

BYRAM TOWNSHIP COUNCIL MEETING - February 4, 2020
REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor Rubenstein called the meeting to order at 6:00 p.m.

OPEN PUBLIC MEETING 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.

ROLL CALL

Councilman Bonker, here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins and Deputy Municipal Clerk Cindy Church

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Bonker, second by Councilman Gallagher to approve the agenda. All members were in favor. Motion carried.

PROCLAMATION:

Mayor Alex Rubenstein read aloud a proclamation recognizing the accomplishments of former Chief of Police Peter Zabita and presented him with a plaque.

Motion by Councilwoman Franco, Second by Councilman Gallagher authorizing the Mayor to sign the proclamation. All members were in favor. Motion carried.

SWEARING IN OF NEW POLICE CHIEF, LIEUTENANT & SERGEANT

Joe Sabatini read aloud the following:

One of the most important responsibilities of a local municipal manager is the selection and appointment of a Chief of Police. The selection of the Chief of Police differs significantly from the efforts for selecting other managers. This is mainly related to the fact that the Chief of Police has a prominence in the community that in most cases exceeds that of the elected officials and the manager. Ken Started his Law Enforcement Career with his appointment as a patrolman to the Byram Township Police Department in February 7, 1994. He was promoted to Sergeant in 2002 and attained the rank of Lieutenant in 2016. *"A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others.* I believe that Ken has the attributes and character to be a true leader.

I recommend to the Mayor and Council that they affirm my appointment with the passing of the resolution and the swearing in of Kenneth Burke as Byram Township's (5th Police Chief) Chief of Police.

Mr. Sabatini congratulated Ken and said that he looks forward to working with Ken and for him to serve the residents of Byram Township.

Chief of Police Kenneth Burke was sworn in by Mayor Rubenstein with Chief Burke's wife, daughter and son holding the Bible.

Kenneth Burke grew up in Byram and is a Lenape Valley High School graduate. Burke started his public service career as a volunteer with the Byram Township Fire Department in 1985 and is a life member of the department. He started with

the Byram Township Police Department as a Patrolman in 1994 after attending the Morris County Public Safety Academy. In 2001 he was promoted to the rank of Sergeant where he served as a shift supervisor. In 2016 he was promoted to the rank of Lieutenant where he oversaw the patrol and detective divisions and was involved in developing policies and procedures for the department. Chief Burke assumed command of the Byram Township Police Department on February 1st 2020.

Chief Burke thanked everyone for coming out to support him.

Lieutenant Brian Moreland was sworn in by Mayor Rubenstein with Lieutenant Moreland’s wife, daughter, and son holding the Bible.

Brian Moreland moved to Byram in 1993 and is a Lenape Valley High School graduate. Moreland began his career with the Byram Township Police Department in 2005 after attending the Morris County Public Safety Academy. In 2014 he was promoted to Sergeant where he served as a shift supervisor. In his new rank of Police Lieutenant, Lt. Moreland will serve as the patrol and detective division commander overseeing the two most important divisions in the Police Department. Lt. Moreland is a veteran of the United States Marine Corps, serving overseas in Operation Iraqi Freedom. He currently serves in the United States Coast Guard Reserve as a Maritime Enforcement Specialist. Lt. Moreland holds a Masters degree in Homeland Security from the American Military University.

Lieutenant Brian Moreland thanked everyone for coming out and thanked the Police Chief.

Sergeant Thomas Dellicker was sworn in by Mayor Rubenstein with his wife and sons holding the Bible.

Thomas Dellicker grew up in Byram and is a graduate of Sussex Technical School. Dellicker began his public service career as a volunteer with the Byram Township Fire Department in 1994. He started with the Byram Township Police Department as a patrolman after attending the Morris County Public Safety Academy in 2004. He has distinguished himself during his time as a patrolman by making numerous arrests and receiving multiple awards for his patrol efforts. In his new rank of Police Sergeant, Sergeant Dellicker will serve as a shift supervisor.

Sergeant Thomas Dellicker thanked everyone for coming out. He invited friends and family back to the fire house for a celebration.

PROCLAMATION:

Arbor Day – Mayor Rubenstein read aloud a proclamation recognizing Arbor Day as April 25, 2020.

Motion by Councilwoman Franco, Second by Councilman Gallagher authorizing the Mayor to sign the proclamation. All members were in favor. Motion carried.

RESOLUTION NO. 041-2020 – Resolution Affirming the Appointment of Byram Township Chief of Police Kenneth Burke

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

JCP&L PRESENTATION

Late last year Alex was in contact with Jackie Espinoza to get someone from JCP&L to come to Byram Township to talk about their Reliability Plus program. Ms. Espinoza covers most of the Sussex County area out of Newton. JCP&L has an

infrastructure reliability program called “Reliability Plus”. It is an infrastructure improvement plan focused on the distribution system. It includes new types of fusing called a trip saver. The trip saver helps reduce outages caused by animal contact and tree branches. It cuts back on the length of time of an outage. Upgrades are currently happening at the substations. It is all about the distribution system. One important part of this concentrates on vegetation management, normally JCP&L trims on a 4-year cycle. This is an enhanced vegetation in zone 2 of the circuit. JCP&L wants to get rid of overhang over the 3-phase lines to prevent outages. JCP&L will contact property owners prior to taking down trees. Ms. Espinoza said that they are not getting much push back as they use to with the residents.

John Anderson, Vice President at JCP&L for external affairs joined in the presentation. He said that Hurricane Sandy changed how they assignments are managed. New technology is still unfolding, there is a new power management system that will be coming in. Since 2011 the frequency of storms has been pronounced. There has been changes in the mentality of the public. Reliability Plus will be a game changer to operations. Mr. Anderson said that trees cause more than 80% of outages in this part of New Jersey. JCP&L is running at a 52% success rate knocking on doors and asking homeowner for their permission to allow the removal of trees and overhang that are in the right of way hanging over the lines. Mr. Sabatini said that the contractors should view the Byram Township tax maps prior to going out to the property owners, because most time it is Byram Township property and not that of the homeowners. Homeowners do not own up to the center of the right of ways in most of Byram Township. Mayor Rubenstein said he felt that the age of the network along with the growth of trees appear to be the issue. He believes that there are reliability issues. Mr. Anderson said that the polls are on a 10-year inspection program. Councilman Roseff asked how much Reliability Plus is replacing infrastructure compared to moving towards more automated switches. Mr. Anderson said that JCP&L is focused on becoming a fully regulated technology. Every year they see more and more smart technology. Councilman Roseff asked how much money is being put into the network in infrastructure this year. Ms. Espinoza said that in 2020 there are about five more switch savers going up. Mr. Anderson said that JCP&L is focused on becoming a fully regulated utility. Mayor Rubenstein asked how many outages would be mitigated by the automatic power re-closures (SCATA switches). Mr. Anderson said it cuts down significantly on the time of the outage. Councilman Roseff asked how many switch savers Byram Township should have. Mr. Anderson was not sure of the number but said that it is based on the electrical layout of a circuit. Mayor Rubenstein asked how Reliability Plus is funded. Ms. Espinosa said that it is funded by a rider, about .17 cents for the average homeowner. Mayor Rubenstein expressed his concerns on the way in which JCP&L responds to outages within the municipality. He feels that there needs to be more engagement from JCP&L. Mayor Rubenstein said that no one knows Byram better than the local officials. He feels that there needs to be more thought to dedicating crews to each municipality during a storm event and allow the local officials to work with them. Mr. Anderson said there are not enough Incident Command System resources available to have crews dedicated to specific municipalities. They need to follow Incident Command, and to do that the Sussex County OEM is calling the shots. Byram Township local OEM should be reporting to the Sussex County OEM who will address the concerns at their level. It all needs to be funneled through the Sussex County OEM. Mr. Anderson said that the safety of the public and of their workers come before everything else. That is why crews must follow the orders given to them. Councilman Roseff said that there is a need for JCP&L to bring up their network. Regarding smart grid technology, Mr. Bonker asked if it is realistic to expect that there will be an electricity system that takes single point of failure out to the neighborhood level. Mr. Anderson said that is ideally what they are trying to achieve.

Scott Olson, 194 Glenside Trail, feels that the lack of infrastructure maintenance needs to be addressed. He explained his own personal experiences that he had with JCP&L during storm events. There needs to be more investment put into smart grid technology. The maintenance methods and the culture of the operation needs to be addressed. There needs to be a better way of communication within JCP&L.

Scott Yappen, 5 Catherine Terrace said that he highly encourages underground power lines, as his power is very good in his neighborhood that has underground power.

Jack Moran, 7 East Waterloo Road, addressed the underground power, he would like to see them prioritizing on hardening the lines to shorten outage time.

Skip Danielson, 18 Hunters Lane, asks if the Township can do something like this with Verizon as well as his cellular coverage is very unreliable in his neighborhood.

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

RESIGNATION OF ENVIRONMENTAL COMMITTEE MEMBER – Michelle Rehse

Mayor Rubenstein recognized Michelle’s dedication to the Environmental Commission since 2006 and thanked her for her time. Motion by Councilman Bonker, seconded by Councilman Gallagher. Cindy will prepare letter of thanks.

MAYORAL APPOINTMENT:

ENVIRONMENTAL COMMISSION APPOINTMENT – Mayor Rubenstein appointed Kathleen Parrish as a member of the Environmental Commission - Term expires 12/31/2022.

COMMITTEE APPOINTMENT:

MUSCONETCONG RIVER MANAGEMENT COUNCIL 1-year term

Motion by Councilwoman Franco, second by Councilman Gallagher to appoint Dana Flynn (Primary), Kathleen Parrish (Alternate) to a 1-year term to represent Byram Township on the Musconetcong River Management Council. All in favor. Motion carried.

SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE (SWAC) 1-year term

Motion by Councilman Gallagher, second by Councilwoman Franco to appoint Michael Busniak to a 1-year term to represent Byram Township on the Sussex County Solid Waste Advisory Committee. All in favor. Motion carried.

WATER QUALITY MANAGEMENT PLAN POLICY ADVISORY COMMITTEE (PAC) - 1year term

Motion by Councilwoman Franco, second by Councilman Bonker to appoint Scott Olson to a 1-year term to represent Byram Township on the Water Quality Management Plan Policy Advisory Committee (PAC). All in favor. Motion carried.

COUNCIL REPORTS:

Township Manager – There will be the Introduction and approval of the Budget on March 3, 2020. Open Space meeting is Monday, February 10, 2020 at 7:30pm. There are free radon kits available in the municipal office for pickup by residents.

Mayor Rubenstein – On January 23, 2020 at the Planning Board meeting McDonald’s was in with a sign application for changes to the sign board for the drive through. On Friday, January 31, 2020 there was a going away pizza party for Chief Zabita. On the same day he met with the Mayor of Stanhope about the Natural Gas initiative and the routing of gas lines and is interested in furthering the conversation.

Councilman Bonker – There will be an Open Space meeting on Monday, February 10, 2020 at 7:30pm. They are expecting Greener by Design to be there to discuss the next 10-year plan of the Open Space. Last Friday WAWA filed an application before the Planning Board, which is yet another example that people are making the choice to invest in Byram and which is great for the township.

Councilwoman Franco – Attended the Board of Health meeting on January 28, 2020, there were nominations made for Chair and Vice Chair. There will be a Rabies clinic on April 18, 2020 from 9 a.m. -12 noon. The Board of Health was happy to have participation from the council.

Councilman Gallagher – On January 23, 2020 attended the Planning Board meeting. The next meeting will be on February 20, 2020. On January 29, 2020 attended the JCP&L open house. The next Recreation Committee meeting is February 10, 2020.

Councilman Roseff – Nothing to Report.

PUBLIC PARTICIPATION I

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

Jeannie Moran, 7 East Waterloo Road, reminded the township council of an ordinance that needs to be passed for no parking in front of Brookwood Park.

Jack Moran, 7 East Waterloo Road, questioned about the Energy Aggregation Finance Board notification. Mr. Tom Collins answered that the Local Finance Notice said that the DCA section gives advisory advise and that it would be possible for an aggregator to make a bid consistent with the pilot project. Also, he would like to urge the council to contract for a professional who could do grants.

Skip Danielson, 18 Hunters Lane, stated that next year on April 15th will be the 50th anniversary of the Byram Police Department. He was advised by Senator Oraho that the bill to straighten out the issues regarding workman’s compensation will be reintroduced.

Scott Olson, 194 Glenside Trail, wanted to address revenue loss in regard to the Municipal Building project that was discussed earlier. He said that there is no revenue loss, it just gets shifted. It is an equalization program. Byram should ask about the installation of solar. He recalls that Mr. Romano’s insurance company will not allow solar on top of roofs of that section of the plaza. It takes away any availability of solar for the Township to use. Mr. Olson questioned the the 50-year lifespan of that building. This will be 50 years added onto a 20-year-old building. He does not think that would be a wise thing to do. He talked about the cost of square footage and the discrepancies that he saw in the documents provided. With his calculations the cost per square foot would be \$326.00 per square foot. That should be considered in future conversations.

Jeannie Moran, 7 East Waterloo Road questioned the repairs to the Continental Drive potholes. Joe said this is not being done until 2021.

Jack Moran, 7 East Waterloo Road, asked about the updates to the ISO testing. Jack said there are not any updates at this point.

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

APPROVAL OF MINUTES

- January 20, 2020 – Regular & Closed Session Special Meeting Minutes – Motion by Councilman Gallagher, second by Councilwoman Franco, to adopt the minutes as presented.

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

- January 21, 2020 – Regular & Closed Session Minutes – Motion by Councilman Bonker, second by Councilman Roseff, to adopt the minutes as presented.

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

Absent					
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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 Bonker, second by Councilwoman Franco to approve the consent agenda.

- Approval of Raffle and 50/50 License – Byram Township Education Foundation – Byram School 4/4/2020
- Approval of 50/50 License – The Nicholas Wihlborg Foundation – Cranberry Lake Fire House - 2/29/2020
- Approval of 50/50 License – The Nicholas Wihlborg Foundation – Waterloo Village - 3/27/2020
- Resolution No. 042-2020 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 286 Lot 122, 113 Forest Lake Drive
- Resolution No. 043-2020 – Confirming the Redemption of TTL#2010-015 – Block 227 Lot 387. 93 Lackawanna Drive
- Resolution No. 044-2020 – Resolution Authorizing the Submission of Annual Report for 2015-2019 Community Forestry Management Plan

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

FEBRUARY 4, 2020 BILL LIST

Motion by Councilman Roseff, second by Councilman Gallagher to approve the bill list as presented.

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

• **ORDINANCES – 2nd Reading / Public Hearing**

ORDINANCE NO. 1-2020 - 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 Gallagher, second by Councilman Bonker to adopt the ordinance.

Councilman Roseff expressed his concerns regarding the adoption of the Ordinance. He feels that it will expand the allowable spending for that year and believes that it goes against the spirit of the law.

Councilman Bonker, disagreed with Councilman Roseff, and feels that CAP banking is a standard practice for every municipality and school board in the state of New Jersey that allows for the covering of unexpected expenses that could occur and may not be able to anticipate.

Jeannie Moran, 7 East Waterloo Road asked if emergencies are exempt from the CAP. Mr. Sabatini gave explanation of the CAP and how it works.

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

Be It Resolved that Ordinance 1-2020 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ITEMS FOR DISCUSSION

Draft 2020 Capital Budget – Joe sent out a draft memo. The memo is available online with detailed listings of the 3-year capital improvement plan for years 2020-2022. It is required to be adopted each year as part of the operating budget. The process includes all department heads requests for capital items. It includes anything from streets, roads, DPW, Fire Department and playground equipment. Joe went into depth and explained what is in the Draft 2020 Capital Budget.

Councilman Bonker, is happy to see that the township is looking into doing something for the DPW building in the budget. Councilman Bonker is also happy to see placeholders in place for updates to the Riverside and CO Johnson park playgrounds. He would like to look at the potential to develop a more extensive walking path at CO Johnson Park. Mr. Sabatini said these are suggested projects coming from the department heads.

Mr. Sabatini wants to stay with the DPW projects for 2020. As far as equipment for playground, fire trucks, or improvements to the DPW facilities he will need guidance from the council. He said that the capital plan can be changed by resolution at any time, as it is a fluid document.

Councilman Roseff said that he thinks the Township saw significant savings in the past years operational budget, which did not go back to the taxpayer. It went back to the capital fund. He believes that some of the funds should come out of the Open Space Funds. He said that they should look more into have the bonding not affect future year taxation by possibly trimming some of the CAP X.

Councilman Bonker believes that the budget is a collective plan and a balance not a commitment. There is no need to trim the budget.

Future Agenda Discussion Items

Mayor Rubenstein would like to add Energy Aggregation to be discussed as a Future Discussion item.

Mayor Rubenstein would like to add (as new discussion item) for the February 18th meeting regarding resolutions being adopted by other municipalities about legislation allowing power companies trimming trees without council discussion. Cindy will forward resolution and letters received from Greg Poff to the Township Council.

PUBLIC PARTICIPATION II

Motion by Councilwoman Franco, second by Councilman Gallagher, to open to the public.

Scott Yappen, 5 Catherine Terrace asked how they got the .25% lower tax. Councilman Roseff replied that the new health care plan was a big contributor to the .25% reduction. Mr. Yappen asked what else is being discussed from the Recreation Committee other than playground equipment. Mayor Rubenstein said a dog park, electronic message board sign, and the building at CO Johnson Park.

Scott Olson, 194 Glenside Trail, asked if the Fire House on Lee Hill Road is in the budget for next year for repaving. Mr. Sabatini said that it is.

Jack Moran, 7 East Waterloo Road, asked if Open Space Funds can be used for historic preservation. Councilman Bonker answered that yes, it can.

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
 - State Health Care Benefits - Local PBA 138 Grievance
 - Property Maintenance – Block 220 Lot 25 & Block 336 lot 23
 - Forest Lakes Access through Andover Borough

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

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

Certification: I certify that the Byram Township Council adopted the above resolution on February 4, 2020.
Cynthia Church, Deputy Municipal Clerk

ADJOURNMENT – Motion by Councilman Bonker, second by Councilman Roseff to adjourn at 10:54 pm. All members in favor. Motion carried.

Cynthia Church, Deputy Municipal Clerk

Alexander Rubenstein, Mayor