

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 5, 2019
BUDGET WORKSHOP 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, Township Attorney Tom Collins and Municipal Clerk

FLAG SALUTE AND MOMENT OF SILENCE

BUDGET WORKSHOP – The Mayor stated that Council has reviewed the budget and capital memos that the Township Manager prepared, which was a result of the budget subcommittees held in December and January.

CFO Ashleigh Frueholz was also present.

The Mayor commented that he liked the staff changes noted in the beginning of the budget memo, and asked Joe to talk about it briefly. Joe explained that after the full time Recreation Director retired at the end of 2017, the Council authorized filling the position with a part time director, which happened in April. The person who filled the position resigned after Byram Day. Joe has worked under the assumption that the Council has decided not to replace this position. Joe would like to see a full-time position created or at a minimum a part time person, to take over a few of the administrative responsibilities that were handled by the recreation director such as facility applications, procurement and interfacing with the Recreation Committee. Additional responsibilities would be taking on the role of a public information officer, handling social media, website, nixle, etc., special projects, and acting as a facilitator for economic development, or grant writing.

Harvey stated that if we are going to add more staff, he feels it needs to be in Police or DPW. He would like to see more staffing in the services that our residents want us to focus on. Harvey thought money should be spent on seasonal DPW workers and does not see the workload for administration. Harvey felt that if we wanted to seek true expertise in a grant writer, that same person isn't going have expertise in recreation, etc. He stated that bringing in a full-time person with benefits would be a burden to the budget. Scott feels that the job responsibilities that Joe described is enough work for more than one full time person. Alex agrees, and stated that he has been spending considerable time in the office, and he definitely sees the need for an additional full-time administrative position. Nisha asked for more detail about the responsibilities for the new position in relationship to the Recreation Committee. Joe explained that it would be a facilitator between the committee and the administration, attending the meetings, handling facility requests, coordination with the DPW, and working with the Municipal Alliance coordinator. Scott stated that we have been down the road of hiring part-time people and it has been difficult to retain good part-time people. Scott is totally in favor of hiring additional full-time staff in the front office. Nisha definitely supports hiring a full-time person. Harvey stated that he doesn't see the need for additional administrative staff, and if any department needed staffing, it would be DPW. The Mayor acknowledged Councilman Roseff's opposition; and after conversation was over, he took straw vote and there was consensus to hire a full-time administrative employee.

Harvey Roseff stated that quite a few years ago, we have seen big savings on health waivers but he said that we never gave this savings back to the taxpayer. Joe stated that we've move money out of the line item the recent Township Council Meeting Minutes 1 February 5, 2019

years to fund the capital plan, but we don't totally remove it because it can really hurt us when we have to bring it back in. Harvey thinks a portion of the money should be given back to the taxpayer. Alex stated that it would only be a temporary fix.

Harvey Roseff discussed the anticipated interest revenue, which went from ½% to 1% increased to \$65,000 – an increase of \$60,000. We put more money into the NJ Cash Management account which is now getting 2.4%. Harvey felt we should anticipate \$65,000 in interest. Joe has always taken a conservative approach and if we made more interest than anticipated it would go to regenerating fund balance. Scott stated that he would be fine with staying at \$33,000 which is what Joe and Ashleigh are recommending, but he would be comfortable with \$45,000-50,000. Harvey wants to go to \$65,000 because he feels he it would actually be \$80,000 or more. Nisha, Scott and Alex were comfortable with \$45,000. Joe stated that he increased fees and permits by \$20,000 – bringing it up to \$45,000.

Harvey asked what consists of Interest & Costs on Taxes – Ashleigh explained that this is money that the Township collects on delinquent property taxes.

Harvey asked if the Village Center came to fruition, how does Joe see it affecting the Construction Department. Joe said it would affect all departments across the board, both on the revenue side and appropriation side.

Harvey talked about Recreation and stated that he has noted that we are keeping the same budget. He asked if we can use open space funds for recreational needs. Joe stated that it can't be used for salaries or funding programs. Harvey asked if it could be used for maintenance of fields, and Joe responded that it could be used for park maintenance. Harvey recalled the discussion that we were going to utilize open space funds for maintenance of recreation. He said right now we are spending open space funds on consultants. Harvey suggested using open space funds for maintenance of fields, and use the money saved to purchase equipment to fix roads and have the DPW concentrate on road repair. Scott was against using open space funds for mowing lawns. Alex agreed with Scott. Before he would agree to use funds differently, he would like to discuss this in detail with the DPW superintendent. This can get further discussed at a subcommittee meeting.

Harvey asked when Forest Lakes would be cape sealed. Joe stated that it is about 3 years out. Harvey asked what will be done in preparation of that. Joe said that if the Council gives him money to buy the proper equipment, the DPW would be able to do prep work.

Joe reviewed the streets and roads capital plan in detail, which led to discussion about Little Paint Way. Joe gave some history on the FEMA grant for Little Paint Way and talked about Cory Stoner's memo. There could be more funding available at the County level from this grant. If authorized, Cory would pursue getting additional grant funding. If he is successful in getting the additional funding, the project could be done which would benefit the neighborhood. It is a 90/10 grant, and the Township's cost would be approximately \$25,000 with \$225,000 coming from the FEMA grant.

Harvey asked about the planning for roads in Cranberry and Forest Lakes. Cory's memo of December 31, 2018 outlined the way to make investments to be able to do shoulder repair in the lake communities. Joe stated that you have to look at how you can fund this. Ashleigh and Joe could look into it and give the Council some funding options. The Council would be committing to cape sealing if they want to make the investment outlined in Cory's memo. Alex said that we should spend time looking at a long-term solution which could save us money over time.

Woods Edge Road – Scott stated that we need to look at what we want to do with this access. Harvey thinks we should look at plans to make it a thru road, and he feels there would be grants available. Alex said the Council needs to decide if they want to pursue an access or not.

Alex stated that the Council are not experts on the subject of streets and roads. He is looking for Joe to let them know what he would recommend. Joe will set up a meeting with the capital committee, Mike Orgera and Cory Stoner to review the streets and roads projects.

Scott commended Joe and Ashleigh for another great job in putting together the 2019 budget.

Motion by Councilman Olson, second by Deputy Mayor Kash to open to the public for discussion on the budget. All members in favor. Motion carried.

Joanne Smith, 57 Lake Drive, feels that we should have an aggressive road maintenance program. She said the roads and safety are the most important parts of our town. Joanne remembered when Lake Lackawanna area was paved, and it lasted a very long time. She feels that is what we need to do. Although, Joanne doesn't want to the budget to go up and suggested they move money from some other area.

Larry Rotter, 80 Tamarack Road, stated that he would be looking for a more permanent fix on the roads. He asked why the Council feels it's ok to raise taxes. He does not want his taxes to go up. Mr. Rotter feels that we should do a better job in maintaining the equipment that we have.

Motion by Councilman Olson, second by Deputy Mayor Kash to close to the public and have a 5 minute recess. All members in favor. Motion carried.

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash to approve the agenda as presented with the removal Item G for discussion. All members were in favor. Motion carried.

COUNCIL REPORTS

Township Manager

- 2/7 Special joint meeting of Town Council and Planning Board at 7:30 p.m.
- 2/12 – Building subcode committee meeting. We are expecting the architect to provide a matrix, preliminary concept plans and cost estimates.
- 1/27 – Kick off meeting Recreation trails and open space plan. The Manager will be updating the website under News and Noteworthy with info on this.

Mayor Rubenstein

- In mid January Byram experienced one of our first snow storms. The DPW did a great job in managing the storm
- 1/22 – Attended the committee head meeting. It was a productive meeting with some good feedback.
- 1/30 – Met with representatives of Save our Bridge at Senator Oroho's office. This was just an informational meeting which allowed the group to get some visibility with our legislators. The NJDEP is still working on the lease agreement between CLCC and the State.
- 2/4 – Mikie Sherrill came to town in response to Councilman Olson reaching out regarding the superfund site. The Mayor and Harvey also met with the Congresswoman regarding improving our internet service
- 2/7 – The Council will be having a joint meeting with the Planning Board to go over numerous topics. The Council hopes to get in sync with the Planning Board.

Councilwoman Kash – No report

Councilman Roseff

- 1/24 attended Environmental Commission's first meeting of the year. The commission members discussed the state legislature's bill to give the power to the utility companies with regards to vegetative management and removal of trees. This bill removes the need for a professional to make that determination. The group discussed feedback from the Committee Heads meeting and upcoming events.

- 2/4 – kickoff ISO subcommittee meeting – Harvey is hoping with the help of this subcommittee we will get a better rating on the next review. They will meet again in a few weeks and review the numbering system.
- In January, Harvey met with Elizabeth Town Gas with Joe and the Mayor. Next steps-There should be marketing campaign by the company to bring gas lines through Byram.

Councilman Olson

- 1/17 – The Planning Board approved 2 applications
- 1/22 – Attended the kick-off meeting for the Recreation, Open Space Trails grant.
- 1/22 – The committee head meeting was productive and provides a way for all committees to connect with one another.
- 2/4 – Mikie Sherrill met with the EPA and town officials at our town hall and toured the Mansfield superfund site and wants to continue where Congressman Frelinghuysen left off. The EPA made a great presentation and they answered many of Mikie Sherrill’s questions. There will be someone from her office attending the Community Advisory Meetings that are held at town hall.
- 2/11 - OS will meet and discuss the new grant and other open space business

ACCEPTANCE OF RESIGNATIONS – The Council received two resignation letters. Anthony Ansaldi was appointed in 2010 to the Board of Health and has been chair since 2014. Bob Brady, who was appointed to the Recreation Committee in 2017 and the Open Space committee in 2018, submitted his resignation due to work conflicts. Motion by Deputy Mayor Kash, second by Councilman Olson, thanking Tony and Bob for their contributions and accepting these resignations. All members in favor. Motion carried.

PUBLIC PARTICIPATION I

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

Larry Rotter, 80 Tamarack Road, asked for confirmation regarding the start time of the building subcommittee. Joe confirmed that it starts at 7:30 p.m.

Richard Schneider, 73 River Road, asked for clarification of the Bill that Harvey was referring to regarding utility companies. Harvey answered his question.

Luann Byrne, Richmond Road, informed the Council that her husband had developed an app for trails and presented to the EC about a year and half ago. He has an extensive knowledge on this. Alex will make sure he gets his contact information to our consultants.

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

APPROVAL OF MINUTES

- January 15, 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
No					
Abstain				recuse	
Absent	x				

- January 22, 2019 – Council / Committee Head 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 Deputy Mayor Kash to approve the consent agenda.

- Approval of Raffle and 50/50 License – Byram Township Education Foundation
- Resolution No. 044-2019 – Governor’s Council on Alcoholism and Drug Abuse – Fiscal Grant Cycle July 2014-June 2020 – Municipal Alliance
- Resolution No. 045-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 360, Lot 1.01 – 183 Forest Lake Drive
- Resolution No. 046-2019 – Resolution Authorizing the Execution of Documents Associated with the Payroll Contract with R&L Data Centers
- Resolution No. 047-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – 183 Forest Lake Drive, Block 360, Lot 1.01
- Resolution No. 048-2019 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Carpenter Road – Net decrease of \$7,948.87

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

RESOLUTION NO. 049-2019 – RESOLUTION TO ACCEPT THE DONATION OF (1) 2018 FORD F150 RESPONDER (W1P) XL 4WD SUPERCREW 5.5’ BOX WHICH WAS PURCHASED FROM BEYER FORD BY THE COUNTY OF SUSSEX IN THE AMOUNT OF \$41,418.37 – Scott asked for this to be pulled for discussion. Scott stated that he has not been involved in any of the discussions on this vehicle and he was surprised to see this. Alex asked Chief Zabita to speak on this. The Chief stated that money in the county’s forfeiture fund is divvied up amongst law enforcement agencies based on their level of participation in major investigations on the local, state and federal level. The funding is available for purchases that are outside of the budget. Scott asked if this could have been used for car cameras or other items on the PD capital plan. It can’t be used for regular purchases funded out of municipalities’ budgets, but it can be used for a specialty vehicles or special equipment upon request. Pete said that this pickup truck can be used as a range vehicle, used during food drives, and also as a command vehicle for the chief. The Tahoe is better for patrols because all equipment can be kept inside. This truck will not be equipped with cameras. The vehicle was purchased in 2018 and is almost ready for delivery.

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

Absent	x				
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FEBRUARY 5, 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		
2nd		x			
Yes		x	x		x
No					
Abstain					20334, 20345
Absent	X				

ORDINANCE – 2nd Reading / Public Hearing

ORDINANCE 1-2019 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion by Councilman Olson, second by Deputy Mayor Kash to consider this ordinance for adoption.

Mayor Rubenstein opened to the public. Larry Rotter, 80 Tamarack Road, asked if this ordinance will raise our taxes. Alex and the Manager explained this ordinance in detail. Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 1-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ITEMS FOR DISCUSSION

Municipal Building – 2/12 there will be a subcommittee meeting. Harvey said that there was discussion at the last meeting regarding a community road

SCMUA Fees – Thinks we should engage with SCUMA and asked for a price decrease. SCUMA had a capital program which came in under budget, and he feels that customers have a right to ask for a discount. Scott stated that they had a meeting in November to set the rates. Harvey suggested passing a resolution. Harvey will write the resolution backed with facts and numbers. Alex thinks we should look at the operating budget to see if it has been costing them less to do business.

Recycling Billing Dispute – Harvey stated that it is general knowledge that Blue Diamond has asked several municipalities to pay additional monies above the contract amount. There was an article in the Herald stating that Franklin denied paying. Scott suggested that asked if we could be proactive and change to dual streaming. Scott would like to add a discussion at a future meeting of changing back to multi streaming.

Video Recording Council Meetings – Harvey received a generic contract from SECTV. They contract out to a videographer who will come to each meeting. They would provide us with a DVD at no charge. He suggested a back-up camera. He stated we should have a very good audio system. Alex asked if there was consensus to have this done. Scott asked who would be in charge of the backup camera. After some discussion, Alex stated that he would be in favor of

videotaping as long as it didn't put a burden on the staff. Doris will send the contract out to everyone for review. Tom Collins will review the contract. Alex suggested taking a first step by having SECTV do the videotaping and then we will look into a back up camera later in the year.

PUBLIC PARTICIPATION II

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

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
 - NJDEP/Cranberry Lake Bridge
 - Release of 2018 Closed Session Minutes
- b. Contract Negotiations
 - PBA/DPW
 - Shared Services / Construction Department

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 Olson did not want to discuss NJDEP/Cranberry Lake Bridge in closed session. He felt it was appropriate to discuss in open and asked to remove it. Motion by Councilwoman Kash second by Councilman Olson to go into closed session and adopt the above resolution with the removal of the NJDEP/Cranberry Lake Bridge.

	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 5, 2019.
Doris Flynn, Municipal Clerk

ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

Mayor Rubenstein asked the Council if it they were ok with him meeting with Wassim Nader to review the plans for the new building prior to next Tuesday's meeting. There was a brief discussion, and the group would rather have the presentation to the entire committee on Tuesday. Doris will prepare a notice for a special meeting on 2/12 so that all the council can attend the building subcommittee meeting.

ADJOURNMENT – Motion by Councilman Olson, second by Deputy Mayor Kash to adjourn. All members in favor.
Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor