

**TOWNSHIP OF BYRAM
COUNCIL REORGANIZATION MEETING
MINUTES -- JANUARY 7, 2020
REGULAR SESSION 7:30 P.M.**

CALL MEETING TO ORDER – Mayor Rubenstein called the meeting to order.

OPEN PUBLIC MEETINGS STATEMENT This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was advertised in accordance with the OPMA law and posted on the bulletin board in the Municipal Building. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

SWEARING IN OF COUNCILMAN RAYMOND BONKER sworn in by Mayor Rubenstein with his daughter Gale holding the Bible.

SWEARING IN OF COUNCILWOMAN LISA A. FRANCO – sworn in by Mayor Rubenstein with her husband Victor holding the Bible.

SWEARING IN OF COUNCILMAN JOHN GALLAGHER – sworn in by Mayor Rubenstein with his father John holding the Bible.

ROLL CALL OF THE TOWNSHIP COUNCIL – Councilman Bonker here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn.

FLAG SALUTE

INVOCATION by Reverend Jim Craig

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Bonker, to approve the agenda as presented. All in favor. Motion carried.

SWEARING IN OF BYRAM POLICE OFFICER WILLIAM UNDERWOOD by Mayor Rubenstein
Patrolman Underwood grew up in Byram Township and graduated from Lenape Valley High School in 2013. Patrolman Underwood was hired as a Correction’s Officer by the Sussex County Sheriff’s Department in 2017 and served there until March 2019 when he completed the Passaic County Police Academy and began serving as a Sheriff’s Officer for Sussex County. Patrolman Underwood also volunteers as an emergency medical technician with the Lakeland Emergency Squad. Patrolman Underwood was laterally transferred to the Byram Township Police Department as a Patrolman as of today.

SWEARING IN OF BYRAM TOWNSHIP FIRE DEPARTMENT OFFICERS

- | | |
|-----------------------------|----------------------------------|
| Todd Rudloff – Chief | John Hebble – President |
| Mike Pellek – Assist. Chief | Dave Morse – Vice President |
| Greg Matthews – Captain | Casey Margo – Treasurer (absent) |
| David Blakely - Captain | Brian Kalemba – Secretary |
| Jack Gallagher - Lieut. | |
| Michael Sawicki – Lieut. | |
| John McConnell – Lieut. | |

DEDICATION OF NEW FIRE TRUCK – The public was invited outside to for the dedication in front of the new truck. Rev. Hugh Matlack blessed the new fire truck and Chief Todd Rudloff thanked the Mayor and Council for purchasing Engine 6.

NOMINATION AND SELECTION OF DEPUTY MAYOR - Motion by Councilman Gallagher to nominate Raymond Bonker as Deputy Mayor, seconded by Councilwoman Franco. All in favor. Motion carried.

| | Councilman Bonker | Councilwoman Franco | Councilman Gallagher | Councilman Roseff | Mayor Rubenstein |
|-----------------|----------------------|------------------------|-------------------------|----------------------|---------------------|
| Motion | | | x | | |
| 2 nd | | x | | | |
| Yes | x | x | x | x | x |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

TOWNSHIP COUNCIL APPOINTMENTS

TOWNSHIP ATTORNEY –Thomas F. Collins, Jr. of Vogel, Chait, Collins and Schneider.

LABOR ATTORNEY – Mark Ruderman of Ruderman & Horn

SPECIAL COUNSEL FOR LABOR & NEGOTIATIONS – Thomas Ryan of Laddey, Clark and Ryan.

BOND COUNSEL - Robert H. Beinfield of Hawkins Delafield & Wood LLP.

TOWNSHIP ENGINEER –Cory Stoner of Harold Pellow & Associates.

TOWNSHIP SEWER ENGINEER - Steve Donati of CP Engineers, LLP.

TOWNSHIP AUDITOR – Raymond Sarinelli of Nisivoccia, LLP.

TOWNSHIP PLANNER - Paul Gleitz of L&G Planning.

Motion by Councilwoman Franco, second by Councilman Gallagher to appoint the professionals for a one-year term. All in favor. Motion carried.

PLANNING BOARD

Motion by Councilwoman Franco, seconded by Councilman Bonker, to appoint John Morytko, Class IV Member to a 4-year term, Lisa Shimamoto, Class IV Member to a 3-year term, Jack Gallagher as the Class II member for a 1 year term, and Marie Raffay, Alternate II member to a 2-year term. All in favor. Motion carried.

RECREATION COMMITTEE – Motion by Councilman Gallagher, second by Councilman Bonker, to appoint Nicole C. Halajian and Len Bicher to a 3-year term. All in favor. Motion carried.

BOARD OF HEALTH – Motion by Councilwoman Franco, second by Councilman Gallagher to appoint Scott Olson & Mike Busniak to a 4-year term. All in favor. Motion carried.

OPEN SPACE COMMITTEE – Motion by Councilman Bonker, second by Councilwoman Franco to appoint Scott Yappen and Scott Olson to a three-year term and Earl Riley to fill an unexpired term, which expires 12/31/2020. All in favor. Motion carried.

ARC COMMITTEE – Advisory to Planning Board

Motion by Councilman Gallagher, second by Councilwoman Franco to appoint Tom Dixon, Lisa Shimamoto, Eric Serrilli, Andrea Proctor, John D. Morytko, and Andrew McElroy to a one-year term. All in favor. Motion carried.

911 COORDINATOR

Motion by Councilman Gallagher, second by Councilman Roseff to appoint Lieutenant Kenneth Burke as 911 Coordinator for a one-year term. All in favor. Motion carried.

POLICE CHAPLIN – Motion by Councilman Gallagher, second by Councilman Bonker to appoint Rev. Hugh Matlack as Chaplin. All members in favor. Motion carried.

COUNCIL LIAISONS

- Recreation Committee – Jack Gallagher
- Environmental Commission – Harvey Roseff
- Board of Health – Lisa Franco
- Byram Historical Society – Harvey Roseff
- Lenape Valley BOE – Jack Gallagher
- Byram BOE – Alex Rubenstein

MAYORAL APPOINTMENTS

- **CLASS II PLANNING BOARD MEMBER** – 1 year term – Scott Olson
- **ENVIRONMENTAL COMMISSION** – 3 year term - James Myers, Lisa Shimamoto, Dana Flynn

OPEN SPACE COUNCIL MEMBER APPOINTMENT – Motion by Councilman Gallagher, second by Councilwoman Franco to appoint Raymond Bonker to the Open Space Committee as the Council representative. All in favor. Motion carried.

TOWNSHIP MANAGER'S APPOINTMENT

- Land Subdivision Search Officer – Planning Board Secretary Cheryl White
- Tax Search Officer – Ashleigh Frueholz

ACCEPTANCE OF BOARD MEMBER RESIGNATIONS AND RECOGNITION OF BOARD/COMMITTEE MEMBERS NO LONGER SERVING – Mayor Rubenstein thanked the following people for their service:

Sheila Pepe – Board of Health (2017), Don Bogardus – Board of Health (2016), James Reinhold – Environmental Commission (2015) – Mayor Rubenstein thanked the residents for volunteering and asked the clerk to send a letter of thanks on the Council's behalf.

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager

Budget:

- Budget Workshop is scheduled for Tuesday, January 21 with a 6:00 start to be followed by Regular Council Meeting. A draft of the operating budget was posted to the Township's website 12/30. The Manager is working with Ashleigh to finish a draft of the capital budget based on requests submitted from all departments including streets and roads and expects this will be available prior to January 21.

Budget Schedule:

- LFN 2019-16: CY 2020 Budget Matters has been issued. Municipal Introduction and Approval of Budget is required to be done by March 30, with Municipal Adoption by April 30.

- Municipal Aid – after the State budget is proposed, the Division will notify municipalities as to the amount of Consolidated Municipal Property Tax Relief Aid and Energy Tax Receipts Aid that be anticipated in budget. For planning purposes, municipalities were advised to use 2019 aid amounts.
- Proposed Schedule:
 - Introduction by March 3
 - Adoption by April 7

Christmas Tree pick up:

- Township wide curbside Christmas Tree pick-up will occur on Monday, January 13th.
- Please ensure trees are out by 6:00 AM Monday morning and remove all decorations, tinsel, garland, lights, etc. prior to placing the tree out for pick-up.

Manager’s 2019 Message

The Manager wished everyone a Happy and Healthy New Year and stated that he looks forward to starting new year working with new the council to meet the Township’s goals and objectives. Joe Sabatini reported on some 2019 Accomplishments. A more itemized list will be presented in the Annual Report (highlights):

- Byram is served by full-time and part-time employees in eight departments and by numerous volunteers in the Byram Township Fire Department and Lakeland Emergency Squad and on our boards, commissions, and committees. The work of these volunteers, combined with the efforts of our elected leaders and staff, have resulted in many accomplishments in 2019.
 - Capital Projects Completed:
 - Road and Drainage Projects – funded over \$850,000:
 - Completed road improvement projects East Brookwood (Briar Lane, Joan Drive, Ross Road) and streets off Tamarack Road (Ghost Pony Road, Old Indian Springs, Colby Drive, Manu Trail, & Hunters Lane)
 - Whitehall Hill Road carried to spring of 2020.
 - CO Johnson Park Improvements:
 - Repair and resurfacing of tennis courts including the lining of two pickle ball courts.
 - Parking lot stairs and railings at parking lot Roseville Road.
 - Completed the replacement of three sewer pump station emergency power generators.
 - New/Renewed Shared Service Agreements:
 - Extended a shared service agreement with Andover Township for Snow Removal Services through August 2021
 - Extended a shared service agreement with Netcong for Construction Services through 12/31/2023
 - Extended a shared service agreement with Andover Township for Joint Court through 12/31/2024
 - Negotiated a new shared service agreement with Wharton and Mt. Arlington for Animal Control Services effective 1/1/2020.
 - GRANTS RECEIVED – Over \$650,000 (\$680,197) in grants.
 - Other Key Projects/Accomplishments:
 - Successfully completed negotiations of the PBA, DPW and Clerical contracts effective January 1, 2018 through December 31, 2021 which included a successful negotiation of a move to the State Health Benefits Plan for medical and prescription drugs effective June 1, 2019 for all employees and retirees.
 - Township’s CFO completed an RFP process for banking services resulting in a new banking services agreement with Valley National Bank resulting in a substantial increase in interest income.
 - Hired a new employee in July who was given the title as Community Relations Manager who successfully completed the roll out of the Nixle system and assisted the Recreation Committee for Byram Fest and various other events. This employee is responsible for all township communications including social media, oversees grants, handles special projects and is the liaison to the Recreation Committee.
 - This year was the first Byram Fest which resulted in many positive reviews which included food trucks, rides and ended with a fireworks display. Planning has started for Byram Fest 2020.

Please take the time to review the information contained within the annual report. Public meetings for the Township Council and Committees are listed on the Township website calendar, and we encourage your participation throughout the year. All the items would not have occurred without my staff. I would like to thank all my staff for a very challenging but successful 2019 and looking forward to 2020.

Mayor Alexander Rubenstein – On December 19 there was an employee appreciation luncheon here at town hall, which was very nice. At the last Planning Board meeting, Lynn’s Nissan came in for completeness, but it was deemed incomplete. The next Recreation meeting will be held at CO Johnson fieldhouse on January 13th at 8 p.m. The Recreation Committee is requesting to hold Byram Day on June 5. A formal request will be sent.

Councilman Bonker – Raymond Bonker met several of the employees right after the election, and he will make a point to meet the rest of the employees throughout the upcoming year. In December, Councilman Bonker did a ride along with Sergeant Dewald on a night shift. It was very informative, and he thanked the Chief Police for arranging it. He would like to do it again in the daylight. Ray spoke about the Parks and Recreation Plan being worked on as a result of obtaining a \$80,000 grant. A survey was done at the start of the project and we received over 1000 responses to the survey. Although it was an \$80,000 grant, he feels it is worth \$104,000, because we didn’t pay the open space consultant fee’s of \$12,000 for 2019 and 2020. Ray reported that all of the new Council members will be attending an educational training session for newly elected officials on January 11.

Councilwoman Franco – no report

Councilman Gallagher – no report

Councilman Roseff – no report

PUBLIC PARTICIPATION I – Motion by Councilwoman second by Councilman Bonker to open to the public. All members were in favor. Motion Carried.

Scott Olson, 194 Glenside Trail, thanked the Council for appointing him to the various committees. He congratulated the new Council and wished them luck.

Motion by Councilman Bonker, second by Councilman Gallagher to close to the public. All members were in favor. Motion carried.

APPROVAL OF MINUTES

- 12-17-19 Regular Minutes – Motion by Councilwoman Franco, seconded by Councilman Roseff to approve the minutes with the minor changes suggested by Harvey Roseff.

| | Councilman Bonker | Councilwoman Franco | Councilman Gallagher | Councilman Roseff | Mayor Rubenstein |
|-----------------|-------------------|---------------------|----------------------|-------------------|------------------|
| Motion | | x | | | |
| 2 nd | | | | x | |
| Yes | x | x | x | x | x |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

CONSENT AGENDA – All 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 Bonker, second by Councilman Gallagher to approve the consent agenda.

- A. Resolution No. 001-2020 – Resolution to Provide Temporary Budget Appropriations Until the Adoption of the 2020 Current Fund Budget
- B. Resolution No. 002-2020 – Resolution to Provide Temporary Budget Appropriations Until the Adoption of the 2020 Sewer Utility Budget
- C. Resolution No. 003-2020 – Resolution Authorizing Annual Appointment of a Public Agency Compliance Officer (PACO) for the Township of Byram, Sussex County, New Jersey
- D. Resolution No. 004-2020 – Resolution Appointing Tax Assessor and Municipal Attorney to Represent the Township of Byram Before the County Board of Taxation for Calendar Year 2020
- E. Resolution No. 005-2020 – Custodian of Funds / Signatories
- F. Resolution No. 006-2020 – Resolution Designating Official Newspapers
- G. Resolution No. 007-2020 – Resolution Authorizing Compliance with the United States Equal Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records” in Employment Decisions Under Title VII of the Civil Rights Act of 1964
- H. Resolution No. 008-2020 – Resolution Adopting a Domestic Violence Policy
- I. Resolution No. 009-2020 – Authorizing Appointment of Legal Counsel and Award of Professional Service Contract in Connection Therewith
- J. Resolution No. 010-2020 – Authorizing Appointment of the Township Labor Counsel and Award of Professional Service Contract in Connection Therewith
- K. Resolution No. 011-2020 – Authorizing Appointment of the Township Special Counsel and Award of Professional Service Contract in Connection Therewith
- L. Resolution No. 012-2020 – Authorizing Appointment of Megan Ward of Kelly & Ward LLC as Conflict Attorney and Award of Professional Service Contract in Connection Therewith

- M. Resolution No. 013-2020 – A Resolution Authorizing the Employment and Contract for Professional Services to Stuart B. Klepesch, Esq. to Represent the Municipality in Foreclosure of Tax Sale Certificates Pursuant to the Tax Sale Law, Title 54 and Other Related Services Associated Therein
- N. Resolution No. 014-2020 – Authorizing Appointment of the Township Engineer and Award of Professional Service Contract in Connection Therewith
- O. Resolution No. 015-2020 – Authorizing Appointment of the Sewer Consulting Engineer and Award of Professional Service Contract in Connection Therewith
- P. Resolution No. 016-2020 – Authorizing Appointment of Bond Counsel and Award of Professional Service Contract in Connection Therewith
- Q. Resolution No. 017-2020 – Authorizing Appointment of Township Planner and Award of Professional Service Contract in Connection Therewith
- R. Resolution No. 018-2020 – Authorizing Appointment of the Township Auditor and Award of Professional Service Contract in Connection Therewith
- S. Resolution No. 019-2020 – Authorizing Appointment of the Township Architect and Award of Professional Service Contract in Connection Therewith
- T. Resolution No. 020-2020 – Resolution of the Township of Byram Ratifying and Authorizing the Award of a Contract for Professional Services to Greener by Design
- U. Resolution No. 021-2020 – Resolution Authorizing the Execution of the 2020 agreement by and Between Byram Township and Phoenix Advisors, LLC Covering Continuing Disclosure Agent Services and Appointment as Independent Registered Advisor “of Record”
- V. Resolution No. 022-2020 – Appointment of Darren Raymond for Appraisal Services Relating to the State Tax Court Residential Appeals
- W. Resolution No. 023-2020 – Resolution Authorizing Navitend to Provide Proventiv Managed Services – Not to Exceed \$40,368.80
- X. Resolution No. 024-2020 – Extraordinary Unspecifiable Services Contract – Health Benefits Consultant (Medical & Prescription)
- Y. Resolution No. 025-2020 - Extraordinary Unspecifiable Services Contract – Health Benefits Consultant (Dental Plan)
- Z. Resolution No. 026-2020 – Appointment of Scott J. Holzhauser for Appraisal Services Relating to the State Tax Court Commercial Appeals
- AA. Resolution No. 027-2020 – Resolution Authorizing the Execution of Documents Associated with the Payroll Contract with R&L Data Centers
- BB. Resolution No. 028-2020 – Resolution Authorizing the Execution of Documents Associated with the Custodial Contract with Chelbus Cleaning Co., Inc. for the Byram Township Municipal Building
- CC. Resolution No. 029-2020 – Resolution for removal of Deer Carcass from Byram Township Municipal Roadways
- DD. Resolution No. 030-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Establish the Rate of Interest to be Charged for Non-Payment of Taxes on or Before the Due Date”
- EE. Resolution No. 031-2020 – Resolution Authorizing the Chief Financial Officer to Maintain a Petty Cash Fund in the Amount of \$150.00
- FF. Resolution No. 032-2020 – Resolution Adopting the 2020 Cash Management Plan
- GG. Resolution No. 033-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Cancellation of Small Tax Balances”
- HH. Resolution No. 034-2020 – Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7-29
- II. Resolution No. 035-2020 – Confirming the Redemption of TTL # 2013-009 – 73 lake Drive – Block 249 Lot 65
- JJ. Resolution No. 036-2020 - Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – 69 Lake Drive, Block 249 Lot 59

| | Councilman Bonker | Councilwoman Franco | Councilman Gallagher | Councilman Roseff | Mayor Rubenstein |
|---------|-------------------|---------------------|----------------------|-------------------|------------------|
| Motion | x | | | | |
| 2nd | | | x | | |
| Yes | x | x | x | x | x |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

PROCLAMATION – Radon Action Month – January – Mayor Rubenstein read the proclamation and asked for a motion to authorize the Mayor to sign it. Motion by Councilwoman Franco, second by Councilman Gallagher to sign the proclamation. All members in favor. Motion carried.

BILL LIST – January 7, 2020 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

| | Councilman Bonker | Councilwoman Franco | Councilman Gallagher | Councilman Roseff | Mayor Rubenstein |
|-----------------|-------------------|---------------------|----------------------|-------------------|------------------|
| Motion | | | x | | |
| 2 nd | | x | | | |
| Yes | x | x | x | x | x |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

DISCUSSION ITEM – ISO Rating

The Township received a letter from Ed Ball of Verisk Insurance Solutions, on December 12, 2019. There is a kickoff meeting on Thursday at 4 p.m. here at town hall. Jack offered to attend. Harvey stated that his thought in setting up this committee was to involve the water companies and get them working with the town and the fire department. Jack stated that the fire hydrants can't be trusted now, and he is in total agreement to involve the water companies.

FUTURE AGENDA ITEMS - The Mayor explained the reasons for having this as a topic at each meeting. Council members will have the opportunity to request specific topics/items to be discussed at a future meeting. If the Council is in agreement, the topic will be added to a future meeting and the Council person would be responsible for doing research and providing any documentation to the Clerk and Manager for distribution.

The Mayor would like to add a discussion item to the first meeting in February on goals and objectives of the Mayor and Council. He will circulate the goals and objectives that were written up from the previous Council.

Alex stated that he received an email from the Recreation Committee asking the Council to discuss the possibility of dog waste stations along trail systems. Councilman Bonker suggested waiting until the final report is produced from Greener by Design, instead of doing improvements piece meal.

Harvey stated that the BPU is currently reviewing the renewal of the Verizon/FIOS franchise agreement, which expires at the end of 2020. Harvey feels the Council should oppose the extension of the franchise agreement and think about engaging with other municipalities that do not have access to FIOS. Alex asked Harvey to do research and provide documentation, and we will add it to a future meeting.

PUBLIC PARTICIPATION II – Motion by Councilman Bonker, second by Councilwoman Franco to open to the public. All members were in favor. Motion Carried. No comments were made.

Motion by Councilwoman Franco, second by Councilman Gallagher to close to the public. All members were in favor. Motion carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Roseff, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

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.

- Personnel - Pete Zabita
- Attorney Client Privileged Communication
 - General
 - SHBP Status
 - Municipal Building
 - Assisted Living proposal
- Litigation
 - Workers Comp Follow up

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:

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 January 7, 2020.

Doris Flynn, Municipal Clerk

| | Councilman Bonker | Councilwoman Franco | Councilman Gallagher | Councilman Roseff | Mayor Rubenstein |
|-----------------|----------------------|------------------------|-------------------------|----------------------|---------------------|
| Motion | | | | x | |
| 2 nd | | x | | | |
| Yes | x | x | x | x | x |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

RETURN TO OPEN SESSION - Motion by Councilman Gallagher, second by Councilwoman Franco to return to open session at 12:10 a.m. All members were in favor. Motion Carried.

OTHER BUSINESS

Motion by Councilman Roseff, second by Councilwoman Franco to send out the press release discussed in closed session which is a response to recent social media posts, with the edits made this evening and a final review done by Attorney Tom Ryan.

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 12:11 a.m. All members were in favor. Motion carried.

Doris J. Flynn

Alexander Rubenstein, Mayor