

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 18, 2020

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

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

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
- b. Personnel

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			
2 nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on February 18, 2020.
Cynthia Church, Deputy Municipal Clerk

RETURN TO OPEN SESSION

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Gallagher to approve the agenda with addition of Resolution 045-2020. All members were in favor. Motion carried.

RESOLUTION NO. 45-2020 - Authorizing Appointment of Linda L. Maxwell of Insurance Administrator of America Inc. as Third Party Administrator for Matters Related to Retiree Health Insurance Reimbursement. Motion by Councilwoman Franco, second by Councilman Gallagher to adopt the resolution.

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

Jeanie Moran, 7 East Waterloo Road, asked for clarification on the compensation for the four individuals, and if there are any changes that will be built into the plan. Alex explained that this is just for the four individuals, it does not carry over to any others. Changes in coverage will be covered under this plan.

Joanne Smith, 57 Lake Drive, asked if there is money in the budget for this. Joe said that it is covered under the health care line item in the budget.

RENEWAL OF LICENSES – 2020

North Jersey Auto Wreckers – Cory Stoner from Harold Pellow & Associates was in attendance to present his findings for the junkyard licenses. Mr. Stoner said that the site has been operating like it has been for years, and briefly reviewed the report and highlighted a few conditions:

Condition No. 3 – Vehicles waiting to be brought into the yard for processing will not be parked outside of the fenced premises and the Licensee shall continue to move the vehicles within the fenced premises as soon as they are delivered to the site. At no time shall the parking of vehicles block any part of the access drive that runs parallel to the property. During the visit, approximately 40 vehicles were parked outside of the fence. While no vehicles were found to be blocking any part of the access drive, the number of vehicles outside of the fenced area should be kept to a minimum. The Licensee shall work to keep the number of vehicles outside of the fenced areas as small as possible and at no time impede traffic along the access drive in 2020.

Condition No. 5 – No additional tires will be added to the existing stockpile. Licensee will continue the ongoing reduction of the tire stockpile during the license period and continue to provide the Township with receipts. A minimum of 500 tires shall be removed each year until the subject pile is removed. Receipts for the removal of approximately 1500 used tires were provided as proof of the removal of tires from this pile. The condition of continuing to reduce the size of this tire stockpile should continue in 2020 and onward until all tires are removed from the site.

Condition No. 6 – Licensee will continue to cooperate with the Sussex County Mosquito Control Commission and keep those records on premises and available to the Township Engineer for review at the time for inspections. The SCMCC shall be contacted by the Licensee in 2020 and asked to inspect and spray, if appropriate. The gravel areas within the site shall be maintained in a manner to prevent ponding of water and prevent the creation of habitat for mosquitos. The gravel and earth area on the site shall be graded periodically to assure that water ponding does not occur. Harold Pellow & Associates reached out to the SCMCC in 2019 and did not receive a response regarding inspections of this property in 2019. The condition of allowing SCMCC access to the property in 2020 should be continued in 2020. During the inspection, Cory Stoner noted that there were ponded areas on the site. The Licensee shall regrade the gravel access driveway areas within the site in 2020 to minimize the amount of ponding of water. The condition of keeping the gravel areas graded in order to minimize ponding of water should be continued in 2020.

Condition No. 10 – The New Jersey Pollutant Discharge Elimination System (NJPDES) permit and documents related to the New Jersey Department of Environmental Protection (NJDEP) compliance will be maintained on the premises by the Licensee and available to the Township Engineer at the time for inspections. A copy of an April 9, 2019 NJDEP Compliance Evaluations and Assistance Inspection report was obtained. The report illustrated that the site was in compliance with the permit for this facility.

Mr. Sabatini said that he would like to see regular inspections on the number of cars left outside the facility, as it is a perpetual issue.

Mayor Rubenstein opened to the public for comment on the North Jersey Auto Wreckers license renewal.

Jeanne Moran, 7 East Waterloo Road, asked if the mosquito commission can go out to the site. Mr. Stoner said that they have gone out in the past but are not consistently going out every year.

Councilman Bonker, asked Mr. Stoner to keep focused on Condition No. 2 regarding the trees in the front. They did replace the trees years ago and it does look better, but that needs to be kept up with. Regarding Condition No. 10 the debris being tracked onto Lackawanna Drive, Mr. Bonker said that he has seen the debris occur on occasions.

Raimos of Stanhope - Cory Stoner from Harold Pellow & Associates reviewed the report and the conditions.

Charles Sarlo, Frank Nemeth and Chris Manzel from Raimos of Stanhope were present and were sworn in for the hearing.

Condition No. 1 – The licensee was to file a “complete” application and site plan with the Byram Planning Board prior to June 30, 2019 seeking approval of any proposed changes to the site. The license was conditioned upon the applicant obtaining approval for the changes at the site and upon the requirements and conditions of the Planning Board’s future resolution. The applicant has submitted an updated application to the Byram Township Planning Board and the application is scheduled for completeness review on February 20, 2020. Mr. Stoner recommended that the condition of obtaining an approval from the Planning Board be continued in 2020 and a new approval date from the Planning Board be obtained not later than June 30, 2020.

Condition No. 2 - The Licensee shall maintain a copy of the New Jersey Pollutant Discharge Elimination System (NJDEPS) permit and documents related to New Jersey Department of Environmental Protection (NJDEP) compliance on the premises and make these items available to the Township Engineer at the time of any inspection. A copy of the June 3, 2019 NJDEP Compliance Evaluations and Assistance Inspection report was obtained. The report illustrated that the site was for the most part in compliance with the permit for this facility. The only items listed as being out of compliance were 1) sorting of material not occurring on impervious surfaces and 2) junked lawn mowers that were susceptible for oil leaks being stored in scrap pile. The licensee has stated that the lawn mowers were removed and the issue of sorting materials on impervious surfaces will be addressed when the site plan improvements are constructed.

Condition No. 3 – The licensed premises are lower than Route 206 so that the wooden fence along the Route 206 frontage does not fully obstruct the view of operations. The majority of the evergreen trees along the front of the facility are dying and need replacing. The licensee shall replace the damaged evergreens with new deer resistant evergreen trees. During the inspection, it was found that the trees along Route 206 were still in good condition. They continued maintenance of the trees and the replacement of trees needed due to disease or deer should continue to be a Condition in 2020.

Condition No. 4 – Netcong Avenue (50' ROW) divides the licensed premises (Block 37, Lots 26 & 27 are to the north of Netcong Avenue and Block 35, Lots 36 & 37 are to the south). At present, Netcong Avenue is 40'-50' wide at the entrance from Route 206 and has a gravel travel way. Licensee may store a maximum of three (3) vehicles, consisting 50' from the Route 206 right-of-way. All other equipment and piles of materials must be located within the fenced premises. During the visit to the property, Mr. Stoner found that parking along Netcong Avenue was limited to one (1) vehicle and that the licensee was in compliance with this condition. Adherence to this condition should continue in 2020 so that Netcong Avenue remains open to vehicular traffic at all times.

Condition No. 5 – If, at any time, Netcong Avenue were to be improved, then licensee would be required to promptly remove the fencing and all aspects of its operation from the right-of-way at its own cost. This condition should continue in 2020.

Condition No. 6 – Licensee shall make a good faith effort to keep roll-off containers and other equipment and materials within the fenced area of Block 37, Lot 26 and Block 35, Lot 36. Block 35, Lot 35 is not part of the licensed premises. No roll-off containers or flatbed trailers shall be stored outside of the licensed premises. If the licensee attempts to keep any roll-off containers, flatbed trucks or similar equipment on the non-licensed premises, then licensee shall remove them until and unless the licensee obtains a use variance and site plan approval from the Byram Township Land Use Board for expansion of the operation. During the visit to the site, Mr. Stoner observed three (3) junked cars located outside of the fenced-in area. These cars need to be removed and this area needs to be free of any items other than roll-off containers on the Block 37 Lot 26 property. Mr. Stoner mentioned that Mr. Detrolino still has equipment stored on that property. Mr. Nemeth said he is slowly getting rid of that equipment. Mr. Nemeth said that his site plan covers that property as well. Mr. Stoner said that this is not part of the operation anymore. Mr. Sabatini said that he believes that there is a zoning violation at that site. As part of the approval of the license there should be a date by which Mr. Detrolino vacates that property.

Condition No. 7 – It is recognized that the existing concrete pad encroaches on the Millstream Lane right-of-way as a pre-existing condition. Licensee shall keep the right-of-way clear of debris and maintain in good condition the surveyor located the property corner stakes. Upon inspection, Mr. Stoner observed that the licensee has continued to keep the right-of-way mostly clean of debris in 2019. The 2020 license should be conditioned on keeping the right-of-way free of debris and maintaining the property corners in good shape. It should also be conditioned on the removal of the concrete barriers that were deposited on the property in 2018 and not yet removed.

Condition No. 8 – The Licensee shall keep Block 31, Lots 29 and 30 and any other non-license property free of materials and ensure that these properties do not become a second deposit area for roll-off containers and flatbed trailers. As noted above, concrete barriers have been placed in a pile by the previous owner along Millstream Land right-of-way. These concrete barriers need to be removed and all other unauthorized materials should be kept off these properties in 2020.

Condition No. 9 – Records regarding pest control will be maintained on the premises and available for review by the Township Engineer during any inspection. The records regarding pest control were reviewed during Mr. Stoner's visit.

Condition No. 10 – Records regarding the licensee's environmental consultant shall be maintained on the premises and available for review by the Township Engineer during any inspection. Records from the applicant's environmental consultant were on site and reviewed during Mr. Stoner's visit.

Condition No. 11 – Records regarding fire safety service shall be maintained on the premises and available for review by the Township Engineer during any inspection. Following receipt, licensee shall provide a copy of the DCA Certificate to the Township Engineer. Records regarding fire protection service were on site and reviewed during my visit.

Condition No. 12 – With regard to the requirements of Section 156-6(L), higher stacks/piles of materials shall continue to be kept in the middle of the licensed premises. Piles of scrap metal adjacent to residential properties shall be kept to a minimum with Licensee continuing to work to keep the site organized and minimize the view of stacked material from adjacent properties. It was found that the current owners of the site have taken major steps in removing material from the property. The site piles that are on the site are mostly within the middle of the property and the sorted material is now mostly within trailers/containers that have been placed on the property. The applicant should continue to keep the site organized and keep the piles as far from neighboring properties as possible.

Condition No. 13 – Vehicles shall not be parked between the fence on Block 35, Lot 37 and Route 206. No vehicles were parked in this area during my inspection. This condition, however, should continue in 2020.

Condition No. 14 – Licensee shall continue to keep box trailers/containers off Block 31, Lots 29 and 30, which are not part of the licensed premises. No trailers or containers were found to be located on these properties during his inspection. This condition should continue in 2020.

Condition No. 15 – The fence gate for Lot 36 must be closed each night. The fences and gates around the license properties shall be maintained and any breaks shall be repaired as needed to discourage theft and vandalism.

The fence gate for Lot 36 is a new gate and is in good condition. The other portions of the fencing around the perimeter of the Lot 36 property are in poor condition in many locations. The licensee has begun to replace the fence with a more appealing concrete block while. This new wall and any other fences that are being constructed on the property will need to be part of the application in front of the Planning Board. That being stated, it is recommended that this condition be continued in 2020.

Condition No. 16 – Netcong Avenue must be kept in a suitable condition acceptable to the Township Engineer and the Township Road Department Supervisor and shall be paved as offered by the licensee in accordance with the requirements of the Township Engineer. The licensee has proposed upgrading Netcong Avenue as part of their site plan submission to the Township Planning Board. The paving of Netcong Avenue should be a condition of the 2020 license once a final approval is obtained from the Planning Board.

Condition No. 17 - The stacking of vehicles on the licensed property shall be prohibited. Any vehicles or portion of vehicles that are stacked on the property shall be removed from the property or property stored. There shall be no storage of vehicles on Netcong Avenue. Stacking of vehicles or parts of vehicles were still observed within the fenced area of Block 35 Lot 37 during the inspection. The licensee stated that the old owners are still removing material from this property and that they would expect the majority of the material on this property to be moved in 2020 and be completed in 2021. The 2020 license approval should be conditioned on licensee continuing to work with the previous owner to clean up this property.

Condition No. 18 – The NJPDES permit for the facility is currently in affect. This permit required that the previous owner update the facility Stormwater Pollution Protection Plan and prepare a new Drainage Control Plan for new drainage control measures to be installed on the properties. Copies of these plans shall be provided to the Township once approved by the NJDEP. The NJPDES permit for the facility has expired and is currently being renewed with the NJDEP.

Condition No. 19 – The Licensee shall provide the Township with copies of quarterly water quality testing that is performed to assure the discharge of stormwater from the site meets NJDEP guidelines. The licensee did not provide copies of the test results for 2019 but it was noted in the NJDEP inspection report that the results of those test results were in compliance. The Licensee shall provide copies of all 2019 test results to Mr. Stoner. The condition that the testing results be provided should be continued in 2020.

Mr. Stoner said that Raimos should be granted the license with the conditions listed above.

Mr. Stoner would like a six-month condition on the license to make sure that the application gets to the Planning Board.

Councilman Bonker asked why the paving of Netcong Avenue would be a condition. Mr. Sabatini said it is a condition of the approval because it is part of the negation to move the lot line.

Open to the public for the Raimos Junkyard Renewal Application:

Richard Snyder, 73 River Road, asked about previous owner and his involvement. Mr. Nemeth explained that Frank Detrolio was the prior owner of the corporation. Mr. Nemeth is allowing the previous owner to stick around for the time being.

Mr. Stoner said he would like to condition that all the material that is not part of the Raimos operation on the south side of the site be removed within 1-year.

Mayor Rubenstein asked about the long-term plan for the south side of the lot, Mr. Nemeth said that he will use it as part of the business operation.

Mr. Sabatini asked about demolishing the house that caught fire. Mr. Stoner said that it is part of the site plan application.

Mr. Stoner recommends the approval of the license for 6 months.

DISCUSSION ITEM – Soil Importation Ordinance

Mr. Sabatini provided a background to the reasons for the proposed Soil Importation Ordinance, as it was a result of what had happened in Vernon Township. The DEP had put together their “down and dirty” sample ordinance to address these issues. At the end of 2019 the Township Council had authorized Cory Stoner to work on this ordinance along with the Township Zoning Officer. The purpose of this discussion is to see if there are any questions or major concerns from the Township Council regarding the ordinance. Mr. Sabatini explained that a permit is required when there is more than 25 cubic yards of soil each year. This is broken down into two different levels of permits, a minor and a major which is determined by zone. A minor permit requires the approval of the Zoning Officer. There are some exceptions and exemptions that are outlined in the draft ordinance. Mr. Stoner provided explanation to the ordinance and how it was written.

Councilman Roseff had concerns about the ordinance and the effect it will have on the local homeowner bringing in small amounts of soil.

Councilman Bonker asked if Byram being 98% in the highlands has any effect on the ordinance. Mr. Sabatini said that if you are just filling in your property, you are not triggering a highlands application. Adding fill does not affect highlands.

Councilwoman Franco asked about the different types of usage.

The next step would be sending the draft ordinance to the Planning Board for comment.

Councilman Roseff thinks the numbers should be raised because 25 Cubic Feet is too low of a number.

Councilwoman Franco thinks it is a good idea to know what type of soil is coming into the town.

Councilman Bonker is on board with implementing the ordinance. He feels that it provides more enforcement to protect the Township.

Councilman Gallagher agrees with Councilman Bonker and feels that the numbers need to be adjusted.

Councilman Roseff will talk to some vendors before modifying the numbers.

Mr. Sabatini will send the draft ordinance to the Planning Board.

Mr. Collins said there should be an appeal process listed in the ordinance.

Mayor Rubenstein opened to the public for comment:

Jack Moran, 7 East Waterloo Road, feels that cost of the permits should be based on what you are purchasing. He would also like the quantity amount to be increased.

Richard Snyder, 73 River Road, agrees with Mr. Moran on the fee structure, he also thinks the number of cubic feet should be higher.

Joanne Smith, 57 Lake Drive, questioned how the public will be educated on the ordinance.

Closed to the public.

COUNCIL REPORTS:

Township Manager – The next joint meeting of the Township Council and the Municipal Building Subcommittee is on March 2, 2020 at 7:00 p.m. March 3, 2020 is the next regular scheduled Township Council meeting at which they will be introducing the budget. The adoption of the budget is scheduled for April 7, 2020.

Mayor Rubenstein – The February 6th Planning Board meeting was canceled. Performed a marriage on February 15th. At the upcoming Planning Board meeting on March 20th there will be a completeness on Raimos, Tomahawk Lake, and a hearing for residents at 58 Mt. Heights Drive. WaWa made application.

Councilman Bonker – Reported that Scott Olson was appointed as Chair to the Open Space Committee. They reviewed the draft Open Space Plan. Greener by Design will meet with the Township Council around June. The Open Space Committee will meet on a monthly basis for several months because of the urgency of getting the Open Space Plan moving along. Greener by Design did some analysis and came to a recommendation that turfing a field as C.O. Johnson Park would be very difficult to do. On March 2nd will be the opportunity for the subcommittee to give a recommendation and analysis to the Township Council.

Councilwoman Franco – Last week she met with Southern Chamber of Commerce. There were several Towns represented. It is a great networking opportunity. Next Chamber of Commerce meeting is March 13th at 8:00 a.m.

Councilman Gallagher – There was a Recreation Committee meeting on February 17th. Greener by Design gave their presentation. The Recreation Committee talked about different projects. Byram Fest is scheduled for June 5th with a rain date of June 6th. The Recreation Committee discussed getting sports and non-sports groups in to talk to them about recreation and what their needs are. The next Recreation Committee meeting is scheduled for March 16th.

Councilman Roseff – No Report

PUBLIC PARTICIPATION I

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

Jeanne Moran, 7 East Waterloo Road, expressed her disappointment at the last Municipal Building Subcommittee meeting as she could not hear during the last 15 minutes because of the swearing in of the police officers and the crowds that were there for that. WNJN had something on about recycling and the separation of recycling. She asked if this will be a topic that the Township will discuss to bring cost down. Mayor Rubenstein said that he is sure it will be discussed when the contract is up for renewal.

Jack Moran, 7 East Waterloo Road, asked if there were any updates on Natural Gas. No updates currently. He also feels that the subcommittee should be given more time to have a discussion among themselves. Mr. Moran asked for updates on ISO. Jack provided the updates.

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

APPROVAL OF MINUTES

- February 4, 2020 Special Joint Township Council & Municipal Building Subcommittee 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		
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

- February 4, 2020 Regular & Closed Session Meeting Minutes
Motion by Councilman Bonker, second by Councilwoman Franco, to adopt the minutes with a minor correction to a typographical error.

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

FEBRUARY 18, 2020 BILL LIST

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					

ITEMS FOR DISCUSSION

Goals and Objectives of the Mayor and Council – Joe recommends scheduling a meeting at a later date when the Township Council can be more organized to have a discussion. It was agreed to schedule a time by the end of March or early April.

Vegetation Management Bill – the Township Council in support of two resolutions. One focusing on vegetation and the other on infrastructure. Councilman Roseff will put together some wording for a resolution. Will circulate notes during the second meeting in March.

Energy Aggregation – Councilman Bonker said that the reason is for the 3rd party to get the Township Council to change the default condition. They are asking for the Township to change the default with the option to opt-out. Council man Bonker agrees with moving forward if it remains all about the economics. Councilwoman Franco agrees with that also but believes they should have the option to opt-in and not opt-out. The consensus of the Township Council is to move forward and pursue the next steps.

PUBLIC PARTICIPATION II

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

Jack Moran, 7 East Waterloo Road, thinks that the energy aggregation it will be successful as it offers the residents a reduction in price. It will help offset what residents are paying in taxes.

Mandy Carson of Newton, said that they got energy aggregation in their Town last year, and saved only a \$1.28 in a 8 month period.

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

ADJOURNMENT – Motion by Councilman Gallagher second by Councilwoman Franco to adjourn at 10:30 pm. All members in favor. Motion carried.

Cynthia Church, Deputy Municipal Clerk

Alexander Rubenstein, Mayor