

**BYRAM TOWNSHIP COUNCIL MEETING - MARCH 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, here; 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
- b. Anticipated / Pending Litigation - Opioid Issue
- c. Personnel - Police Department Policies
- d. Contract Negotiations – PBA and DPW

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 Roseff 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
No					
Abstain					
Absent	x	x			

Certification: I certify that the Byram Township Council adopted the above resolution on March 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 with the addition of Resolution 68-2018, Appointment of Labor Attorney and remove Resolution 62-2018 off the agenda for discussion. Also, remove discussion item about Municipal Building—it will get discussed when we have a full Council in attendance. All members were in favor. Motion carried.

**RESOLUTION NO. 63-2018 – SELF-EXAMINATION OF BUDGET RESOLUTION**

Motion by Councilman Olson, second by Councilwoman Kash to approve Resolution No. 63-2018.

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

## **2018 BUDGET INTRODUCTION**

The Township Manager reviewed the following 2018 Municipal Budget Message he prepared dated February 28, 2018.

### **INTRODUCTION**

*Every year the Township Council is called upon to establish municipal policy through the adoption of the Municipal Budget. While the Manager and staff prepare recommendations in the form of a draft document, the Council must ensure that the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township.*

*The approval and adoption of the Municipal Budget includes the budget for the Open Space Tax and the Sewer Utility.*

*The Township's Open Space Dedicated Trust Fund is funded through the dedication of an Open Space Tax that is not to exceed \$0.02 per \$100 of assessed valuation of each annual tax levy. For 2017, the Township again anticipates raising \$110,430 or approximately \$.012 for each \$100 of assessed valuation. The Open Space Tax cannot be eliminated as future receipts were committed to cover the debt service of Open Space Bonds that were issued in 2005 and are scheduled to expire in 2024. Also, the funds are used to support the maintenance and development of open space parcels that have been purchased with the open space tax.*

*The Township's Sewer Utility is supported by fees collected from users of the system. The Sewer Utility has its own separate budget. For 2015, the Operating Budget was restructured to support a five percent reduction of user fees. The Operating Budget remained flat for 2016 and the legacy debt obligations for the establishment of the utility were fully paid. Mainly due to the reduction of debt service, the Township was able to support an additional five percent reduction of user fees for the 2017 budget.*

*The 2018 municipal budget including the Capital Improvement Program and Private Programs Offset by Revenues totals \$11,369,394.25.*

### **APPROPRIATIONS**

*Appropriations are the platform that allows local government to deliver services to its residents. Overall, this budget plan is presenting an increase in appropriations totaling \$144,903 after excluding Public and Private Programs which are Offset by Revenues (net zero).*

*General Government, Public Safety, Public Works and Community Programs include all the Salary & Wages and Operating Expenses for each of the Township's departments. Overall these categories of expenses resulted in a \$114,975 increase. Summary of changes include:*

- *Applied Changes to Departmental Salary and Wages:*
  - *Salary and Wages have been populated with contractual obligations for steps and changes of longevity for Police Officers (minimum increase \$21,500).*
    - *4 employees will receive increased longevity.*
    - *2 employees in steps.*
  - *Budget is presented with a 0% increase of Salary and Wages for Administrative, DPW, and Police Department employees. Clerical Employees settled for a 2% increase. Collective Bargaining Groups (DPW and Police) are currently in contract negotiations.*
  - *No change to overtime budgets for Police or DPW.*
- *Staff Changes:*
  - *The Township's Chief Municipal Finance Officer was appointed Tax Collector.*
  - *Budgeted for Part-time position in Tax Collection Department.*
  - *In process of hiring a new DPW laborer that will replace an employee that had provided notification of his retirement effective May 1, 2018.*
  - *Adding new staff member (DPW laborer).*
  - *Budgeted for a Part-time recreation director not to exceed 28 hours per week.*
- *Changes to Departmental Operating Expenses:*
  - *Included \$50,000 in the General Administration O&E budget for research and development for a new building solution.*
  - *Included \$5,000 for QPA to manage the procurement of goods and services through public bid upon request.*
  - *Increased Planning O&E budget \$25,000 to support a budget of \$50,000 to be used at council's discretion for a grant writer or activities that are outlined in the Township's Sustainable Economic Development Plan.*
  - *Included \$1,000 in budget plan for an annual stipend to appoint member of the Environmental Commission as a secretary.*

Other Expenses of the Township that are not tracked by department include utilities, insurances, statutory expenses, pension expenses, garbage, debt service, deferred charges, capital improvements and the reserve for uncollected taxes. Overall Other Expenses increased \$29,928. Significant dollar changes were seen in the following appropriations:

- Pension Payments (PFRS): Increased \$17,685
- Garbage Contract: Increased \$16,000
- Group Insurance Increased \$40,385
- Pension Payments (PERS/DCRP): Decreased \$ 8,948
- General Liability Insurance: Decreased \$21,045
- Workers Compensation Insurance: Decreased \$10,986

**Group Insurance:**

The 2017 obligation for Group insurance is \$1,638,887. The Township now has 12 active employees that waive health benefits. The Township remains liable to provide health benefits if the employees become ineligible for coverage from their independent sources. \$100,000 was moved to DPW Equipment and \$120,000 to Improvements for Streets and Roads.

**Capital Improvement Fund: Increased \$32,540**

Total for 2018 = \$398,453. Includes \$32,000 which is the reduction of the 2018 cost for Workers' Compensation and General Liability Insurance. The capital improvement fund is used as a means of financing down payments for bond ordinance appropriations. Also, the Governing Body can decide to partially or fully fund a capital ordinance from the Capital Improvement Fund

**REVENUES**

Municipal Operations and the Capital Improvement Program are supported by a variety of revenues. These sources include current property taxes (75.08%), Miscellaneous Revenues including State Aid and Receipts from Delinquent Taxes (11.99%), and Fund Balance (12.93%).

The Township has not received official notification of the proposed level of State Aid aggregate funding for Consolidated Municipal Property Tax Relief Aid (CMPTRA) and Energy Tax Receipts (ETR). The Township anticipated \$575,475 for State aid CMPTRA and ETR which is the amount received for 2017. Also, the Township is anticipating Garden State Trust PILOT (Payment in Lieu of Taxes) funding at the same level (\$41,920). State Aid accounts for 5.43% of the Township's revenues.

Other Miscellaneous revenues anticipated comprise 6.56% of the revenues. These anticipated revenues include Court Fees, Uniform Construction Fees, Interest on Investments, Interest and Costs on Taxes, Fees and Permits and Receipts from Delinquent Taxes.

The amount of Fund Balance committed to the 2018 budget is \$1,470,102. Overall this is an increase of \$100,000 from 2017. This increase in fund balance is not to offset the costs of ongoing operations but to support onetime expenses for 2017.

This budget plan has property taxes representing 75.08% or \$8,536,187 in revenues. This is a .53 % or \$44,903 increase of the tax levy. This budget plan presents an increase in the municipal tax levy of \$10.85 to the average assessed home of \$252,753.

**SUMMARY**

In summary, the challenge with this budget is to maintain the same level of services for the Township residents while costs continue to increase, the growth of the Township's ratable base remains restricted, and miscellaneous revenues decrease resulting in a higher reliance on property taxes. The Township continues to hold the line on departmental operating expenses with the objective of preserving services in accordance with the expectations of the Township's residents.

The 2018 municipal budget plan has been constructed to fund more capital projects through the budget. The combination of shifting money between line items and increasing the amount of Capital Improvement Fund is reducing the dependency on incurring debt to pay for capital projects.

Motion by Councilman Olson, second by Councilwoman Kash to introduce and approve the 2018 budget. The public hearing and adoption of the budget is scheduled for April 3, 2018 at Byram Township at 7:30 p.m.

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

## **PUBLIC PARTICIPATION I**

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

Joyce Bambach, 11 Pathfinder Trail, feels there needs to be a better way to communicate the status to the community. Suggested that news be posted in Shop Rite and possibly put on a radio station. Vernon held community dinners and she stated that it would be nice if Byram did that. Alex commended Chief Zabita for chasing down JCP&L trucks and bringing them to areas that need attention. Joyce expressed her concerns about the amount of people that have cancer in Byram. She asked if a study could be done. Alex said that he would look into this and see where this could best be addressed. Alex will contact the County Health Department.

Dawn Edwards, 3 Spring Brook Street, reported flooding on River Road and Chestnut Street. There is water constantly in the road. They have a concern about summer coming and mosquitos with standing water. Block 8, Lot 750. She has big concerns with the cold weather and snow.

Evone Reeves, 80 River Road, has lived here for 30 years. She discussed the water problem on Lots 858 and 917.

Rich Sodano, 1 Spring Brook St., submitted pictures of the water problems.

Belaben Patel, 55 Chestnut Street, asked if the township owns lot 926. Alex stated that the West Brookwood water association owns that lot.

Janice Drace, 23 Lockwood Avenue, Vice President of BMRPOA, thanked the Mayor and Cory Stoner for representing their neighborhood at the Stanhope Planning Board regarding the development of the gas station on the border of Byram and Stanhope. Alex stated that if the gas station gets built, the Township will address putting signage limiting the weight of trucks on the side street to prevent large trucks traversing through the neighborhood

Annelise Tartell, 69 North Shore Road, commended Byram Township on their communication with the public with regard to the storm and updates from JCP&L. She suggested getting the word out better about signing up for the Township emails. Harvey suggested having the community clubs getting alerts out to each community. Annelise said that if she could assist in any way she would be happy to help. Alex told her that we are looking into the Nixel system.

Luann Byrne, 34A Richmond Road, suggested that Byram communicate to the people what an emergency plan would be in a big storm situation.

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

## **TOWNSHIP MANAGER/COUNCIL REPORTS**

### **Township Manager**

- Municipal budget adoption is scheduled for April 3.
- Strategic Goal Setting meeting April 12
- Thanked Fire Department, Police Department, DPW, and the Mayor for all the help with Winter Storm Riley.
- Township hired Jennifer Kerr as our new part-time Recreation Director. She is a resident of Byram.
- Met with the Mayor, Chief of Police, BOE Superintendent and BOE President on February 26 regarding School Safety.

### **Harvey Roseff**

- Attended a meeting at Waterloo Village on February 24. The Friends of Waterloo Village accepted the Historic Preservation Recognition Award given by the Chinkchewunsk Chapter of the National Society an award the Daughters of the American Revolution. Earl Riley accepted the award on behalf of the Friends of Waterloo. Harvey stated the revitalization of Waterloo is a great thing and we should support this.
- Harvey expressed thanks to Nisha Kash and Alex for opening up the municipal building as a warming center. We are in a reactionary mode. He stated we should look at the OEM plan shortly to see how we could improve communication in an organized way.
- Harvey is weary of getting an advanced communication system if the data isn't good. He would very much support interaction with the neighboring towns and jointly go before the BPU.

**Nisha Kash** – Attended the Planning Board meeting on March 1. Nisha stated that she agrees with Harvey that we need to get together and go to the BPU.

**Scott Olson** - Scott agreed and thought we should petition the BPU for a hearing. Scott attended the last BOE meeting at Byram Intermediate School. The Byram Lakes and Intermediate received the “Schools to Watch” designation. It is a great achievement. Waterloo is a key element of our Economic Plan and he is willing to support anything to help promote Waterloo.

**Mayor Rubenstein**

- At the Planning Board meeting on March 1 approved an amended site plan for Byram Car wash.
- The Mayor met with Andrea Proctor and Kim Zavist last week. They talked about a lot of new things that will be happening at Waterloo Village, such as a weekly Farmers Market throughout the summer, concerts, hikes, fall festival and special events such as Halloween event.
- The Mayor talked about JCPL and felt they completely fell apart this week
- Snow – Encouraged people to get the cars off the road so that the snow plows can do their job. The water buffalo is still at Cranberry Lake Fire House.

**MAYORAL APPOINTMENT OF COMMITTEE MEMBER**

Helene Jaros – Environmental Commission – Filling a 3 Year Term expiring 12/31/2018  
 Scott stated that Helene will be a great addition to the EC. She was involved with the PSE&G tower replacement.

**APPROVAL OF MINUTES**

- February 20, 2018 – Regular and Executive Minutes – Motion by Councilwoman Kash, second by Councilman Roseff, to adopt the minutes as presented. All in favor
- February 26, 2018 – Regular and Executive Minutes – Motion by Councilwoman Kash, second by Councilman Roseff, to adopt the minutes as presented. All in favor.

**PROCLAMATION** – Read Across America – Motion by Councilman Olson, second by Councilwoman Kash to authorize Mayor Rubenstein to sign the Proclamation.

**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. 53-2018 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction.
- Resolution No. 54-2018 – Authorizing Appointment of the Township Auditor and Award of Professional Service Contract in Connection Therewith – through 6/30/2018
- Resolution No. 55-2018 – Appointment of Scott J. Holzhauer for Appraisal Services Relating to the State Tax Court Commercial Appeals through 12/31/2018
- Resolution No. 56-2018 – Appointment of Darren Raymond for Appraisal Services Relating to the State Tax Court Residential Appeals through 12/31/2018
- Resolution No. 57-2018 – Resolution Authorizing Harold Pellow & Associates to Proceed with the Final Design and Preparation of the NJDEP Permit Application for the Little Paint Way Improvements Project
- Resolution No. 58-2018 – Resolution Authorizing the Refund Monies to Outside Lien Holder – Block 401 Lot 198
- Resolution No. 59-2018 – Resolution Granting a License for 2018 to Raimo of Stanhope, Inc. to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 60-2018 – Resolution Granting North Jersey Auto Wreckers, Inc. A License for 2018 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 61-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder
- Resolution No. 62-2018 – Confirming the Redemption of TTL # 2011-12 – Block 139 Lot 45
- Resolution No. 65-2018 – Resolution to Amend the 2018 Temporary Budget
- Resolution No. 66-2018 – Resolution Requesting the Balance of the No Net Loss Tree Planting Grant Be Reserved for a Future Reforestation Project

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

**RESOLUTIONS**

- Resolution No. 67-2018 – Resolution Authorizing Appointment of the Township Labor Counsel and Award of Professional Service Contract to Mark Ruderman – Mayor Rubenstein stated that several weeks ago the Council decided to advertise for RFP’s for a Labor Attorney. Nine attorneys responded and five were interviewed. Motion by Councilwoman Kash, second by Councilman Roseff to adopt this resolution.

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

- Resolution No. 64-2018 - Resolution of the Township of Byram Ratifying and Authorizing the Award of a Contract for Professional Services to Greener by Design through 12/31/2018. Councilman Roseff asked for discussion on this Resolution.

Motion by Councilman Olson, second to Councilwoman Kash to adopt this resolution. Discussion took place among the Council. Councilman Roseff questioned entering into this contract because there is an initiative to hire a grant writer, who could assist Open Space in getting grants. As an Open Space member, Scott explained what the open space consultant does throughout the year. Joe stated that the OS consultant acts as the manager of the open space fund. They manage any acquisitions from start to finish. The open space consultant manages grants that were received from the Highlands Council and Green Acres. They also manage the Forester, reviewing work, billing, and combining site visits. We are looking at getting the consultant involved in the Economic Development Plan. We have talked about getting much more involved with our trails, and having a trail master plan. Joe feels that the cost for the Open Space Consultants is worth it for what we get out of it.

Harvey stated that we need to look at our open space. He stated that our existing parks needs attention, and he doesn’t feel we need additional open space.

Alex asked the attorney if we can use open space funds on improvements at COJ. Tom stated that he would need to do research on State statutes. Our ordinance does not allow it.

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

**MARCH 6, 2017 BILL LIST**

Motion by Councilman Olson, second by Councilwoman Kash to approve the bill list as presented. Harvey asked about the Lenape Valley High School invoice. Joe stated that it is the school’s share of the money that we collect for taxes. Harvey asked about the SCUMA bills. Joe stated that we bring a lot of items to SCUMA for disposal and also we pay tipping fees.

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

**PUBLIC PARTICIPATION II**

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

Todd Rudloff, Fire Chief, asked if there is another safety meeting at the school, the Fire Department should be invited. The Mayor and Joe said they will make sure he is included. Todd also thanked the Council for the improved communication during this storm.

Harvey Roseff asked how the communication has been with the County and if the County has more of a pull with JCP&L. Our Emergency Management Coordinator should be in direct contact with the County. Byram started having daily briefings with the OEM Council which was very helpful.

The OEM manual needs to be updated next year. Todd stated that it is a rolling document.

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

**ADJOURN**

On the motion of Councilwoman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 9:36 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor