

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 3, 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 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
 - State Health Care Benefits - Local PBA 138 Grievance
 - Property Maintenance – Block 220 Lot 25 & Block 336 lot 23
- b. Personnel
- c. Litigation
 - Danielson Workers Comp Follow-up

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

Certification: I certify that the Byram Township Council adopted the above resolution on March 3, 2020.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Bonker, second by Councilwoman Franco to approve the agenda with an addition for Item 7A for a presentation by 2 scouts from our town and adding Community Aggregation for discussion. All members were in favor. Motion carried.

GIRL SCOUTS – CITIZENSHIP BADGE WORK

Lindsay Polasi from Sparta and Bridget Brady, 64 Lynn Drive are working on their Citizenship Merit Badge and came to the meeting to speak about service opportunities. They asked what type of service opportunities are available that they could get involved with in Byram. The Mayor said that it would be great to talk to the Environmental Commission and Open Space about maintenance on trails. Ray Bonker explained that we have a high volume of volunteer activity which makes Byram a better place to live in. The Environmental Commission will be starting trail maintenance on April 1. Ray recommended getting in contact with Donna Fett at Town Hall and let them know they would like to help. Alex stated that the Salt Shakers run trail maintenance activities. There will be a triathlon in June, and they are always looking for help. Bridget asked about any proposed renovations for COJohnson Park. Tomorrow night there will be a meeting at 7 p.m. asking non-sport groups what they would like done with the Fieldhouse. Alex recommended that they attend.

RENEWAL OF LICENSE – 2020 QUARRY LICENSE - Steve O’Reilly, Manager at Tilcon, was sworn in by Megan Ward. Cory Stoner prepared a report dated 2/27/20. There is no crushing going on at the facility. They do one or two blasts a year. As a requirement of the ordinance, the engineer does quarterly inspections. The Township is alerted in case a Council member or Environmental member would like to go along. There hasn’t been any noise complaints. There is a bond in the amount of \$1,287,600 for restoration. The report reviews all the conditions that were in place last year and Cory Stoner is recommending that they remain in place for 2020. Tilcon continues to monitor the on-site wells and piezometers on a quarterly basis and reports annually on these findings.

Within the last two years, cameras were installed throughout the property. If anyone comes on the property, the police are alerted. They haven’t had much problems with ATV’s since the fence has been installed. Tilcon submitted a 2018 aerial map, and things haven’t changed on the site since then. There were 2 errors on the maps and the condition states that map should be updated within 60 days of the approval of the license. They have piles of stone on site—Nordic will be taking the stone away, which is outlined in Cory’s report. Cory Stoner recommends that the license be renewed with all the conditions outlined in his report.

Alex asked if they predict any change in their market in the future. Steve O’Reilly said right now they do not anticipate any changes, and they presently work out of the Mt. Hope Quarry. Steve stated that they will make the adjustments to the plan as outlined in Cory’s report.

Alex opened to the public. No comments.

RESOLUTION NO. 049- 2020 – SELF EXAMINATION OF BUDGET RESOLUTION – Joe explained that every three years we are required to have the budget reviewed by the DLGS. The remaining 2 years we are allowed to do self-exam.

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

2020 BUDGET INTRODUCTION – Motion by Councilman Bonker, second by Councilman Gallagher to introduce the budget.

Joe Sabatini prepared a detailed memo for the introduction and approval of the budget which is posted on the website. The budget presents a reduction of .27 percent or \$23,568 reduction in tax levy. Overall, the anticipation of miscellaneous revenues was increased by \$130,000, which is due to the anticipation of Interest on Investments. We also moved to the State Health Care Benefits which has provided a significant savings.

The total amount of Fund balance committed to the 2020 budget is \$2,095,000 which is an increase of \$485,000 from 2019. Overall, the budget plan is presenting an increase in appropriations totaling \$591,432. This includes the \$450,000 to the Capital Improvement Fund.

In summary, the challenge with this budget and future budgets is to maintain the same level of services for the Township residents while costs continue to increase, the growth of the Township’s ratable base remains restricted, and miscellaneous revenues remain flat resulting in a reliance on property taxes. The Township continues to hold the line on departmental operating expenses with the objective of preserving services in accordance with the expectations of the Township’s residents.

The 2020 municipal budget plan has been constructed to fund more capital projects through the budget. The combination of shifting money between line items and increasing the amount of Capital Improvement Fund is reducing the dependency on incurring debt to pay for capital projects.

Ray Bonker noted that we have a long list of capital items. He is pleased to see the DPW breakroom on the list. He is also happy to see that there is money set aside for new playground equipment. Ray noted that the salt line item has significantly increased. Joe said that we did use a significant amount of salt in the beginning of the season which starts in October. The funding for salt will give us the ability to buy salt throughout 2021 and bring the storage up to the maximum limit. We may be able to reduce the budget for salt for next year.

Harvey stated we had savings by moving to the State Health Benefit Plan. Harvey wanted to let the public know that the plans that are offered are excellent and we didn’t limit which plan an employee can select. Harvey asked if the reduction of the federal rate could affect our forecast. Joe stated they we were conservative with the revenue amount we are anticipating. If we don’t receive as much as we are anticipating, we won’t be able to anticipate as much revenue next year. Harvey questioned the FICA increase of \$28,000. Ashleigh does this calculation, and Joe will ask her for an explanation of the increase.

The Clerk called for the vote.

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

COUNCIL REPORTS:

Township Manager – There has been a posting regarding the Coronavirus added to the website. There will be a free rabies clinic on 4/18. The fire grant which is on the consent agenda is being used for the purchase of turnout gear for the Fire Department.

Mayor Rubenstein

- At the last Planning Board meeting, they heard a residential application for solar, which was carried to the March 5th meeting for lack of some information. Hopefully the planning board will hear the full application and vote on the application. On 2/26 the Mayor attended the Byram BOE meeting. There was a presentation on early intervention and the upcoming changes on the process of initial assessment. The school will be opening 10 minutes later and ending 10 minutes later. It will be the same length of time, but it is being moved because of a busing conflict. There was discussion on their budget because of the decrease in State Aid. Byram announced that it is likely that there will be a 0% increase.
- The Mayor walked the woods in East Brookwood with Cory Stoner, Joe Sabatini, and Mike Orgera for a few hours looking at different sections (i.e. Mansfield Bike Path up to Sparta Stanhope Road, Ross Road, Brookwood Drive). They discussed ingress and egress among some other issues. Cory will be working on a report.
- The Mayor will be reading to second graders on Thursday for Read Across America.
- On March 11, there will be a meeting at our town hall with Andover Twp, Andover Borough, IAT, and Forest Lakes and hopefully NJDOT about the pothole issues on Forest Lakes Drive.
- 2nd meeting in April Verizon will be here talking about fios and 5G and other topics. The public is welcome to come and ask any questions.

Councilman Bonker

- The next Open Space meeting is 3/9 at 7:30 p.m. We usually have bi-monthly meetings but we will be meeting every month for the next few months to get the Open Space and Rec Plan finished.
- The meeting last night was 3 hours. We had great attendance by the Council, building committee and the public. It is the biggest decision that the Council will be making. He feels we have collectively done our homework on this. Now the Council needs to think about what we heard, and we need to make a thoughtful, definitive decision on this. Time is of the essence. The Feds lowered the rate today which was highly unusual. Ray has looked into rates for AA rated municipal governments, and the rate is in the 1.6 range which is insanely low. We need to act now.

Councilwoman Franco – On 3/13 Chris will be attending the Southern Sussex Chamber meeting. If anyone has any info to pass on, please let her know. Alex said to reach out to the local companies that were attending the BBOA meetings. Alex provided Cris a list.

Councilman Gallagher – Attended the last Fire Department meeting. They are doing ICS training every Thursday this month. Beefsteak coming up on 3/18. Upcoming recreation meetings will occur on March 4 and March 12 at 7 pm at COJohnson Fieldhouse.

Councilman Roseff – On 2/27, Harvey attended Environmental Commission meeting. EC is always looking for assistance on their trail cleanups. They also invited the Open Space committee. They reviewed the Raimos Planning Board application, and they pointed out that they are going to be doing car crushing. Harvey thought we should look into the noise from the crushing and if it would affect the neighbors. Alex will bring it up at the Planning Board meeting.

PUBLIC PARTICIPATION I

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

Jack Moran, 7 East Waterloo Road, asked when Alex would discuss the Energy Aggregation. He stated that it will be discussed a little later in the agenda.

Skip Danielson, Hunters Lane, asked if Verizon would be addressing anything about the trees. There is a tree at the intersection of Hunter and Tamarack and it looks like it could come down soon, and would take down telephone lines.

Skip stated that they are waiting for the reason why Statewide is appealing his daughter-in-law’s lawsuit for the death of his son. It has been 4 months since the notice of appeal. The delay isn’t harming Statewide, but it is hurting his family.

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

APPROVAL OF MINUTES

- February 18, 2020 Regular & Closed Session Meeting Minutes

Motion by Councilman Bonker, second by Councilwoman Franco, to adopt the minutes.

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

PROCLAMATION - Read Across America

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.

- Resolution No. 046-2020 – Resolution Granting North Jersey Auto Wreckers, Inc. A License for 2020 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 047-2020 – Resolution Granting a License for 2020 to Raimo of Stanhope, Inc. to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 048-2020 – Department of Environmental Protection – Volunteer Fire Assistance Grant - \$5,000
- Resolution No. 050-2020 – Resolution Authorizing the Execution of a Lease Agreement and Shared Services Contract for Community Animal Impound Services Between the Township of Byram and Byram Animal Rescue Kindness Squad Inc. (BARKS)
- Resolution No. 051-2020 – Resolution Authorizing Environmental Commission to Hold Trail Clean-up Events

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

MARCH 3, 2020 BILL LIST

Motion by Councilman Bonker, 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

Community Energy Aggregation – Alex spoke to a contact today. The co-ops rate is fixed at .0869 Kill. JCPL has winter and summer rates – if you use less than 600 you will definitely pay more in the summer. If you use 600-800 you may pay more. In the winter there would be a noticeable savings regardless of the amount of usage. Most likely there would still be an overall savings. There are several steps that we have to take to get into the co-op. We could do the first few steps so that we would be ready to jump in quickly. Ray stated that for us to move forward, he feels there needs to be a significant savings. He doesn't feel it is worth it to save 2-3%. If we were saving people 5-7%, then it would be worth it. Alex would like to do an analysis on the average household usage. Alex will look into this and report back.

FUTURE AGENDA ITEMS – The Council agreed to add the discussion on next steps on the Municipal Building project.

PUBLIC PARTICIPATION II

Motion by Councilman Bonker, second by Councilman Gallagher, to open to the public.

Mr. Schneider, asked if it includes the delivery charge. Alex said no, that is a JCPL charge. Alex stated that the .0869 includes the Generation, transmission and sales and use tax. He asked if a homeowner can opt out. Alex stated that the homeowner can opt out but the Township is in for the contract term.

Jack Moran stated that residents would receive consumer protection through the co-op which they don't get on their own. Jack Moran thinks that even if the savings is 2%, he feels the Council should do it. Jack Gallagher suggested doing another presentation by the co-op.

Jeannie Moran, 7 East Waterloo Road, asked for an ordinance to prohibit parking in front of the East Brookwood Park. Joe doesn't feel this ordinance is necessary and the water company would not be in favor of it. There are signs there that say "no parking". Jeanne stated that she was told by our labor counsel that the Township would need to adopt an ordinance prohibiting parking in order for it to be enforceable. Alex asked the Chief if there has been any complaints about parking in this area. The Chief was not aware of any complaints. Cris passes the area every day and never sees a car there. A few of the members didn't see the necessity to adopt an ordinance if there isn't a problem with parking. There was a brief discussion of removing the signs since they are not enforceable without an ordinance. Ray, Harvey, Cris and Alex were in favor of leaving the signs but not passing an ordinance.

Annelise Tartell, North Shore Road, asked about dog licenses. She stated that she has been part of the Chamber for 2 years but is unable to attend the meetings because they are in the day. Cris Franco stated that they are going to have quarterly evening meetings. Anneliese reiterated the comments that she made at the Council/Building Subcommittee meeting she attended on March 2. She did not think a strip mall was a good place for the municipal building or police department. Anneliese stated that the Council has spent years looking at plans and stated it was time to move forward. The Nader Group was hired and did what was asked of them. It is now time to move on to the next Phase that was outlined in the Nader proposal. Alex stated he agreed with everything she said.

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

RESOLUTION

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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 March 3, 2020.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

ADJOURNMENT – Motion by Councilwoman Franco second by Councilman Gallagher to adjourn at 10:44 pm. All members in favor. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor