

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 19, 2019
CLOSED 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 included in the list of meetings in our annual notice sent to the newspapers and posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notices under the Statute. 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 Gray, late (6:45 p.m.); Councilwoman Kash, here; Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins and Municipal Clerk Doris Flynn.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

- a. Attorney Client Privilege Communication
- General
- b. Anticipated Litigation
- Danielson Workers Comp Follow-up
- c. Contract Negotiations
- Special Council PSA

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 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 February 19, 2019.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash to approve the agenda with the addition of Resolution 59-2019. All members were in favor. Motion carried.

RENEWAL OF LICENSES - 2019

Tilcon N.Y. Quarry – Matt Morris from Harold Pellow & Associates was filling in for Township Engineer Cory Stoner. Stephen O’Reilly from Tilcon and Megan Ward, special counsel for Byram, were present. Matt briefly reviewed the memo prepared by Cory Stoner, which commented on the conditions of the 2018 Resolution and recommended to carry over if an approval is given for the 2019 license.

- Matt reviewed Cory Stoner’s responses to the Environmental Commission. Sussex County Soil Conservation has been invited to all quarterly inspections but have not attended. Byram’s Environmental Commission does attend. If the inspector did find a violation that should be addressed by Soil Conservation, they would report it immediately to SCSC. Cory Stoner will continue to invite SCSC to the meetings.
- Condition #21 – no contaminated soil has been found but they are keeping the condition in for 2019.
- EC commented on a few mapping errors, which Cory addressed. Steve O’Reilly agreed to have the maps revised within 60 days.
- EC commented about the on-site stone inventory. They stated that if it is removed and the fuel storage tank put into service, it should receive a clean-out of the secondary containment system at a minimum. Steve O’Reilly agreed to do this.

- EC inquired about the truck count during removal of the processed material on site. Steve O'Reilly stated that there is approximately 250,000 tons on site. Nordic Construction has a contract with Tilcon to remove all of this material within the next 2 years. Approximately 10,000 truckloads of material will be removed, or approximately 25-30 trucks a day during this time period. Dave Gray asked about the condition of the street as a result of the truck traffic. Steve O'Reilly said that the contract covers a street sweeper, water truck, etc. to clean the road if necessary.
- Scott Olson questioned the amount of the bond. Matt stated that Cory recommended keeping the bond amount the same for 2019.
- Tilcon purchased the property from Byram Land Development at the end of 2018. The Mayor asked what Tilcon's plans are. Steve O'Reilly stated that Tilcon is hoping to begin operating again sometime in the near future if the economy keeps improving, although no timeframe has been set.
- Attorney Megan Ward reviewed with Steve O'Reilly a few timelines on making the site plan revisions, which will be 60 days from approval of the Resolution. Megan discussed storage of equipment on the lower tract and verified that only equipment used for rock removal will be stored on upper tract. Steve O'Reilly agreed.

Mayor Rubenstein opened to the public for comment on the Tilcon license renewal. No comments were made. Motion by Councilman Gray to approve the license, second by Councilwoman Kash to approve the license.

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

North Jersey Auto Wreckers – Matt Morris briefly reviewed Cory Stoner's report and highlighted a few conditions. All the conditions from the 2018 resolution are recommended to remain in 2019. With regard to removal of tires, they provided Cory Stoner with a receipt for the removal of 1800 tires. Condition No. 6 talked about mosquito control. The Sussex County Mosquito Control Commission did not visit their property in 2018. David Gray stated that we should contact the Environmental Commission or Board of Health to follow up with the Sussex County Mosquito Control to encourage them to make a site visit in 2019. Mayor Rubenstein opened to the public for comment on the North Jersey Auto Wreckers license renewal. No comments were made. Motion by Councilman Olson to approve the license, second by Councilman Gray.

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

COUNCIL REPORTS

Township Manager

- 2019 Budget material and Capital budget has been updated as per comments from the 2/5 meeting and has been distributed to the Council members and is on the website for the public
- The budget will be introduced on 3/5, and the public hearing and adoption of the budget will be scheduled for April 2, 2019
- Building Subcommittee meeting moved to 2/26 because of inclement weather
- First stakeholder meeting for the Parks and Recreation Plan which will be developed by Greener by Design, on 3/12 at 7 pm. Meeting is open to the public
- New senior bus has been delivered

Mayor Rubenstein – Attended the 2/7 joint planning board/council meeting and a variety of topics were discussed: Sewer gallonage, marijuana, master plan, village center, etc. Minutes from the meeting will be posted on the Council and Planning Board section of the website.

Councilwoman Kash – No report

Councilman Gray – Will be attending a capital subcommittee meeting on 2/20 at 8:30 for a fire department discussion and 9 a.m. for road resurfacing.

Councilman Roseff – ISO subcommittee had a kickoff meeting 2 weeks ago. Harvey had a discussion with his own insurance company, and after he gave them Byram's ISO rating from 2014, he received a \$250 credit.

Councilman Olson

- Scott attended the 2/7 meeting which was a very productive meeting with the Planning Board and Council.

- Attended 2/11 Open Space meeting – reviewed Ron Farr’s scope of work for 2019 and the GBD Parks and Recreation Plan.
- The next Planning Board meeting is on February 21.
- There is a CAG meeting on 3/18 at 7 p.m. The Mayor will be attending along with Scott Olson.

PUBLIC PARTICIPATION I

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

George Stafford, 16 Kittchel Avenue, Wharton, NJ, representing the NJ Highlands Coalition. Mr. Stafford is asking Byram for support of restoring the full payment of PILOT, to the Townships so that communities who take land off the tax rolls don’t suffer. There is a bill being worked on to take responsibility from DCA and put it back to NJDEP. We have lost about 30% of our payment. Harvey asked if he was going to Newark and other urban communities, which are areas that get the water. Harvey stated that those were the areas where you can get the votes. Mr. Stafford stated that he is starting up in Sussex County where there is a lot of open space.

Scott Yappen, 5 Catherine Terrace, has been doing research on recreation spending and available funding since he became a committee member. He asked what the current Council’s directive is on the use of Open Space funds. Scott Olson stated that over the past 2-3 years, we have been transitioning from acquisition to stewardship. Scott briefly discussed the grant and what is planned to be accomplished. They will look at all township-owned land, recreational facilities, etc. and recommend recreational capital improvements over a period of time based on the input from the community and the findings. The Mayor recommended that Scott Yappen call the Open Space Committee Chair for detailed information on open space funding, open space focus and mission.

Skip Danielson, 18 Hunter Lane, reported that we recently lost 2 members: Stan Kurek, 50 year Fire Department member; and Richard Faber, lifetime member of Lakeland Squad. They both contributed greatly to Byram Township and will be missed.

Skip asked again for support of the worker’s compensation law. He thanked Joe Sabatini for getting the telephone pole fixed in front of Mountainside. He asked about the flooding situation behind the old consolidated school. The clerk has been asked to follow up on this. The Mayor did mention it to Cory Stoner—Doris will also follow up with Cory.

Larry Rotter, 80 Tamarack Road, questioned if we operate on a calendar year. The Mayor said yes, January 1-December 31. He asked what percent raise are the DPW and Police getting. Alex stated that all the unions received 2% per year for 4 years.

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

APPROVAL OF MINUTES

- February 5, 2019 – Regular & Closed Session 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	x				
Absent					

- February 7, 2019 – Regular Meeting Minutes of the Joint Planning Board & Township Council Meeting – 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	x				
Absent					

RESOLUTIONS:

RESOLUTION NO. 055-2019 – Resolution Authorizing a Professional Services Agreement for Forest Stewardship Work on Open Space Parcels in Byram Township. Joe stated that this resolution appoints a Forester and is not an

authorization to spend money. Motion by Councilman Olson, second by Councilwoman Kash to approve Resolution No. 055-2019

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

RESOLUTION NO. 056-2019 – Resolution to Authorize Farr Forestry Services, LLC to Provide Forest Stewardship Work on Open Space Parcels in Byram Township – Not to Exceed \$23,000. David Gray stated that we have just authorized \$80,000 for the open space and recreation plan and doesn't feel we need to spend an additional \$23,000 on forestry work. Scott stated that there is a forest stewardship plan that has been approved by a prior Council which spans over 10 years. Alex reviewed the 2019 Forestry Services Proposal discussing invasive controls, which amounts to \$14,500 of this proposal. One of the invasive species that is listed to be removed is located on or near our trail system is barberry. These are prevalent plants and are home to deer tick and other lime-carrying ticks, and it is being recommended to be removed or it could quickly overtake the trail system. We have pride in our trail system, and it is a favorite attraction in Byram used by hikers and cyclists throughout the year. The stewardship plan needs to be done for the Johnson parcel that was recently required, as it was a condition of obtaining grant money from the NJDEP for purchase. The removal of White Ash is a priority because the majority of the Ash trees are located along the tree line in our parks and at one of the trailheads, and it is strongly suggested to remove the trees before they die and fall, which would result in a liability to the Township.

Harvey stated that we have cash flow now in the Open Space fund of over \$66,000-\$70,000 each year. He feels that we should now pass this money to recreation and get some projects done and take a break on stewardship. He stated that we have to break the cycle that has been happening for many years. He suggested a 3-year cycle, 2 years for recreation and one year for environmental/open space. Harvey mentioned that bathrooms at our fieldhouse have been overlooked.

The Mayor recognized John Morytko as a member of the Open Space Committee and asked for his comments. John commented on David Gray's comment about staggering the work to be done. John stated that we are doing this with our 10-year plan. We look at the assets of our town, such as open space and trails. We need to protect our assets, which is exactly what our stewardship plan does. It is a strategic investment. John stated that we haven't neglected recreation at all. Since he has been on the open space committee, they have reviewed major recreation improvements at Tamarack Park and recommended the use of open space to fund them. John did not agree with turning over \$70,000 to the Recreation Committee. If a committee has a plan for a large capital recreational improvement, they should submit it to the open space for review. The OS committee would review and make a recommendation to the Council. Joe stated that in the last 5 years we have spend at least \$250,000 out of the OS fund for improvements to Tamarack Park. John stated that the OS committee is made up of representatives from the Environmental Commission, Planning Board, and Recreation Committee as well as members of the public. A lot of voices are heard. David stated he agreed with the comments made by John Morytko, but we need to balance the interests of the community. We have to decide whether to spend the money on this stewardship plan or try to engage volunteers to assist in accomplishing some of these tasks and wait on the removing the Ash trees to see if the bug actually comes to Byram. It's a balancing act to decide how the Township funds will be spent.

Scott Yappen, 5 Catherine Terrace, stated that there is no strategy in the Recreation Committee but there is strategic planning in the open space committee. Scott Yappen was surprised that there hasn't been anything budgeted in the past few years for any items in this 2015 plan. Alex stated that Greener by Design has the capital recreation plan from 2015 and will use that to work with. Joe summarized some of the projects that have been done over the past few years that fall under recreation. Alex recommended that if the Recreation Committee wants to get something done in the short term, they should provide a plan to the Manager on what it is they want/need and why.

John Lutz, 59 Lake Drive, would like to say that he hears both sides but urges the Council to move forward with the forestry resolution. There is a lot of forest/trails around us. He feels that our forested areas are very important to maintain, and they go hand and hand with recreation—when children are playing on the fields, many parents walk on our trails. We need to protect the environment, and in turn that will protect the people using the forest. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

Motion by Councilman Olson, second by Councilwoman Kash to approve Resolution No. 056-2019

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

RESOLUTION NO. 59-2019 – RESOLUTION AUTHORIZING APPOINTMENT OF THE TOWNSHIP SPECIAL COUNSEL AND AWARD OF PROFESSIONAL SERVICE CONTRACT – Alex stated that this resolution authorizes

Attorney Thomas Ryan to be hired for the remainder of 2019 as special counsel for the migration to State Health Care Benefits. Motion by Councilman Olson, second by Councilwoman Kash to approve.

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

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.

- A. Approval to Release 2018 Closed Session Minutes
- B. Resolution No. 050-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 450 Lot 19, 8 Conrad Strasse
- C. Resolution No. 051-2019 – Resolution Authorizing 100% Disabled Veteran Block 304, Lot 2218 Refund of Taxes Paid from January 1, 2019 Thru March 31, 2019 (1st Quarter 2019)
- D. Resolution No. 052-2019 – Resolution Executing Contract Agreement By and Between Byram Township and PBA Local 138 for January 1, 2018 Through December 31, 2021
- E. Resolution No. 053-2019 – Resolution Executing Contract Agreement By and Between Byram Township and OPEIU DPW Local 32 for January 1, 2018 Through December 31, 2021
- F. Resolution No. 054-2019- Resolution Executing Contract Agreement By and Between Byram Township and OPEIU Local 32 Clerical Unit for January 1, 2018 Through December 31, 2021
- G. Resolution NO. 057-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 140 Lot 58, Hill Crest Tr.
- H. Resolution No. 058-2019 – Extraordinary Unspecifiable Services Contract – Health Benefits Consultant – Not to Exceed \$4,150.00

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

ORDINANCES – Introduction/First Reading

BE IT RESOLVED that Ordinance entitled “**Ordinance for Police Salary and Wages for the Years 2018-2021**” be read by title on 1st reading.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

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

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 March 5th 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.

BE IT RESOLVED that Ordinance entitled “**Ordinance for Department of Public Works Salary and Wages for the Years 2018-2021**” be read by title on 1st reading.

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

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

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FEBRUARY 19, 2019 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		
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					20432
Absent					

ITEMS FOR DISCUSSION

Municipal Building – Next building subcommittee meeting scheduled for 2-26-19 at 7 p.m.

NJDEP/Cranberry Lake Bridge – Alex attended a meeting at Senator Oroho’s office with representatives from the CLCC and State reps. It is a situation that needs to be resolved between the NJDEP, NJDOT and CLCC. The lease has expired. Portions of the bridge could be structurally deficient. The NJDEP has been working on a new lease. David asked if Alex knew when the final engineering report was going to be released. Alex will follow up with the NJDEP tomorrow. Harvey stated that it is an iconic structure, and it is one that stands out. He stated that we should offer to the NJDEP to present the report to the Township.

Scott Olson stated that John Wheelwright from Forest Lakes recently passed away. He contributed a lot to the community, and he will be missed.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Kash, to open to the public. No comments were made. Closed to the public.

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

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BYRAM TOWNSHIP COUNCIL

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

Absent					
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Certification: I certify that the Byram Township Council adopted the above resolution on February 19, 2019.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

ADJOURNMENT – Motion by Councilman Olson, second by Councilwoman Kash to adjourn at 10:02 p.m. All members in favor. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor