

**BYRAM TOWNSHIP COUNCIL MEETING - APRIL 17, 2018**

**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**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.

**ROLL CALL**

Councilman Gray, here; Councilwoman Kash, here; Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joe Sabatini, Attorney Ruderman and Municipal Clerk Doris Flynn. Attorney Tom Collins came at 7:30 p.m.

**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
  - Municipal Building Subcommittee
- b. Anticipated / Pending Litigation – Byram Land Development
- c. Personnel- Chapter 48
- d. Contract Negotiations - PBA and DPW negotiations

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**

Motion by Councilman Olson second by Councilwoman Kash to go into closed session and adopt the above resolution.

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

Certification: I certify that the Byram Township Council adopted the above resolution on April 17, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:40 pm. All members were in favor. Motion Carried.

**CALL COUNCIL MEETING BACK TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, second by Councilwoman Kash to approve the agenda. Joe asked to pull Resolution 87-2018 and 92-2018 and consider them for the next meeting. All members were in favor. Motion carried.

**PROCLAMATION - Child Abuse Prevention Month**

Motion by Councilman Gray, second by Councilwoman Kash to authorize Mayor Rubenstein to sign the Proclamation. All members were in favor. Motion carried.

## TOWNSHIP MANAGER/COUNCIL REPORTS

### **Township Manager**

- This past weekend we had the rabies clinic. Joe thanked Dr. Carlos, Roxanne Sabatini, Brian Ventricelli, County Health Inspector Zerlina MacDonald, Don Boroughs, Donna Fett, and Vicky Proskey who helped at the clinic. Over 200 dogs and cats were vaccinated.
- Request for Suggestion Box – This is now on the website. You can submit a suggestion through the Resident Request link on line.

**Harvey Roseff** – BPU meeting – Harvey explained that this is a good opportunity to express what you want to see in utility services. Comments can be submitted to the BPU until May 30.

### **Scott Olson**

- 4/9 - Open Space meeting – Discussed a plan for our Open Space Consultant
- 4/10 – Historical Society meeting was great. Bob Dennis made a presentation on Cranberry Lake. It was terrific presentation. Bob will be doing the same presentation in May to the County Historical Society.
- 4/26 – Environmental Commission meets at 7:30 p.m. The EPA will be back out end of May/beginning of June to provide an updated report on the clean up.

### **Mayor Rubenstein**

- 4/5 – BPU hearings at the Byram Intermediate School – turn out was 50-75 people. Alex, Harvey and Joe met prior to the meeting with the BPU president for approximately 20 minutes.
- 4/5 – Open Space discussion with the Ray Bonker, Scott Olson, Joe Sabatini, Ben Spinelli and Tom Collins regard the use of open space funds. We are able to use these funds for maintenance and repairs of open space parcels, which include our parks.
- 4/12 – Strategic planning session – It was a beneficial session
- 4/17 – Health Benefits meeting with a new carrier to explore other avenues available to us to aid in reducing the cost of health insurance.
- 4/19 – Planning board meeting at 7:30 p.m. Alex encouraged the public to come because there is a site plan application by Anty Trucking on the lower quarry site.
- 4/18 – Recreation Meeting at 7:30 p.m.

## PUBLIC PARTICIPATION I

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

Fran Martin, 39 Brookwood Drive, stated that the lot next to her is owned by the Township. Three trees have fallen down from that lot. Fran is putting us on notice that there are hazardous trees on the property that could potentially fall on her property.

Skip Danielson, 18 Hunter Lane, asked the Council to support Senate Bill 597. Alex called the League of Municipalities, and they have put out an opinion on this bill yet.

Barbara Meltz, 11 Briar Lane, asked if the Township has any plan to ever have a spring leaf clean up like we do in the fall. She asked about the Recreation Director position. Alex informed her that Jen Kerr has been hired part time as the Recreation Director. She asked about summer program/camp. Joe explained that we were looking to have a 3-week summer program from 9-12. When plans are finalized, we will advertise.

Joann Smith, 57 Lake Drive, stated that she came to the rabies clinic and wanted to give some ideas to help speed up the process of getting the dog license. She suggested having a 3<sup>rd</sup> person to assist, which would speed up the time. She had to wait about 10 minutes to get the dog license—she was offered to drop off her paperwork, and the Township would mail the license to her but she didn't want to waste Township funds on doing that.

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

## APPROVAL OF MINUTES

- March 8, 2018 – Closed Session Minutes – Motion by Councilman Roseff, 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					

- April 3, 2018 – Regular and 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					

- April 12, 2018 – Closed Session Minutes – Motion by Councilman Olson, second by Councilman Roseff, 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		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 Olson, second by Councilwoman Kash to approve the consent agenda.

- Resolution No. 86-2018 – Chapter 159 - \$200,000 – 2018 Municipal Aid Program
- Resolution No. 88-2018 – Acceptance of Maintenance Guarantee Restoration of Public Right-Of-Ways Within the Forest West Development and Release of Performance Bond
- Resolution No. 89-2018 – Resolution Rescinding Resolution 85-2018 Requesting to Close Out the Balance of the No Net Loss Tree Planting Grant that has been Reserved for Future Reforestation Projects
- Resolution No. 90-2018 – Tax Sale Premium Escheat After Fire Years / Foreclosure
- Resolution No. 91-2018 – 2018 Capital Budget Amendment Resolution
- Resolution No. 93-2018 – Resolution Authorizing the Submission of a \$1,500 Grant from the 2018 ANJEC Open Space Stewardship Grants for Environmental Commissions Application
- Resolution No. 94-2018 – Resolution to Award the Standby Generator Project for Byram Townships Emergency Communications Tower to EM Electrical Contractors, LLC not to exceed \$12,897

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

**APRIL 17, 2018 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	x	x
No					
Abstain					
Absent					

**ORDINANCE – 2<sup>nd</sup> Reading / Public Hearing**

- **ORDINANCE 5-2018 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF NEW SENIOR VEHICLE FOR USE BY THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$75,000.00**

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. There was discussion among the Council. Councilman Gray asked Joe if the DPW Superintendent checked with Mt. Olive to see if they had a van that they were not using. Joe stated that Mike checked into it, but it is an older vehicle that they keep for a backup.

Mayor Rubenstein opened to the public. No comments were made. Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 5-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- ORDINANCE 6-2018 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR DRAINAGE INLET IMPROVEMENTS TO JOAN DRIVE TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$30,000.00**

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. Joe stated that in the last storm one of the drains collapsed and now we are doing an emergency repair. Alex asked when the work under this ordinance would be done.

Mayor Rubenstein opened to the public. Skip stated that he knew of several problems on Joan Drive. He said the water problem is not in the drains on Joan. Joe stated that this ordinance is for repairs to drainage basins. The water flow would need to be addressed separately as a capital plan. Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 6-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- ORDINANCE 7-2018 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$319,500.00**

Motion by Councilwoman Kash, second by Councilman Olson to adopt the ordinance. Joe stated that this is a capital appropriation and it is not requiring any additional debt to do this project. Harvey asked where we are doing oil and stone. Joe explained that we would be doing cape seal in the Lackawanna Area. Oil and stone will be put down and cape seal to follow. Cape seal has an 8-year life cycle. Lake Mohawk Roads are not being done. Cape Seal will need to go out to bid, and the project will be done in July/August.

Mayor Rubenstein opened to the public.

Joanne Smith, asked about cape seal. She said the oil and stone that was done 4 years ago was terrible. Cracks the next year. Joe explained that they did cape seal on Forest Lakes Drive, which was a much better result than oil and stone.

Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 7-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- ORDINANCE 8-2018 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF PATROL CAR & INTERVIEW ROOM VIDEO CAMERA SYSTEM FOR USE BY THE POLICE DEPARTMENT OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$45,000.00**

Motion by Councilman Gray, second by Councilman Olson to adopt the ordinance. Harvey asked if this was for a purchase of a vehicle. Alex stated that it was for video camera systems for the police vehicles and interview room.

Mayor Rubenstein opened to the public. No comments were made. Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 8-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

Motion by Alex Rubenstein, second by Councilwoman Kash to add to Click it or Ticket as a discussion item on this agenda. All members in favor. Motion carried.

**ORDINANCE – Introduction / 1<sup>st</sup> Reading**

- BE IT RESOLVED that Ordinance entitled “**BOND ORDINANCE APPROPRIATING \$550,000, AND AUTHORIZING THE ISSUANCE OF \$522,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY**” be read by title on first reading

**Purpose Statement:** Acquisition by purchase of new and additional fire fighting equipment for use by the Byram Township Fire Department, including one (1) pumper truck. Substantial reconditioning of fire rescue and tender trucks for use by the Byram Township Fire Department.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance. Scott stated that we have trying to find a spec which is the same as the last truck purchased. He asked Joe about this process. Joe stated that if we can’t reconcile the differences with the State contract, we will put it out to bid. Joe filed a complaint with the DCA because the State Contract vendor is not providing a quote for the same truck that was purchased in 2015 at the same price. Alex asked what the payment term would be on the bond. Joe stated there would not be a payment term until we decided to go out to for permanent debt. We may never have to do that. In September we would go out for short term notes (BAN). Most of this will be paid for before we would need to go out for permanent debt. Harvey stated that Andover has been making sure they are a debt free municipality. Joe responded that we did our last permanent debt issue in 2016 and that is on the books for 10 years. Byram historically have been on a 10-year cycle. The permanent debt issue is usually around \$2 million.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		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 May 1st 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 “**AN ORDINANCE AMENDING CHAPTER 186 PROPERTY MAINTENANCE OF THE TOWNSHIP OF BYRAM CODE**” be read by title on first reading

**Purpose Statement:** The purpose of this ordinance is to add a definition of a membrane structure to Chapter 186 in the Byram Township Code, and to stipulate that these structures must be maintained in good condition.

Motion by Councilwoman Kash, second by Councilman Olson to introduce this ordinance. David acknowledged that there has been an issue with these type structures on people’s property. Joe explained how the Zoning Officer is handling this now, which is treating them as an accessory structure. This ordinance and the Chapter 240 amendment are being proposed to add clarification that membrane structures are considered accessory structures, and therefore, must be maintained in good condition. There were further questions by the board and answers were provided by Joe and Tom Collins.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd			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 May 15 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 “**AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE**” be read by title on first reading  
**Purpose Statement:** The purpose of this ordinance is to add a definition of a membrane structure to Chapter 240 in the Byram Land Use Code, and to clarify that these structures are regulated in the same manner as any other accessory structure or building.

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

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		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 May 15th 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.

**ITEMS FOR DISCUSSION**

**Municipal Building Subcommittee**

Alex asked if we had any thoughts about changing the structure of the committee to have 2 council members instead of 1. Scott asked if a Planning Board member has been selected. Alex stated that it will be discussed on Thursday at the Planning Board meeting. Scott and Nisha said they would agree to 2 Council members. Harvey stated that he has concerns that we are repeating the same mistakes as last year. We are forming a subcommittee with people from the public without giving them any direction for budget. He doesn't feel it is up to the subcommittee to define a budget—it is the Council's responsibility. Alex stated that we are reaching out to the public to get their input, and he stated that the first step of the subcommittee could be to create a survey to get the opinion from the general public. Scott stated that we are trying to work as a group. Joe suggested not having any representation from the Council. David suggested having more public. After some discussion, the Council agreed on a 8 member group—one Planning Board member, the Township Manager, and 6 members of the public. Once formed, the committee will elect a chairman from among the members.

Scott stated that he feels that creating this subcommittee is taking the responsibility away from the Council who was elected by the people.

Harvey would like to interview all the candidates. He stated he hasn't reviewed the resumes and did not want to choose 6 people just because someone knew them. It is a multi-million dollar project and he feels it deserves thoroughness when picking the public members. Alex respectfully disagreed with Harvey. Alex stated that this could have been accomplished by everyone reviewing resumes and contacting people to ask questions and then coming up with the 4-6 candidates of each Council person's choice.

Harvey Roseff made a motion to go through an interview process during a public meeting of a Council meeting. David Gray seconded the motion. Votes in favor: Harvey Roseff, David Gray. Votes against: Scott Olson, Nisha Kash and Alex Rubenstein. The motion did not pass.

Alex suggested taking the next 2 weeks to review the resumes, make phone calls, ask the candidates questions and come to the next meeting with 6 people they would like on the committee so that we can come to a consensus at the next meeting.

**Click it or Ticket** – Alex read the letter addressed to Pete Zabita from the State of New Jersey regarding the Click it or Ticket Grant. It had a limit of \$5500 and a cap on payment to officers is \$55/hour. Pete explained the process of how officers work this detail. The officer solely concentrates on traffic safety—he is not responding to any calls, unless it is

an emergency. He stated the maximum exposure to the town from the overtime would be \$3500. We were not offered this grant last year. Pete stated that he felt after considering the revenue generated from the tickets issued during this time period, it would be revenue neutral. During the traffic stops, other safety concerns are also addressed, such as cell phone use, DWI's, broken headlights, etc. Scott stated that he would like to support this.

**Resolution 95-2018 – Resolution Supporting the Click It or Ticket It Mobilization of May 21-June 3, 2018**

Motion by Councilman Olson, second by Councilwoman Kash to approve the resolution and authorize Pete Zabita to apply for the Click It and Ticket It grant, which helps to defray the cost of police overtime. Mayor Rubenstein opened to the public for comment. Skip Danielson, 18 Hunter Lane, stated that he thinks it's a great program.

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

**PUBLIC PARTICIPATION II**

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

Skip Danielson, stated the police department was 47 years old on 4/15.

Joann Smith, 57 Lake Drive, feels it is very important that each Council member interview the candidates, by a phone call or an email. She feels building experience is important. She stated that there should be a budget--\$1.5 million-\$3 million. Joann was a petitioner and stated that it was easy to get signatures and she felt it was clear that the residents did not want to spend a large amount of money on a municipal building.

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

**Executive Session II**

**RESOLUTION**

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

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**BYRAM TOWNSHIP COUNCIL**

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

Certification: I certify that the Byram Township Council adopted the above resolution on April 17, 2018. Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 10:42 pm. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilwoman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 10:42 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor