

**BYRAM TOWNSHIP SPECIAL JOINT TOWNSHIP COUNCIL/BUILDING SUBCOMMITTEE MEETING - MARCH 2, 2020**

**CALL MEETING TO ORDER**

Mayor Rubenstein called the meeting to order at 7:00 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.

**ATTENDANCE:**

Town Council Members: Mayor Rubenstein, Councilman Bonker, Councilwoman Franco, Councilman Gallagher, Councilman Roseff

Also present: Township Attorney Tom Collins, Township Manager Joe Sabatini and Municipal Clerk Doris Flynn

Building Subcommittee Members present: Steven Panek, James Reinhold, Larry Rotter, John Morytko, Scott Yappen, Carlos Luaces, Mike Pellek, Skip Danielson

Deputy Mayor Raymond Bonker will be leading the meeting because Mayor Rubenstein has a conflict with Gordon Byram Associates and has stepped down. Deputy Mayor Bonker introduced himself and provided the following summary:

“This building subcommittee was formed two years ago to help the Council make a decision regarding the future location of the Municipal building. Over the past two years several alternate sites in town were visited, municipal buildings in other towns were visited, and the Nader architectural firm was hired to provide subject matter expertise and some initial plans for redeveloping this building. Last Fall, after the Nader group had made their presentation to this sub-committee, Gordon Byram Associates began a process with the Council which culminated in a presentation of the “condo option” at the ShopRite Plaza. That presentation occurred here last month, and all of the sub-committee members had an opportunity to ask questions of the Gordon Byram Associates representatives. GBA provided a wealth of written materials to this subcommittee. Tonight, the Council is looking forward to hearing from each member of this sub-committee regarding your analysis and opinions regarding the GBA proposal specifically, and in comparison to the Nader proposal to redevelop this site. I believe the most consequential decision this Council will make will be deciding between these two alternatives. As representatives of Byram, each of you have volunteered to help provide us with as much information as possible so that we can collectively make the optimal decision. I want to emphasize and applaud the role of all citizen volunteers on this sub-committee. The full Council is here, listening, and anxious to hear what each of you wishes to report. After tonight’s meeting, the Council will begin its deliberative process, but not tonight. We have reserved the entire evening to make sure there is sufficient time for every member to fully express their views.

In similar fashion to our meeting last month, I will be asking each sub-committee member to present their views, starting with the Chair and then each member in alphabetical order. For those who are familiar with it, this will be conducted like a legislative hearing initially. Once everyone has a chance to speak, we can then have an interactive group discussion, and then the public will be invited to opine on this one topic only. We have a full Council meeting scheduled tomorrow night at 7:30PM for all other topics, so please keep all comments limited only to the municipal building discussion. Our clerk will be taking the minutes, so each speaker will need to be identified, and only one person will be given the floor at a time so that all input can be accurately recorded.

With that introduction, I would like to start with Chairman Morytko.”

John Morytko stated that Eric Serrilli and Donald Robbins contacted him to let John know they could not make the meeting. Eric provided some comments that he asked John to share.

John Morytko:

- He was not in favor of the leasing option but was pleased to see that the condo option was financially closer in comparison to the Nader option.
- Looked at pros and cons of the condo option: Is the location better? Is it the best option?
- Condo option provided more space. This location is closer to the town center.
- Is moving from a municipal site to a site where we are relinquishing a lot of control the best idea? It is a tenant relationship, where we would not have any control.
- Was it a good thing to have the Police Department in the Plaza? The report from the Chief of Police answered his questions, which supported the Police Department remaining at the present site.
- What does a retail site look like in 25 or 50 years? How would it impact us if we were located there?
- John isn't convinced that it is a better option. He can't find a compelling reason to move from this site to a retail site and maintain this site.

Skip Danielson:

- Fifty years ago this building was in the planning stage. After this building was built, it soon had to change to keep up with the growth in the town.
- Skip stated that Mr. Romano has definitely done a great job in trying to provide Byram with everything it would need to exist in the space at Byram Plaza.
- Skip was happy to see the letter from Chief Burke, which touched on many important factors and reasons why the Police Department should not be relocated to the Plaza.
- He doesn't see advantages to the taxpayer on the condo option.
- Skip favors the Nader option and feels the Police Department should remain at this location. He did say that the Nader plan needed fine tuning but he felt it was a good plan.

Steven Panek:

- Concerned about GBA giving a turnkey proposal - asked if GBA's architect and builder is going to keep Byram's best interest in mind. GBA would be paying the bill and it's customary that they would answer to who is paying the bill.
- There needs to be more work done to come down to a solid budget.
- Feels that the area where the gym is can become a bottleneck. It could be difficult to get out in an emergency.
- He is not in favor of the condo option.

Mike Pellek:

- Made a list of pros and cons about the project.
- Pros of staying at municipal site – continue to have the township services at one location; the Chief of Police report had good reasons why the building should remain at 10 Mansfield Drive and be rehabbed.
- Cons of rehabbing municipal building – Site development costs, environmental permitting, new well, holding tanks, possible use of temporary trailers, change orders, overruns, etc. He feels the price tag will continue to escalate.
- Condo option – Pros - Plan has a lot more detail with fixed costs. Infrastructure is all there, including water, sewer and fire protection; reduced time for construction and smooth transition

for move in; and high speed fiberoptic, propane at low cost at site. GBA is responsible for cost overruns. No environmental concerns.

- Cons – Tax revenue loss, may need more manpower for police and municipal because of additional walk-ins
- Feels that the committee should look back at Byram School. He feels we dismissed it too soon.
- May make sense to move administration to the Plaza and keep the police department at this site.

Jim Reinhold:

- He feels that the cost differences are insignificant.
- Either one is an acceptable site from one prospective or another.
- He wishes that he had more confidence in the \$5.5 million project at this site.
- Did not like the concept of leasing space because we are not in control. Even with the condo option he feels control is still an issue.
- Keeping the building here would be more beneficial if we could keep the cost essentially the same.

Carlos Luaces:

- Condo option – Carlos feels it minimizes risk—he likes this option but feels a straight lease option is the best way to go. He thought that Township should have tried to negotiate a better leasing price.
- True costs were given in the GBA proposal. He thought there should only be a 20% difference due to prevailing wages, but the Nader option was dramatically higher.
- Too much space in the GBA option. We could reduce the size of the space we are asking for.
- Nader option – Too much wasted space, and financially the price is inflated. Too many offices—should utilize open space for employees.
- He thinks more expensive products were used in the estimate from the Nader Group. He feels the cost would rise to at least \$6.2. There could be soil contamination, which could make it cost prohibitive. He feels this site would require a retention basin, which will increase cost. There is no sprinkler system built into the Nader project.
- Feels we should revisit rehabbing the Open Space area in the Byram Schools to get a true cost.
- He read the Chief's report and feels some of his statements should be looked at as positives instead of negatives. He feels having a police department on Route 206 is a positive.

Larry Rotter:

- He agreed with taking another look at the Byram School. He feels that the initial estimate of the Byram Schools was over-estimated and not enough time and thought was given to this option.
- He stated that we learned from the GBA proposal that the cost to build out a municipal building in a space with 4 walls is less than what was presented by the Nader Group.
- Larry stated that there are always cost overruns on municipal jobs.
- He also expressed concerns about soil contamination and the cost involved with remediation.
- With regard to the Police Department, he stated that the Police know best where they should be.

Eric Serrilli (provided to John Morytko):

- In the GBA proposal brought, they noted that they would provide sprinklers at the plaza, and they stated that it should have been part of the Nader proposal, which would add about \$200,000. Eric said that number is in the ballpark, but he questions whether it is required at the Mansfield Drive location or are there other alternatives.

- Eric had concerns about what would be done to this site if we went with the condo option. Is the minimal savings worth the risk of not having the police department near the school, having an unused facility, and losing retail diversity?
- He doesn't have major objections to the condo option but doesn't see it as a clear winner. If the price was reduced significantly, maybe it would be a better option

Scott Yappen:

- GBA – It cost \$2 million to fit out the condo space – less than \$200/square foot. The cost of the condo option is a guaranteed price – any up charges would be paid by GBA. Avoids cost overruns, timeline is very fast, no infrastructure risks, multiple access points, etc. Many amenities—high speed internet, parking, sprinkler system, water tank, generators. No need to relocate during construction.
- GBA wins big looking at it from the financial side.
- We are comparing apples to apples because we are using the same program that the Township developed a few years ago. GBA found a different way of using space and showed that there was more space than was really needed.
- The Nader Group is only an estimate with no hard costs.
- Scott also felt that we should look at the Byram School option again. He agreed that the cost should have been less than what was presented by the Nader Group.
- We need to look at other options—prefabricated building, negotiate a better price, etc.
- He appreciated the input from the Chief of Police.

Deputy Mayor Bonker stated that he would entertain responses from the Building Subcommittee on comments made by fellow committee members.

- Scott Yappen stated that he would like the ability to meet separately from Council. Would like to pick leadership now that the co-chair is a Council member. Feels the committee doesn't have the ability to communicate with each other because of OPMA violations, which makes the committee ineffective.
- Mike Pellek expressed his displeasure on how the subcommittee has progressed. The discussions with GBA have been going on since 2019. He felt that the committee should not have been kept in the dark. Things changed since they were not able to meet as a subcommittee. There were time restrictions at the recent meetings. Mike stated that we knew about this meeting for 1 month and thought that info for review should have been given well in advance.
- Ray Bonker apologized for the time restriction at the last meeting but it was unavoidable because there was so much to get accomplished.
- Skip Danielson stated that several times people questioned the contamination on this site. He asked Joe to comment on site remediation. Joe Sabatini reported that they installed 24 monitoring wells years ago and removed them approximately 8 years ago removed. The results showed were clear, and there was no need for remediation.
- Carlos Luaces stated that if we did use the Byram Schools we would be able to share personnel for maintenance, technology, etc.

- John Morytko pointed out that the square footage numbers ranged from \$200-325 on the Nader Group. He said we have to be clear about what we are comparing. We can't compare total project cost from the Nader Group to the GBA build out cost.
- Mike Pellek said that Frankford Twp. built a 14,000 sq. ft. fire house for \$2.5 million.
- Scott Yappen stated that the schools are losing a lot of money in state funding so anything we can do to work together has to be a benefit to the town.
- John Morytko feels that going back to the Byram school option is taking a step backwards after we spent ample time reviewing it. During investigation, the committee also discussed the separation of the police and administration and felt that it was best to keep it together.
- Danielson commented about the concept of the Police Department being an essential building. He asked how the condo concept meets the essential building requirements.
- Joe Sabatini stated that yesterday he was trying to think about the value of the condo option vs. the present site. From a turnkey view, the GBA proposal makes life very easy on the administrative side. Joe will post the Chief's memo on the website tomorrow. Joe supports all the comments made by the Chief. To move to Byram Plaza, the sq. ft. price would be \$335. We would be a 10% owner of the site, but that doesn't give us any control over the site. Joe did some research about grocery stores over the weekend, and some articles showed grocery stores are shrinking. Joe does not see the GBA as an option the way it is presented.

Deputy Mayor Bonker opened to the public.

Andrew McElroy, 71 Lynn Drive, was not aware that the Chief of Police wrote a memo, but security is extremely important. The quicker the police can get to the school, the better it will be. Moving the Police Department further away isn't a good thing.

Earl Riley, 5 Louis Drive, stated that the fixed cost for GBA is \$4.5, but he doesn't think that cost includes the CAM, which would be \$1.7. The loss of tax revenue is not in the number either. Earl stated that the HVAC is 22 years old. He questioned whether they would install a new one. If they do not, Byram would be responsible for replacement.

Joe Mathews, 39 Crescent Drive South, stated that he recently moved to Byram. He asked if other buildings were looked at for relocation. Skip Danielson stated that many sites were explored. He is a police officer, and he feels that having the police right next to the school is extremely important. He suggested giving a builder a budget that we can afford to work within.

Jim Scott, attorney for GBA

- Total project cost includes everything
- Their level of maintenance is very good at the plaza.
- The town would not sign a contract until all products are agreed upon and GBA would be held accountable.
- GBA has leverage with its contractors that the Township would never have which aides in a lower cost.
- He said the location of the Plaza for the Police Department would be a plus—it has 3 access points and it is in the center of town.

- The product that they would deliver would be equal to or greater than what would be provided by the Nader Group.
- With regard to CAM, there is no charge for CAM for the first 17 years.

David Romano, GBA, stated that we would like to comment on what was said tonight. With regard to budget costs, there is a book with all the costs with bids based upon a set of drawings they did with their architect for both the police and municipal side. GBA benefits of keeping costs as low as possible since they are the largest taxpayer in Byram—a reduction in cost to the taxpayer will in effect reduce the increase to GBA's tax bill.

- Fire Projection – He would like to know of another way to handle this without water. They have fire hydrants all around the plaza. Testing is done once per month.
- They had an architect take into consideration in the plans that it would be a Class IV building
- Their proposal includes furniture. They have costed out every desk, chair, etc. They deal with DS&D, which is a big company that does business all over the USA. The furniture is high quality. It is half the cost of what the Nader proposal had.
- Discussed the flooring that they would use and shared a book with different floor types. It doesn't need to be waxed, only damp mopped.
- GBA is very concerned about the security for the children in the school. He suggested that the Township should put an officer in the school. He feels having the Police at the plaza is a benefit, as they are right on Route 206 and have 3 access points out of the plaza. The municipal building has only one way in and out.
- He objected to the comment that there is a bottleneck in the road design which could cause a problem. He stated that the design works great and tractor trailers can maneuver throughout the site very easily.
- David reviewed the spacing of the offices.
- He agreed that more time should be spent looking into the Byram School option.
- He would like to continue to work with the Township collaboratively to come to the best solution for the taxpayers of Byram Township.

Scott Olson, 191 Glenside Trail, appreciates the work the Council is doing. Scott feels it is a better choice to rehab this site. The strip mall in Ledgewood was built in 1972 and is being torn down. How do we know what will happen to the strip mall at Byram Plaza when it is 50 years old.

- Consider solar and geo-thermal when building a site here.
- The GBA proposal doesn't have windows for the offices.
- Does the GBA proposal include a technology package?
- A few years ago we had the opportunity to receive a \$40,000 grant for green infrastructure but it was time sensitive, and we didn't move forward on the project.
- Scott has a lot of pride in Byram and urged the Council to make the right decision and build a building that we all can be proud of.
- Scott doesn't want a municipal building in a strip mall.

Alex Rubenstein, 3 Partridge Run, explained for the public's benefit what his conflict is. He thanked David Romano for all his efforts he has put in. Alex stated that initially when it was first being looked at it, he thought it was a financial discussion. A lot has changed since the initial conversation and the structure of the proposal is totally different. Alex concedes that GBA has given numbers that we can rely on, and that they can build a space that works. We should remove the financial aspect and ask the question, is this a good idea for the Township municipal complex? Alex feels this is the question that needs to be answered. The committee has already spent a considerable amount of time on this and came up with the answer: the municipal building complex should remain at 10 Mansfield Township Council/Municipal Building Meeting

Drive. One question that has been asked but not answered is if we move to the Plaza, what happens to the site the building is on now? We can't just walk away. At a minimum, there are carry costs and maintenance costs. Other options, such as rehabbing for another use or demolition are even more expensive.

Alex's opinion is that the condo option is not the right direction for the town. He feels it is a bad idea and we need to move on.

Jack Moran, 7 East Waterloo Road, stated we should take into account that this building could be sold or mothballed—he doesn't feel this is a big concern. We pay \$40,000 per year for sewer for the town center that isn't built. He stated that the fire suppression should be looked at. Jack said that this is a big expense when everything is taken into account that is included in the GBA proposal but would be an expense if we build on our existing site. Jack asked GBA if solar is an option. The attorney stated that they are going to take another look at solar because the technology has changed so much over the years. Jack stated that this is a big decision for the public. He feels that this should be put out to the public for a vote.

Jeanie Moran, 7 East Waterloo Road, stated that she is confused about the ability for the building subcommittee to meet. Tom Collins explained that when a quorum of the Council is in attendance at a building subcommittee it is a public meeting. Ray stated that all five members of the Council want to be involved with the Building Subcommittee and be a part of every meeting because this is very important to all, which makes every meeting a public meeting and governed by the Open Public Meetings Act. Members are free to talk individually to other members.

Anneliese Tartell, resident and business owner in town, stated that she pays taxes for both a business and residence in Byram. Anneliese said that she feels there was a conflict for David Romano because he sat on the subcommittee while the Nader Group was providing their proposal and then submitted his own proposal. She asked what happens if Byram decides to sell. Tom stated that the Township would still retain their space and if the new owner wants to demolish it and build something else, they could do that if the Planning Board approved the plan. Anneliese does not think it is appropriate for a municipal building or a police department to be in a strip mall.

Deputy Mayor Bonker closed to the public.

Ray thanked everyone who came here tonight to participate in this meeting. This process has been going on for a few years. The Nader Group presented their proposal and then GBA presented a lease option to the Township. At that time, there were discussions in executive session to negotiate with GBA. It evolved into a condo option and cost continued to be discussed in executive session. The plan was then shared with the public and the Municipal Building Committee for review.

Ray stated that the time spent tonight was incredibly useful to all the members of the Council. The Council will talk together in the very near future and get back to the subcommittee and the public as soon as possible.

### **ADJOURN**

Councilwoman Franco mad a motion to adjourn, second by Councilman Gallagher at 10:11 pm. All members in favor.

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Doris Flynn, Municipal Clerk

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Deputy Mayor Raymond Bonker