- Attended an Eagle Scout ceremony for Nate Gile.
- Attended the Lakeland Emergency Squad installation dinner on January 20. He was a very nice event.
- Participated in the 1/31 budget subcommittee meeting
- Attended the BBOA meeting along with Nisha. David Romano, Elite Automotive, Gellers, Creative Kid Day Care, and Sunnyside were in attendance. The group is still in the infancy stages but they are making progress.
- Announced that on 2/12 the Stanhope Planning Board will meet regarding the proposed gas station on Route 206 on the border of Byram and Stanhope.
- The Mayor will be attending the Fire Department Installation Dinner on February 17.
- Alex also reported that Skip was a finalist in a karaoke competition this past weekend.

Attorney Tom Collins stated that there is a new State statute that restricts bonding on private site improvements. We may need to revise our ordinances.

**PUBLIC PARTICIPATION I**

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

Skip Danielson, Hunters Lane, stated that there was success with one piece of legislation which was signed by Governor Christie with regard to testing bodily fluids on members of emergency services who die in the line of duty. He also asked that Byram consider passing the resolution that supports changes in the workman’s compensation laws.

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

**ACCEPTANCE OF RESIGNATION** – Donna Koenig – Environmental Commission – Motion by Councilman Olson, second by Councilman Gray to accept Donna’s resignation and they thanked her for her service. All members in favor. Motion carried.

**COUNCIL APPOINTMENTS**

- Lake Musconetcong River Management Council –Michelle Rehse (Primary), James Myers (Alternate I), Jim Reinhold (Alternate II) – term expires 12/31/2018 – Motion by Councilman Olson, second by Councilwoman Kash to make these appointments. All members in favor. Motion carried. Councilman Olson stated that Michelle has been a member since the start of this organization.
- Recreation Committee - Jackie Pellek – term expires 12/31/2018  
 - Jeri Quirk and Robert Androsky – term expires 12/31/2020

Motion by Councilman Gray, second by Councilwoman Kash to make these appointments. All members in favor. Motion carried.

Planning Board Alternate II seat - Motion by Councilman Olson, second by Councilman Gray, to appoint Marie Raffay to the Alternate II seat on the Planning Board.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd	x				
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**PROCLAMATION – Arbor Day** – Mayor Rubenstein read the proclamation. Motion by Councilman Olson, second by Councilwoman Kash, to authorize the Mayor to sign the proclamation. Councilman Olson stated that the EC will be planning an event for Arbor Day. In the past, they’ve planted seedlings and also given away seeds to residents.

**APPROVAL OF MINUTES**

- January 16, 2018 – Regular and Executive Minutes – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes		x	x	x	x
No					
Abstain	x				
Absent					

- January 30, 2018 – Regular and Executive Minutes – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
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 Kash to approve the consent agenda.

- Resolution No. 34-2018 - Resolution to Authorize Participation in the 2018 Radon Awareness Program
- Resolution No. 35-2018 - Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014- June 2019

- Resolution No. 36-2018 – Authorization to Execute Change Order No 2 – Township of Byram for Proposed No Net Loss Tree Reforestation – Phase II- net decrease of \$130.00
- Resolution No. 37-2018 – Cancellation of Grant Receivable and Reserve – Municipal Alliance Grant - \$86.22
- Resolution No. 38-2018 – Resolution to Amend the 2018 Temporary Budget
- Resolution No. 39-2018 – Resolution to Authorize Participation in the 2017 Tree City USA Program
- Resolution No. 40-2018 – Resolution Authorizing the Submission of Annual Report for 2015-2019 Community Forestry

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**February 6, 2017 BILL LIST**

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

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**ORDINANCE – 2<sup>nd</sup> Reading /Public Hearing**

- **ORDINANCE 1-2018 “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance.

Councilman Roseff stated that this section of law was put in place to reduce the spiraling costs, and he feels we should follow the law. He commented that we should not be passing this each and every year. Harvey will be voting no on this ordinance. He stated that this is not to cover an emergency, because emergencies are handled in a different way. Councilman Olson stated that he will be voting yes because he believes it is an important tool to have in place.

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

Mrs. Steinberg, Colby Drive, stated that she has been living in Byram since 1973. It has grown over the years and it is a wonderful town. Younger generations are not interested in living in bedroom communities. She stated that keeping the real estate taxes low is one way to attract people or keep people in our town. Alex stated that it appears to some people that vacant homes do not pay taxes, but in fact the banks are paying the taxes. Joe stated that we have over a 97% collection rate. Alex talked about foreclosures and the extremely lengthy process to complete a foreclosure that takes place in New Jersey. Alex stated that he has talked with realtors and they have reported that sales in Byram are very strong.

Motion by Councilman Olson, second by Councilwoman Kash, to close to the public. All members in favor. Motion carried. Mayor Rubenstein asked the clerk to call for the vote.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes		x	x		x
No	x			x	
Abstain					
Absent					

Be It Resolved that Ordinance 1-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

**ORDINANCE – ORDINANCE – 1<sup>st</sup> Reading / Introduction**

- **Ordinance of the Mayor and Council of the Township of Byram Repealing Code Section 3:52 Entitled “The Youth Guidance Council” and Sections 73-1 To 73-8 of Chapter 73 Entitled “Youth Guidance Council**

**Purpose Statement:** The purpose of this Ordinance is to repeal the Code relating to the Youth Guidance Council because the Youth Guidance Council is no longer necessary.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
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 February 20<sup>th</sup> at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard.

- **Ordinance for Clerical Salary and Wages for the Year 2018-2021**

Motion by Councilman Gray, second by Councilman Olson to introduce this ordinance. Councilman Olson stated that we are introducing this ordinance because the Clerical Union have settled their contracts and the ordinance reflects the increases in salary.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes					
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 February 20<sup>th</sup> at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard.

**DISCUSSION ITEMS**

- Requirement of Disclosure of Information by Regional School Districts to Municipalities of Student Addresses –

The Mayor asked for this to be on the agenda to discuss if this is something Byram wants to do since we have a regional high school. The Council discussed this briefly.

Andrew McElroy, Byram Board of Education President, stated that there are three ways a regional school can calculate the levy of school taxes: by student count, by equalized value or a combination of both. Andrew does not know how LVR does it. Alex asked how choice students are handled. Andrew did not know. David asked if looking into this would put a burden on our administration. Scott Olson suggested asking Harvey Roseff, the LVR BOE liaison, to reach out to the President of the Lenape BOE and ask him what their formula is, how it is derived, and what the student count for each sending district is. We would also like to know how are choice students handled.

- Change in Township Council Meeting Executive Session Start time – The Council discussed changing the executive session start time to 6:30 p.m. to allow more time before the meeting for executive session. Scott Olson was not in favor of changing the time. David, Harvey and Nisha would like a 6:30 p.m. start with the hopes that we would be able to end the Council meetings earlier than in the past.

Motion by Councilman Gray, second by Councilwoman Kash, to adopt Resolution 41-2018 – Amendment to the Annual Notice for 2018 Council meetings.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x		x	x
No			x		
Abstain					
Absent					

- 2018 Budget – A new budget memo was prepared by Joe Sabatini showing the changes stated that he was pleased with the outcome of the subcommittee budget meeting. The Council will introduce the budget on March 6. Joe stated that all budget documentation is on the Township website.
- Hopatcong Shooting Range – Alex has been trying to get a meeting with the Mayor of Hopatcong, but has not been successful yet. He will keep the Council updated.

Scott Olson asked about adding the municipal building as a topic of discussion at the next meeting. We need suggestions for next steps.

### **OTHER BUSINESS**

David stated that we had an email in our packet with the resume of Roxanne Sabatini for a seat on the Board of Health that we should act on.

Motion by Councilman Olson, second by Councilman Gray to appoint Roxanne Sabatini as a member of the BOH. All members were in favor. Motion carried.

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

### **PUBLIC PARTICIPATION II**

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

Marie Raffay, 2 Lake Drive, thanked the Council for appointing her to the Planning Board. She asked the Council to consider an ordinance on wireless in the right-of-way. Tom Collins can't advise the Council on wireless because he works with Verizon.

Joann Smith, 57 Lake Drive, asked the Council to put some pressure on the schools and the County for keeping the tax rate down. Joann commented on the Hopatcong Shooting Range and asked the Council to keep it on their radar.

### **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.

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BYRAM TOWNSHIP COUNCIL

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

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion					
2nd			x		
Yes		x			
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on February 6, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 10:14 pm. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilwoman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 10:15 p.m. Motion carried.

\_\_\_\_\_  
Doris Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor