

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 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 required. 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
 - CLCC
 - Wawa/CVS
- b. Contract Negotiations
 - Video Recording – SECTV
 - SHBP

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 March 19, 2019.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Gray, second by Councilman Olson to approve the agenda as presented with the addition of adding the following discussion items: CLCC, e-mail account for Recreation Committee, and an email from Paul Gleitz regarding the Village Center. All members were in favor. Motion carried.

MS AWARENESS PRESENTATION – Tammy Quasius

Tammy thanked the Council for having her back again. Tammy talked briefly about MS and how it affects people’s lives. MS Society released new data and now it has been reported that almost 1 million people have MS, vs. 400,000 that has been reported for the last 15 years. Tammy has been invited to go to Washington for the past 9 years, and she reviewed the funding requests they made in Washington; and one in particular was for veterans. They have a higher risk of developing MS – 70,000 veterans in the US are living with MS. They asked Congress to pass legislation regarding the lack of genetics for MS drugs--45% of generics do not come to market. Their requests are aimed at benefiting all Americans. In April, Tammy will be training as a self-help leader. She is very excited about this.

Councilman Olson stated that Tammy Quasius was named a 2019 honoree activist by the MSAA organization. She was recognized at the MSAA 2019 Improving Lives Benefit in Philadelphia. Tammy Quasius is a tireless MS activist, advocating for policies affecting the MS population on all levels of government. Scott thanked Tammy for coming to our meeting and for all the work she has accomplished.

PROCLAMATION

- MS Awareness – Motion by Councilman Olson, second by Councilman Gray to have the Mayor sign the proclamation. All members in favor. Motion carried.
- National Poison Prevention Week – Motion by Councilman Gray, second by Councilwoman Kash to have the Mayor sign the proclamation. All members in favor. Motion carried.

CONCORD ENERGY SERVICES PRESENTATION

Stacia Scaduto, Business Development Consultant for Concord Energy Services, presented a power point slide presentation to the Council. Stacia explained about the Government Energy Aggregation Program (GEA), and stated that it authorizes municipalities of New Jersey to establish Community Energy Aggregation (CEA) programs, after passing an ordinance. A CEA program allows municipalities to aggregate the energy requirements of residential accounts so that the CEA program can purchase energy supply from non-utility sellers of electricity (third party suppliers) at prices lower than the average utility price.

Mayor McDonough of Hope Township came this evening to speak to Byram and inform the Council of Hope's experience with Concord Energy. Hope signed on with Concord Energy to purchase electricity through a third party supplier 3 years ago. Mayor McDonough is now doing consulting work for Concord Energy, but when Concord came to their town, he was not working for them. Hope's Township Committee had several concerns when they were looking into this: how it worked and the fact that someone had to opt out instead of opting in. Hope is going into a second auction and have only had approximately 10% who have opted out.

Alex asked how many towns were in the Sussex/Warren Cooperative when Hope joined. Stacia said there were 8 towns and now there are 11. They are working with two other towns right now who have elected to join.

- Electric service will still be provided by JCP&L
- Residents can opt out without any fees or penalties
- Price remains flat for the term of the contract
- Concord Energy will do outreach to educate residents about the program if the Township joins program
- Concord Energy has 40 municipalities that are in the program
- Consumer protections are included in CEA programs that are not found in individual third-party agreements.
- All current services such as meter readings, billing, payments, emergency services are serviced through the utility company just as they are today.
- If the resident's electricity goes out, they still call JCPL.
- The resident will pay less or the same but never pay more than the JCPL rate, which will be shown on each bill.
- Residents that have solar or already have a TPA can opt in.
- The NJ BPU has enforcement authority over CEA programs
- Energy deregulation gives you the option to choose the supplier on your electric bill.

There is a robust outreach to residents done by Concord. They do a mailing, attending senior meetings, or any other way to get the word out. There is a 30-day window to opt out and never be enrolled. If residents already have a 3rd party supplier, they can stay with that party. Residents get one bill, nothing changes. If there is an electrical problem, resident still calls JCP&L. An advantage for a township to sign on to this are consumer protections, etc.

Alex asked Mayor McDonough what resistance did their town experience. Mayor McDonough stated that there were a few people who were disgruntled, but it was not a big outcry. This is the 3rd year they are doing this, and the residents like it. There are comments on Hope's facebook page from residents about it.

Alex asked what the delta has been between JCPL and Concord – 10%-12%. We will never pay higher than the JCPL rate. If JCPL rate is going to drop, they will cancel the contract and move everyone back to JCPL.

There is a website to log onto to see how much the town overall saved and residents can go on and see what they have saved. They can also provide reports showing how many people opted out.

If the Township wanted to opt out, what happens. The Township would be in for a specific term until the next auction. If we join the Sussex Warren, the time period goes from March 2019 through December 2020. We can decide not to join the next auction.

David asked several questions about the rate and verified that the rate would never be higher than the JCPL rate. If for some reason JCPL rate drops and they can't match it, they would send a letter to all residents stating that the program has been discontinued and it would revert back to JCPL. At any time, individuals can opt out without penalty.

Harvey has shopped around for electricity. He asked if there were other companies like Concord. In New Jersey, there are two other groups. If we went forward and didn't join the Sussex Warren and asked to bid for Byram only, can we opt for a certain time period.

Alex asked how Concord is paid. They get a commission paid by the supplier. It is listed in the contracts – usually .002 cents.

Scott Olson said that it was stated that JCPL is not generating power now and asked where is the power coming from. Scott stated that he knows there was issues with Florham Park, and asked Stacia to comment. Stacia stated that they got caught in the cross hairs between the Council members and Mayor. Scott stated that he has a problem with making a choice for the resident vs. the resident making their own choice. Stacia stated that today, the State of New Jersey runs the auction and picks the supplier and the rate is set. It would be done the same way except on a local level, which she feels is in the best interest of the resident.

Joe stated that when Stanhope opted in several homeowners in Byram were opted in to the program because they were located near the border of Stanhope. Stacia stated that they rely on JCPL providing the addresses of all the residents in each town, and there is a small margin for error. Stacia said that the week that the mailing goes out a representative from Concord Energy would come to town to handle the calls from the public.

Mayor Rubenstein opened to public.

- Jack Moran, E. Waterloo Road, asked if they have a statistic on how many people in the state use a 3rd party. Mayor McDonough stated that they had residents who had solar but not many who had 3rd party. Jack is in support of this. He feels that once people are on board with it and understand it, they will like it. Morris Cooperative has 12 towns, Sussex/Warren has 13 towns.
- Anneliese Tartell, North Shore Road, asked why can't businesses join? Stacia said that rates are different for residential and business and this is a program solely for residential.

Alex asked if any towns have dropped out after signing on with Concord. Stacia talked about 2 towns that she recalled and explained the reasons. Alex asked if they could provide a list of references of towns with names and numbers of Mayors and Administrators.

COUNCIL REPORTS

Township Manager

- Township's consultants are working on a Parks and Recreation Plan. You can get access to the link to take a survey—anyone who lives in Byram and outside of Byram are encouraged to do so.
- The next municipal building subcommittee meeting is Monday, March 25 at 7:30 p.m.
- Participated in CFO Roundtable and presented a segment on shared services experiences--the good and the bad

Mayor Rubenstein

- 3/7 - PB meeting – Tomahawk Lake site plan in which they spent time determining whether it is a C or D variance-very slow progress.
- Mayor attended Land Use class on March 18 – Lou Rago taught it.
- 3/20 – Wayne McCabe will be presenting at the Byram Historical Society
- 3/21 – PB meeting – barn addition and addition to house on Rosemarie Lane

Councilman Gray – no report

Councilwoman Kash – no report

Councilman Roseff – Provided a municipal building subcommittee update. He reported on discussions on how to move forward, which will be further flushed out at the March 25th meeting.

Councilman Olson

- Encouraged everyone to take the Parks and Rec survey.
- 3/18 – EPA Mansfield Dump site meeting at Town Hall to provide update. The goal is clean water and a permanent solution for the residents.
- 3/20 – Byram Historical Society meeting - Wayne McCabe will be trying to get Historic Designation for our Byram Roseville School House

PUBLIC PARTICIPATION I

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

Pastor Tim, Waterloo Methodist Church, Food Fest – collected 1000 pounds of food and \$500 in shop rite gift cards. On May 19, Waterloo does a picnic for the first responders. Pastor Tim told everyone that they were welcome at their church every Sunday. Four church members attended the meeting with Pastor Tim. Alex thanked them for coming and asked their opinion about the Concord Energy presentation. One member lived in Byram and thought it sounded good and she would be interested in hearing more about it.

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

APPROVAL OF MINUTES

- March 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	x
No					
Abstain					
Absent					

- March 14, 2019 – Regular Meeting Minutes of the Joint Building Subcommittee & 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					

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 Gray, second by Councilwoman Kash to approve the consent agenda.

- Resolution No. 069-2019 – Resolution Authorizing Compliance with the United States Equal Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records” in Employment Decisions Under Title VII of the Civil Rights Act of 1964
- Resolution No. 070-2019 – Resolution Granting a License for 2019 to Raimos of Stanhope, Inc. to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 071-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 26 Lot 370.02, 16 Chestnut Street
- Resolution No. 072-2019 – Resolution to Enter into an Agreement with the Sussex County Prosecutor’s Office and the Sussex County Law Enforcement Agencies and/or Participating Private Sector Entities Regarding Assigning Personnel to Assist with any Operation Helping Hand Details, Between 9/1/2018 and 7/31/2019
- Resolution No. 073- 2019 - Refund of Tax Appeal for 2017 / 2018 – 8 Rt. 206, Block 42 Lot 113
- Resolution No. 074-2019 – Resolution to Amend the 2019 Temporary Budget

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

MARCH 19, 2019 BILL LIST

Motion by Councilman Gray, 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	x	x
No					
Abstain					20491
Absent					

APPOINTMENT OF RECREATION COMMITTEE MEMBER TO THE OPEN SPACE COMMITTEE– Scott Yappen

– Motion by Councilman Gray, second by Councilwoman Kash to appoint Scott Yappen to the Open Space Committee. All members in favor. Motion carried.

ITEMS FOR DISCUSSION

- **Shared Services / Consolidation** – Harvey stated that we should take a formal, more organized approach to talk with our neighbors/county about shared services/consolidation. He stated as an example that the

County had a very similar building history and situation with its County Jail as Byram has with its municipal building. After years of the County reviewing jail building options, Harvey read aloud Sheriff Strada just-made public statement of "As the sheriff, I have a sworn duty and legal obligation to the taxpayers to start these discussions. It would be fiscally, legally and socially irresponsible for an elected official to ignore when an antiquated public facility is exposing our residents to an unnecessary financial burden and legal liability."

Scott suggested having a roundtable at Waterloo Village inviting Warren/Sussex/Morris and have a Share Services presentation. We could be the lead. Scott stated that we need to target what services we are looking to consolidate or enter into a shared service.

Alex thinks that the round table is a good idea. He thinks that focusing on a 2 or 3 areas is the way to go. Scott stated that the Council needs to have conversation in executive session regarding the areas to investigate shared services.

Joe would be interested in participating in the roundtable, and he would try to get the other participants to be a part, as well as the DCA. He has asked the DCA for the power point presentation.

Harvey thinks we can kick it off with the roundtable, but also thinks we should reach out to our neighbors and start engaging them. We need to initiate conversation.

Scott stated that he would volunteer to help organize the roundtable. Alex volunteered to reach out to other municipalities and the county. Joe will reach out to the DCA. Scott suggested having the event catered if it is going to be a 4 -hour event.

- CLCC – Nisha recused from discussion and left the meeting. CLCC has decided over the last year that they have the right to assess a fee to join the club and if they do not, a lien would be placed on the property. The opposition has reached out to the Mayor and other members of the town and asked them to get involved. Alex stated that he feels the Council should stay removed from this. He asked Tom what we should do. Tom stated that we should not get involved with it. A Council member can listen, but it isn't a Township issue. David Gray stated that he agrees that there is no action to be taken by this Council. David is concerned that the activity going on in Cranberry Lake can branch out to other areas of the town. David discussed what happened in Wantage with regard to taxing properties at a lake.

Scott lives in a lake community that is deeded. It is in his deed and he paid \$6000 when he purchased his house and must pay a yearly membership fee. Lake Mohawk maintains their own roads. Scott stated that this has come out of the blue for homeowners on Cranberry Lake.

Alex Rubenstein will respond to Kristine Cerza with regard to her email to the Mayor. Doris Flynn will respond to Kristine Cerza's OPRA request with regard to the pumping of the septic and septic tank info.

- Discussion of future Village Center – Paul Gleitz sent an email on 2/27 regarding the offer from the NJ Builder's Association coming up and looking at the Village Center property and our ordinances at no charge. Harvey asked if it would include the landowner. Tom Collins did not think it was a good idea to have the meeting because the land is owned privately. David Gray asked if we could just pass the name of the contact from the NJ Builder's Association to the landowner. There was a brief discussion, and Tom stated that the meeting should be tabled and continue discussion at the next closed session.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilman Gray, to open to the public.

Carlos Lauces, 7 Johnson Blvd. stated that for years he has heard about the Village Center. He agrees with Tom Collins and thought Byram should stay out of it and let the property owner decide whether he wants to sell it and who he wants to sell it to.

Joann Smith, 57 Lake Drive, stated that she applauded the Council for continuing to look at shared services. She said that the Council has to listen to the tax payer.

Roxanne Sabatini, 13 Sandys Road, commented on what Harvey said about the article about the jail. People were in the jail needing blankets for 6 years and no changes have been made. Maybe this is a good comparison to what is happening in Byram because nothing is getting done.

Closed to the public.

ADJOURNMENT – Motion by Councilman Olson, second by Councilman Gray to adjourn at 10:20 p.m. All member in favor. Motion carried.