

BYRAM TOWNSHIP COUNCIL MEETING - MAY 7, 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, here; Councilwoman Kash, here; Councilman Olson, here; Councilman Roseff, absent; 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
 - SHBP status
 - Raimos
 - SECTV Video Recording
 - Forest Lakes Drive
- b. Personnel - Committees
- c. Contract Negotiations
 - Shared Service – Byram/Netcong Construction Agreement

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 May 7, 2019.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilman Roseff to approve the agenda with the removal of the Recreation Committee Appointments. All members were in favor. Motion carried.

POLICE DEPARTMENT AWARDS

Unit Citation Award – On May 17, 2018, the following officers responded to a motor vehicle accident on Rt. 80 near mile marker 25 involving a school bus filled with children that collided with a dump truck. The school bus overturned and broke apart while ejecting most of its occupants. These officers provided medical assistance to the injured and helped minimize any further threat to the life and property at the scene.

- Chief Peter Zabita
- Lieutenant Kenneth Burke
- Patrolman John D’Onofrio
- Patrolman Thomas Dellicker
- Detective Robert Tierney
- Patrolman Robert Schellhammer
- Patrolman Marcus Lisa

Life Saving Medal – On June 30th, 2018, the following officers responded to a medical emergency at a residence, inserted an airway into the patient and utilized cardiopulmonary resuscitation, which assisted in saving the patient’s life.

Sergeant Guy Mariani
Patrolman Todd Sodano

Life Saving Medal – On August 7th, 2018, the following officers responded to a medical emergency, inserted an airway into the patient and utilized cardiopulmonary resuscitation as well as an automated external defibrillator, which assisted in saving the patient’s life.

Lieutenant Kenneth Burke
Sergeant Daniel DeWald
Detective Robert Tierney

Good Conduct Award – The following officers received this award for completing a five-year period of good conduct:

Lieutenant Kenneth Burke – 25 Year Good Conduct Award
Patrolman John D’Onofrio – 25 Year Good Conduct Award
Patrolman Thomas Dellicker – 15 Year Good Conduct Award
Patrolman Marcus Lisa – 10 Year Good Conduct Award

SCENIC BYWAY PRESENTATION – John Trontis and Ellen Nerbak came this evening to present to the Council. The Warren Scenic Byway was established originally on Route 57. Principal sponsor is the County of Warren. Every municipality that signs on to the byway will be additional sponsors. Now it ends at Mountain Avenue. Plan is to continue up Mountain Avenue and cross over Route 46, to Willow Grove Road, to Waterloo Road and end at Waterloo Village. It is a hub for tourists – Allamuchy Mountain State Park. Gives a northern terminus to the byway. Numerous river access points, Saxton falls, Stevens State Park. They would like to extend the byway in 2 directions. It ends in Locatcong. It will now end in Phillipsburg.

No additional billboards along the byway, preservation of the intrinsic qualities.

Promotion is handled through NJDOT – there are 8 byways in New Jersey. Warren County acts as the fiduciary Agent. Byway committee meets quarterly – 2 representatives from each municipality are designated. They hope that at least one representative comes to every meeting.

Resolutions of support for byway extensions from affective municipalities and counties needed: County of Warren, Hackettstown, Washington Township, Allamuchy, Byram Township, Phillipsburg.

Scott asked them to come because he wanted clarification to the language in the resolution.

Charlie said that Byram will benefit from this and Phillipsburg will be the other anchor. Scott’s reason to support this is that it will make Byram a destination. Scott asked if there was any financial responsibility. There was a suggestion at their last meeting to send a letter for a donation of the municipalities and counties so that they can enhance their website. They received a \$1000 grant but the cost for the website is \$3500. They may ask the towns for a \$300 donation. Tom Collins asked if the plan would need funding, and Ellen said no. Tom Collins suggested bringing the byway to Route 206 and Waterloo Road because that was the location of the Village Center, which was the first Highland’s Center. If the Township was supportive of that, they could request it.

Victor Franco, 4 Debbie Drive, asked if Allamuchy was on board with this. Charlie said he presented it to the Allamuchy Open Space Committee and they were very interested.

We asked for a sample municipality resolution, and they said they will send it to us.

John talked about the Warren Highlands Trail – 52-mile trail coming into Byram. Scott thinks it is a very important element for future economic growth.

Charlie Finer – Allamuchy Township, Director of Open Space He is also on many other committees and is a nature photographer as a hobby. Takes pride in knowing all the organizations which helps him promote open space. Allamuchy Mountain has 6 major greenways that go through it. We have a place to bring people. The next meeting of their committee is July 16 at 7 p.m. in Hackettstown. They do plan to move the quarterly meetings to different municipalities throughout the year.

SPECIAL DISCUSSION – 5G – SMALL WIRELESS FACILITIES -Discussed putting these facilities in the right-of-way. Marie Raffay reviewed the article in the New Jersey Planner. Marie stated that Morris and Sussex County have passed resolutions putting regulations on the small wireless facilities in their right-of-way. She thought it would be in Byram’s best interests to adopt an ordinance regulating these. Alex said we should find other municipalities that have adopted ordinances. Marie suggested Lebanon. She also suggested contacting the NJ Planner. Joe asked if the Council would like to engage our planner and get a scope of work to work on this for us. David was supportive of having Paul Gleitz work on this. Joe will reach out to our Planner.

Alex asked if anyone from the public had any questions on this. No comments were made.

APPOINTMENT OF RECREATION COMMITTEE MEMBERS

The Recreation Committee recommended appointed Mary Schneider as a full member of the Recreation Committee. Motion by Councilman Olson, Second by Councilwoman Kash to appoint Mary Schneider as a full member of the Recreation Committee.

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

The Recreation Committee recommended appointed Donna Griff as an Alternate I member of the Recreation Committee. Motion by Councilman Olson, Second by Councilwoman Kash to appoint Donna Griff as an Alternate I member of the Recreation Committee.

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

PROCLAMATIONS

Peace Officers Memorial Day – May 15, 2019

Motion by Councilman Olson, second by Councilwoman Kash to authorize the Mayor to sign the Proclamation.

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

Municipal Clerks’ Week - May 5-11, 2019

Motion by Councilman Olson, second by Councilman Gray to authorize the Mayor to sign the Proclamation.

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

COUNCIL REPORTS

Manager’s Report: Parks and Recreation Survey still open

Township Wide Garage Sale – June 1 and June 2 – register up to May 31

Kids Tri Harder Triathlon – June 22 – open to all Byram residents

Miss Byram and Royalty Court – applications due May 13, contest is being held May 19 at the Fire House.

Received Banking RFP’s – hope to have resolution on the next agenda for action

Councilman Olson – Attended Opening Day of Baseball/Softball. Environmental Commission gave away 175 seedlings for Arbor Day. Fields looked fabulous.

Planning Board – There was an application to rebuild of a home in Cranberry Lake. Next meeting will be Tomahawk Lake.

Scott shared information regarding Sussex County rehabbing bridge by Wolf Lake. Joe will look into it.

David Gray – no report

Nisha Cash – no report

Mayor Rubenstein

4/27 – Attended Hobb Engler Opening Day. Great day, large number of participants and volunteers who run the programs.

4/30 – Path to Progress meeting – Senator Sweeney and Senator Oroho – 200-300 people attended

5/7 – Legislative meeting at Vernon Township attended by approximately 20 Mayors/Managers/Council Members. The legislatures provided updates about the potential marijuana law, school funding, safety and testing, pensions-path to progress, plastic bag bill, rain tax, foreclosure, dirty dirt bill,etc. The pile in Vernon started 10 years ago, now 75 feet high

and 2 acres in area. Wantage and Vernon have ordinances - fines are significant. Alex is working on a soil importation ordinance. Tom said that it is a regulatory ordinance, not a land use ordinance. Alex stated that it was a very good meeting.

PUBLIC PARTICIPATION I

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

Jack Moran, East Waterloo Road, asked if CDM Smith is the same company that is working with the EPA on the Mansfield Dump Site. He asked if there would be a conflict if the Township hired CDM to do the Water Use and Conservation Management Plan. Alex asked what CDM Smith would be doing. Scott explained it in detail. David reviewed the sites that CDM Smith would be working with, which didn't include East Brookwood. The Highlands Grant funds will fund this. Tom Collins stated that there wouldn't be a conflict. CDM would be working for multiple governmental agencies. Tom Collins said knowing the results from the study that CDM will provide will be informational.

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

APPROVAL OF MINUTES

- April 16, 2019 – Regular & Closed Session Minutes – Motion by Councilman Olson, second by Mayor Rubenstein, to adopt the minutes as presented.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd					x
Yes			x		x
No					
Abstain	x	x			
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 Councilwoman Kash to approve the consent agenda.

- Resolution No. 096-2019 – Refund State Tax Appeal for 2016, 2017 & 2018 – Block 226 Lot 4.01 – 210 Rt. 206 – Byram Self Storage
- Resolution No. 097-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 307 Lot 1873, 43 Birch Parkway
- Resolution No. 098-2019 – Resolution Authorizing the Execution of the Renewal of Lease Agreement Between the Township of Byram and North Shore Water Association
- Resolution No. 099-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 293.01 Lot 8.03, Marine Terrace, 2016 delinquent real estate taxes
- Resolution No. 100- 2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 293.01 Lot 8.03, Marine Terrace, 2017 delinquent real estate taxes
- Resolution No. 101- 2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 293.02 Lot 9.01, Marine Terrace, 2017 delinquent real estate taxes
- Resolution No. 102- 2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 293.02 Lot 8.03, Marine Terrace, 2017 delinquent real estate taxes
- Resolution No. 103-2019 – Resolution Authorizing a Professional Service Agreement to CDM Smith to Provide Engineering Services for Preparation of the Water Use and Conservation Management Plan (WUCMP) – Not to Exceed \$57,000
- Resolution No. 104-2019 – Cancellation of Unexpended Balances of Improvement Authorizations
- Resolution No. 105-2019 – 2019 Capital Budget Amendment Resolution

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

MAY 7, 2019 BILL LIST

Motion by Councilman Gray, second by Councilman Olson 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
No					
Abstain					20726
Absent				x	

- **ORDINANCE – 2nd Reading/Public Hearing**
ORDINANCE 007-2019 - AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS – SALARY AND WAGES FOR THE YEAR 2018-2021

Motion by Councilman Olson, second by Councilman Gray to consider this ordinance for adoption.
 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		
2 nd	x				
Yes	x	x	x		x
No					
Abstain					
Absent				x	

Be It Resolved that Ordinance 7-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

- BE IT RESOLVED that Ordinance entitled “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING SECTION 164-27A ENTITLED “NO SOLICITATION LIST” TO CLARIFY AND UPDATE THE ORDINANCE AND AMENDING CODE SECTION 164-11 AND THE DEFINITION OF PEDDLER TO REMOVE THE PHRASE “FROM HOUSE TO HOUSE” AND AMENDING THE HOURS OF OPERATION IN SECTION 164-15 AND 164-38 TO STATE FROM “9:00 A.M. TO 9:00 P.M.” be read by title on first reading.

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

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

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 21st 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 TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE IMPROVEMENT OF WHITEHALL HILL ROAD IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$87,000.00” be read by title on first reading.

Motion by Councilman Gray, second by Councilwoman Kash to introduce this ordinance. Scott stated that right now it is closed to truck traffic. Joe stated that all three towns have posted no truck traffic signs, but it can’t be enforced.

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

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ITEMS FOR DISCUSSION

- Municipal Building – Alex stated that we have to figure out what to do next. We have the recommendation from the subcommittee. Alex would like to get a scope of work to continue to the next stage. We need to think about whether we want to engage the subcommittee in the future. David asked if the subcommittee is interested to stay involved. Yes, they are. David said that we should delineate the goals of the subcommittee if they continue so that we get the best results they can give us. Scott

would recommend that we have a defined agenda outlining what we want them to do. Scott stated that the committee should be supportive of the process and not use social media in a negative way. David said we could let the subcommittee define its own path.

Joe said that he was willing to have a preliminary discussion with the Nader Group and have them put together a proposal in relation to the recommendations outlined in the subcommittee's report. Joe will call the Nader Group tomorrow. Alex asked to be involved. Scott suggested that all communication go through Joe. There was consensus among the Council to have Joe proceed.

- LED Signs – A few months ago, the Planning Board spend some time on changeable message boards. David stated that he is strongly in favor of allowing LED signs. They vary widely in brightness, etc., and reasonable regulations. We can engage our Planner and ask for a scope of work. We could get copies of ordinances and review ourselves. There was consensus that we should get a proposal from our Planner and let him do the work.

- New Jersey State Fair Sussex County Farm and Horse Show – Top Five Reasons to Live in your municipality. Scott said that there was an article in the Herald that had some ideas. Joe and Doris will work on this.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Council, to open to the public. Jack Moran, 7 East Waterloo Road, said that he was in favor of keeping the subcommittee intact with all the members. He did not feel he should remove anyone.

Luann Byrne, 34 Richmond Road, said that we should stress that we need recommitment from the building subcommittee members and she thought it will straighten itself out.

Luann is against LED signs and thinks the Liquor Factory sign is atrocious. She stated that Sparta has regulations and they are not allowed. Tom said that it would be a use variance to have one in Sparta. Luann asked about the solicitation ordinance and the time it is allowed. The Mayor stated that they can solicit from 9 a.m. to 9 p.m. Tom reviewed the 1st amendment and if we didn't comply we would likely have been sued.

Alex talked about ways of regulating the LED signs that could make them more appealing. Brightness and color can be a factor.

Closed to the public. Motion by Councilman Olson, Second by Councilman Gray to close to the public.

**EXECUTIVE SESSION
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
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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 May 7, 2019.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

ADJOURNMENT – Motion by Councilman Olson, second by Council to adjourn at 10:56 p.m. All members in favor.
Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor