

**BYRAM TOWNSHIP COUNCIL MEETING - JANUARY 16, 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
  - Stanhope Land Use Application
  - Hopatcong Shooting Range
- b. Personnel – Professional Services
- c. Staffing – Recreation Department
- d. Contract Negotiations – PBA, DPW and Clerical Labor Negotiations

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 Councilwoman Kash 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 January 16, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:31 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 adding 14(a), Resolution 33-2018, and moving the approval of the new Fire Department Member to 7a. Councilman Roseff also asked for a correction in the purpose statement on the Ordinance listed for introduction tonight. All members were in favor. Motion carried.

**APPROVAL OF NEW FIRE DEPARTMENT MEMBER** – Charles Webber was approved by the Council and sworn in by Mayor Rubenstein.

**PROCLAMATION** – Mayor Rubenstein read the Proclamation entitled School Board Recognition Month in New Jersey – January 2018. Motion by Councilman Olson, second by Councilwoman Kash to authorize the Mayor to sign the proclamation. All members in favor. Motion carried.

## **TOWNSHIP MANAGER/COUNCIL REPORTS**

Township Manager

- January 8 attended a meeting with the Mayor, Superintendent and Board President at the Byram Schools to discuss the utilization of open space for Township offices, after school programs, and the fingerprinting process.
- The Manager will be attending the Sussex County League of Municipalities Dinner at the Mohawk House at 6 p.m.
- Attending the annual reorganization meeting of the NJHIF on January 25 at 10 a.m.

**Harvey Roseff** – Participated in a few budget meetings this past month and he also has met with some adjoining municipalities to discuss their budgets. He feels confident that we are going to have a very good budget year.

**Nisha Kash** – Planning Board meeting is on January 18 at 8 p.m.

**Scott Olson** – no report

**Mayor Rubenstein**

- Attended a Newly Elected Officials Seminar on January 6 which included hundreds of people holding many different positions. Alex made some good contacts, and stated overall it was educational and informative.
- Has been attending several budget meetings in preparation for the 2018 budget.
- The last Planning Board meeting was cancelled due to weather. The next meeting is January 18 and will include an application by Jeff Lakes camp to construct a new building, appeal by Byram Land Development (quarry property) of a violation issued by the Zoning Officer, and the memorialization of the Quick Check resolution.
- The Mayor commented on the power outage in parts of town on Friday.
- The Mayor gave kudos to our DPW for keeping with the snow and ice during the last few weeks.

## **PUBLIC PARTICIPATION I**

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

Jackie Espinoza, JCPL area representative, congratulated the Mayor and Harvey Roseff on their new positions. She discussed some details about the outage and stated that they are investigating the reasons for the it. Jackie stated that she is an officer of the SCLOM and hopes to see the Council at the January meeting at the Mohawk House.

Skip Danielson, 18 Hunter Lane, commented on the passing of his son two years ago on January 16, 2016 and asked again that the Council consider passing a resolution in support of the changes in Chapter 34-15-7.3 and support the Firefighters and EMTs.

Ali Griffith, 22 Old Stage Coach Road, questioned a line in the budget document called “reserve for uncollected taxes”. Joe Sabatini explained it.

Kevin Danielson congratulated the Mayor and Harvey on becoming part of the Byram Council. He again commented on the social media posts made by Scott Olson and called for his resignation. Councilman Roseff stated that he feels the two parties should find a way to resolve this and doesn't feel the words should have been written. Kevin also asked that the Council consider passing the resolution in support of the changes in the workman's compensation law.

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

## **APPOINTMENTS**

Planning Board Alternate II seat – Motion by Councilman Olson to appoint Marie Raffay. No second was made.

Motion by Councilwoman Kash, second by Councilman Roseff, to appoint Charles Iulo 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
No			x		
Abstain					
Absent	x				

**Liaison to Byram Board of Education** – Nisha volunteered to be the liaison. The meetings take place on the 4<sup>th</sup> Wednesday of each month.

**Liaison to Lenape Valley Board of Education** – Harvey volunteered to be the liaison although the meeting conflicts with our Council meetings. Harvey will review minutes and touch base with the Byram board member each month, who is Rich Kuncken.

**APPROVAL OF MINUTES**

- January 2, 2018 – Regular 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					
Absent	x				

- January 2, 2018 - Executive Meeting 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					
Absent	x				

**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.

- Approval of Raffle – 50/50 and Tricky Tray – Byram Twp. Education Foundation on April 14, 2018
- Resolution No. 28-2018 – Extraordinary Unspecifiable Services Contract – Health Benefits Consultant – Wayne Dietz, Skylands Risk Management
- Resolution No. 29-2018 – Resolution Appointing Risk Management Consultant – Wayne Dietz, Skylands Risk Management
- Resolution No. 30-2018 – Designation of Ashleigh Frueholz as Tax Search Officer for the Township of Byram for 2018
- Resolution No. 31-2018 – Resolution Authorizing Compliance with the United States Equal Employment 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
- Resolution No. 32-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 293.01 Lot 9

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

Resolution 33-2018 – Resolution to Authorize the Signing of the Memorandum of Understanding by and between Byram Township and OPEIU Local 32 Clerical Unit for January 1, 2018 through December 31, 2021.

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

Motion by Councilwoman Kash, second by Councilman Roseff to adopt this resolution. Councilman Roseff stated that he is recommending the elimination of the paragraph addressing bereavement leave. Councilwoman Kash amended the motion to accept this change.

**JANUARY 16, 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
No					
Abstain					
Absent	x				

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

- BE IT RESOLVED that Ordinance entitled “**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**”

**Purpose Statement:** The purpose of this ordinance is to exceed the State mandated COLA percentage of 2.5% and increase to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

Motion by Councilman Roseff, second by Councilman Olson to introduce this ordinance.

Harvey gave the history of the State mandated COLA percentage cap, which was established in 1977. He is against this ordinance because he feels budgets get out of control by allowing this. Harvey feels we should have the discipline to control the budget. An emergency expense would be outside the cap.

Alex heard what Harvey was saying but stated there are many unknowns. This ordinance is not authorizing a blank check to the Council—it is offering us options if we need it. The spending of the cap bank would need to be authorized by ordinance. Joe stated that we do have the opportunity to keep the cost of living at 2.5% and still do the banking if the Council wanted that option. Harvey was not in favor of the cap banking.

The Mayor 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	
Abstain					
Absent	x				

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 6<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**

**Youth Guidance Council** – Chapter 73 – Alex read the purpose of this committee outlined in the ordinance. There is \$1300 in the budget for this. Nisha was a member of the YGC and stated that there was only one meeting in 2017 due to lack of attendance. It seems that there is redundancy with the municipal alliance, recreation committee and youth guidance. Alex doesn't want to eliminate any services to the children of Byram, but feels this committee may not be needed because other groups are handling similar activities. Harvey asked if we would be eliminating something if we disband this group. Alex is proposing to repeal this ordinance and move the function of this group to another group. Andrew McElroy, Board President, stated that the Police Department works with the 5<sup>th</sup> graders throughout the year teaching them about the dangers of drugs and alcohol. They do a fabulous job. It was the consensus of the Council to repeal this ordinance.

**2018 Budget** – The Mayor stated that tonight we are looking at getting direction on where we want to be with the tax levy and would like the Council's input on the use of fund balance. Harvey stated that he wants to see a tight budget with a minimal increase or maybe even zero. He stated that we collected \$11 million in 2016 but only spent \$10 million, and feels that we should only be collecting what we need to run government.

Councilwoman Kash commented that we need to figure out where we are going with the Recreation Committee and negotiations before she can make decisions.

Mayor Rubenstein stated that here are a lot of variables right now and he doesn't think a zero percent increase is realistic.

After some discussion, it was decided that the Council would hold a public budget workshop at 7 p.m. on January 30<sup>th</sup>. The clerk will prepare the legal notice for the meeting.

## **PUBLIC PARTICIPATION II**

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

Richard Schneider, 73 River Road, asked what the reason was for the last time the cap bank was used. Joe Sabatini did not recall what it was, but noted that it was quite a few years ago.

Andrew McElroy congratulated Mayor Rubenstein and Councilman Roseff and wished them luck.

- Mr. Meltz, Briar Lane, commented on unknown variables and stated that the Council should be able to forecast what will be happening.
- Merwyn (Butch) Lee, Winding Way, asked if there was going to be an increase to the budget and expressed his concerns on the new tax laws regarding capping the amount of property tax you can claim on your federal income tax.
- John Cubberly, Chief of the Lakeland Emergency Squad, informed the Council about the Explorer program that has been started up in our area. He stated that it is open to any youth 14-21 and it's a good, strong, established program. He congratulated Mayor and Harvey and wished them success.
- Tim Woosman, 7 Mayne Ave, stated that the Council should support the volunteers in town.

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

## **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
  - Stanhope Land Use Application
  - Hopatcong Shooting Range
- b. Personnel – Professional Services
- c. Staffing – Recreation Department
- d. Contract Negotiations – PBA, DPW and Clerical Labor Negotiations

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 Councilwoman Kash 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 January 16, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 11:01 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 11:02 p.m. Motion carried.

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

\_\_\_\_\_  
Alexander Rubenstein, Mayor