

BYRAM TOWNSHIP COUNCIL MEETING - MAY 15, 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, absent; Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joe Sabatini, 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
 - Byram Day – Concession
 - West Brookwood Drainage Issue
 - Stag Pond Road
 - Developers Agreement – 55 Lackawana LLC
- b. Personnel
 - Auditor Interview – Scott Clelland-WISS
 - Administrative Salary Ordinance
- c. Contract Negotiations – Labor 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 Councilman Gray 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
No					
Abstain					
Absent		x			

Certification: I certify that the Byram Township Council adopted the above resolution on May 15, 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 Councilman Gray to approve the agenda with removing F from the consent agenda, removing D and H from the consent and listing it separately to allow discussion, removing the ordinance for introduction for a capital expenditure, and add discussion item - 55 Lackawana. All members were in favor. Motion carried.

PROCLAMATION - Peace Officer’s Memorial Day - Read by the Mayor
Motion by Councilman Gray, second by Councilman Olson to authorize Mayor Rubenstein to sign the Proclamation. All members were in favor. Motion carried.

BYRAM POLICE OFFICER'S AWARD CEREMONY – Chief Pete Zabita introduced himself. Lieutenant Burke presented the following awards:

Patrolman Robert Schellhammer received a 10 Year Good Conduct Award

Patrolman Lawrence Mendelsohn received a 5 Year Good Conduct Award

Detective Robert Tierney received an Honorable Service Award for uncovering an elaborate bank fraud and money laundering scheme and providing detailed assistance and information to the FBI resulting in the successful apprehension of the suspect who defrauded his victims of over seven million dollars across the country.

Patrolman John D'Onofrio received the Life Saving Medal for his action in stopping a severe arterial bleed on an individual by placing a tourniquet to the patient's arm providing valuable time for the patient to be transported to the hospital for advanced medical care.

MAYORAL APPOINTMENT – The Mayor appointed Casey McGuffy to the Environmental Commission – Alternate I seat, which expires 12/31/2019. Alex received a resume and spoke with Ms. McGuffy, who has an impressive background and will be a great asset to the committee.

COUNCIL REPORTS

Township Manager - Special Meeting 5/21 – kick off meeting for subcommittee

Mayor Rubenstein – reported on what happened on

- Attended May 6th Eagle Scout ceremony for John Zike – great to see him make the rank of Eagle Scout
- Attended May 7th BBOA meeting – They are making headway and have momentum, but need to decide on leadership. He invited them to come to a Council meeting

David Gray

- Thanked our Police Department for all they do.
- Reminded the public that there will be a Memorial Day Parade on Monday, May 28 at the Cranberry Lake Fire House.
- Keep on the council's mind about video taping our meetings. David reported that we now have a suggestion box and someone can submit name or do it anonymously.

Havey Roseff – no report

Scott Olson

- Announced that there is an Environmental Committee meeting on May 24 at 7:30 p.m.
- There will be a Memorial Day Ceremony on Monday, May 28 at 10 a.m. at the Veteran's memorial.
- Scott is working with a group from Cranberry Lake Community Club (CLCC) on a project called "Save the Bridge" The bridge is owned by the State, and the CLCC rent it. The State has not done any repairs to the bridge. Save The Bridge is making an effort to help maintain the bridge for all the residents.

PUBLIC PARTICIPATION I

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

Dawn Edwards, 3 Springbrook Street, stated that she was looking for an update on the water issue in West Brookwood area. Dawn received the engineer's report. The Mayor stated that the clerk made an error in putting the ordinance on the agenda. The Township has additional research to do and this will be addressed at the next meeting.

Skip Danielson, 18 Hunter Lane, asked to pass a resolution in support of 1597.

Joyce Bambach, 11 Pathfinder Trail, asked if there was any way to speed up having JCPL to come to her road because there is a burning tree with wires in it. The Mayor stated he spoke to our area representative. Many areas in our County got hit very hard. We will all have to be patient.

Joyce stated that her son retired last month after 26 years of service in the Coastguard. He received a flag from Congressman Frelinghuysen's office and a few other significant honors for his dedication to our Country. The Mayor asked Joyce to pass best regards from Council and thank him for his service.

Ed Sundheim, 6 Manu Trail, appreciates the plaque that is hanging in the meeting room, which is called "Honor Roll, Township of Byram, World War II". He stated that the US maritime service is missing from it though, and it had the highest mortality rate.

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

APPROVAL OF MINUTES

- May 1, 2018 – Regular and Closed Session Minutes – Motion by Councilman Olson, second by Councilman Gray, 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					
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 Councilman Gray, to approve the consent agenda.

- Resolution No. 102-2018 – Final Acceptance of Proposed Improvements to Amity Road – Phase II
- Resolution No. 103-2018 - Award of Bid to Tilcon, New York, Inc. & Denville Line Painting, Inc Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Various Streets (Tartan Court, Elizabeth Lane & Braemer Court), Proposed Resurfacing of Mansfield Drive & Proposed Paving at the Byram Township DPW Garage – Not to exceed - \$170,224.30 (Tilcon) & \$3,285.90 (Denville Line Painting)
- Resolution No. 104-2018 – Award of Bid to Tilcon, New York, Inc. & Denville Line Painting, Inc. Under the Morris County Cooperative Pricing Council for Proposed Parking Lot Paving & Striping at Tamarack Park – Not to Exceed - \$45,034.50 (Tilcon) & \$1,976.00 (Denville Line Painting, Inc.)
- Resolution No. 106-2018 – Authorize the Lease with option to Purchase two (2) 2018 Ford Utility Police Interceptor Vehicles with Optional Equipment for the Township of Byram Police Department
- Resolution No. 108-2018 – Resolution Authorizing an Award of Contract to Salmon Bros., Inc. for Emergency Drainage Repairs on Joan Drive

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

Resolution No. 105-2018 – Resolution Authorizing the Award of a Professional Service Agreement for Financial Consulting Services with Phoenix Consulting Group, LLC – Councilman Roseff asked that the PSA specify the person who would be our point of contact. Motion by Councilman Gray, second by Councilman Olson to adopt the resolution and authorize the Manager to modify the agreement with Phoenix Consulting to specify Mike Soccio as the point of contact.

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

Resolution No. 109-2018 –2018 Parks and Recreation Fee Structure – Summer 2018. Councilman Gray asked for an explanation on the summer programs and fees. Joe explained the programs and stated that vendors are running the programs, supplying the staff and any supplies. The fees are a total pass through with only \$5.00 added to offset registration through the Township. Motion by Councilman Olson, second by Councilman Gray, to adopt this 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 15, 2018 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					
Absent		x			

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE NO. 10-2018 - AN ORDINANCE AMENDING CHAPTER 186 PROPERTY MAINTENANCE OF THE TOWNSHIP OF BYRAM CODE**

Motion by Councilman Olson, second by Councilman Gray to consider the ordinance for adoption.

Harvey Roseff asked what we do with a home that is not in good repair. Alex Rubenstein quoted from Chapter 186, Property Maintenance. Our zoning officer takes complaints and acts on them. David Gray asked several questions about this ordinance to get clarification that this ordinance was separate from zoning, and solely dealt with property maintenance.

The Mayor opened to the public for comment on Ordinance 10-2018.

Rich Sodano, 1 Springbrook Street, stated that he has one of these structures which he has had for over 30 years.

Dawn Christian, 3 Banker Drive, asked how do you define how we describe “good repair”. Alex repeated that this change is only for the membrane structure.

Motion by Councilman Olson, second by Councilman Gray, to close to the public for comments on this ordinance. All members in favor. Motion carried.

Harvey Roseff feels we are creating issues when he doesn’t think there is a problem out there. No one wants a neighbor that has something ugly on their property. He doesn’t think it’s the government’s responsibility to arbitrate that. Alex asked how Harvey feels it should be handled. Harvey stated that it should be left between neighbors. Alex asked what happens if they can’t come to an agreement. Alex stated that this has elevated to this level because of residents making complaints. Harvey stated that there was a local property who had a membrane structure in disrepair – he has since repaired it without this amendment.

David Gray asked if this ordinance is consistent with other property maintenance ordinances. Chapter 186 thoroughly outlines property maintenance and membrane structures must be kept in good repair just the same as the rest of the property. David does not feel it is right that it is left for neighbors to fight it out.

Joe Sabatini stated that this ordinance or the next ordinance is not changing the zoning. The Zoning Officer has been treating these structures as accessory structures and issuing violations if they exist. This ordinance and the zoning ordinance was to provide clarity. If the Council wants to make things more permissible, zoning would have to be changed by the Council.

Harvey Roseff commented about the 2nd Whereas. David Gray suggested deleting the 1st, 2nd and 3rd Whereas’s, and start with the 4th Whereas. Scott Olson suggested only deleted the 2nd Whereas. Scott feels that Whereas 1 and 3 give backup reasons why we are doing this ordinance.

David Gray suggested adding “Whereas, there currently exists an obligation for residents to keep their property in good condition pursuant to Chapter 186”.

The zoning officer today has the ability to send a violation letter to a property owner who has a membrane structure in disrepair. Tom Dixon stated that he could get an argument from a resident about the violation and he felt the clarity in this ordinance would help

Motion by Councilman Olson, second by Councilman Gray to delete the first 3 Whereas’s.

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
No				x	
Abstain					
Absent		x			

Be It Resolved that Ordinance 10-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **ORDINANCE NO. 11-2018 - AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE**

Motion by Councilman Olson, second by Mayor Rubenstein to consider the ordinance for adoption. David Gray stated that he would want the first 3 Whereas's to be deleted. David feels we need to limit the amount of regulation we impose on the property owners. Harvey asked why do we care if someone has a membrane structure over a car in the front yard. Joe Sabatini suggested that the Council table this ordinance to allow the Council to look further into Chapter 240. Harvey feels NJ is way too restrictive and we should look at regulations in Pennsylvania.

Mayor Rubenstein opened to the public.

Paul Conklin, Tote Road, expressed his opinion about having a membrane structure on a small lot to cover his car. He has a very small lot, with minimum storage. He can't build a garage because the lot is not big enough, which is why a carport that is staked down but moveable works for him. In addition, no impervious coverage is necessary. There was a lengthy conversation regarding structures in the front yard.

Judy Keith, 19 Cranberry Ledge Road, asked about the existing ordinance. Alex read from the UCC that was adopted by the State. These types of structures are regulated by the DCA.

Paul Conklin, 9 Tote Road, stated that he has a portable structure in his driveway. He doesn't have the property to keep his belongings in his house. He would like the Council to consider allowing these structures on small lots. Paul stated that he lives in a family neighborhood and would approach another neighbor if he had a complaint and not call the town or come to a Council. He can't afford to buy a bigger house or build a garage. He does believe people should maintain their property in good condition. Scott said that maybe there would be a way to streamline a process to permit these structures.

Joan Sodano, 1 Springbrook Road, stated that they have a membrane structure that has been on their property for 30 years. They called the Township many years ago and was told it was allowed.

John Garrity, North Shore Trail West, stated that when you google membrane structure, nothing comes up. He stated that we should define exactly what type structures, i.e. gazebo, canopy, etc.

Bob Dellicker, 22 Tote Road, stated that he has a canopy over his car in his driveway. He lives in the Cranberry Lake community with very small lots. He stated that in order to keep his carport, he would need to get a variance. He liked the idea of streamlining the process through the planning board. Due to his topography on the property, he is not able to build a garage. He talked to his neighbors when he erected his canopy, and no one had a problem. Alex asked Bob Dellicker if he was in support of Chapter 186 and maintaining the membrane structures. Bob said yes, he supports property maintenance.

Rosalie Longo, 212 Lake Drive, has had a carport for many years. There was discussion on the location of it and if it would be legal.

Dawn Christian, 3 Banker Drive, asked if a home was purchased with accessory structures on it, are they legal. There was some discussion.

Phyllis Chesko, 6 Beech Street, received a flyer. She has an 8 x 8 shed in her driveway and asked if it will need to be taken down. Joe Sabatini stated that we did not receive any complaints on it.

Jane Maron, 42 Mayne Avenue, lives next door to a house that is in total disrepair. She invited Councilman Roseff to come and see the neighboring property at 40 Mayne Avenue. Joe stated that he will have the Zoning Officer look into this. People have complained about this property in the past.

Mayor closed the public hearing.

Councilman Olson agreed to remove the first 3 Whereas's. Councilman Gray suggested tabling the ordinance to come up with a mechanism to allow a carport in the front yard on very small lots, or to simplify the process. We could modify the application fee for this purpose. Tom Collins stated that a "C" variance application is not difficult. The 200' property noticing is a statutory requirement. Current zoning prohibits accessory structures in the front yard. It is normal throughout the county to not allow structures in the front yard. Tom Collins stated that this is true in Pennsylvania, also.

Councilman Olson suggested making a motion to table and speak to the Planning Board about streamlining the process. Mayor Rubenstein seconded the motion. Alex stated that he sees the need for something to be done. There should be some type of regulation, but is in favor of making the process as simple and streamlined as possible. Scott Olson stated that he was in favor of doing something, but would like to see the process streamlined.

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

ORDINANCE – 1st Reading / Introduction

- BE IT RESOLVED that Ordinance entitled “**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AUTHORIZING THE LEASE FROM THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF PARKS AND FORESTRY OF THE REAL PROPERTY KNOWN AND DESIGNATED ON THE TOWNSHIP OF BYRAM TAX MAP AS BLOCK 22, LOTS 223, 224, 225.01, 225.02, 226.02**” be read by title on first reading

Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to lease the Subject Property known as Block 22, Lots 223, 224, 225.01, 225.02, 226.02 in the Township of Byram by lease agreement, pursuant to applicable provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-5 et seq.

Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd	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 June 4th 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 48 POLICE DEPARTMENT, ARTICLE II. POLICE MANUAL, SECTION 48-15 UNIFORMS, EQUIPMENT AND APPEARANCE**” be read by title on first reading

Purpose Statement: The purpose of this ordinance is to amend the Township Code to modify and update the Police Department hair policy and to authorize the appointment of a Police Department Chaplain.

Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd	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 June 4th 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

55 Lackawana LLC – The Council discussed the amendment to the Developer’s Agreement that Gerald Simeone was looking for. He wanted to be able to obtain Temporary Certificates of Occupancy on the units that have been completed. Township Engineer Cory Stoner was in support of this amendment. The Council and Township attorney felt there should be a condition imposed that site improvements had to completed by August 1. Motion by Councilman Olson, second by Councilman Gray to amend with Developer’s Agreement to allow TCO’s with the condition that site improvements are completed by August 1. All members in favor. Motion carried.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilman Gray to open to the public. All members in favor. Motion carried. No comments were made. Motion by Councilman Olson, second by Councilman Gray, to close to the public. All members in favor.

OTHER BUSINESS

Building Subcommittee - Scott Olson stated that we have not formally formed the committee, and we haven’t talked among ourselves on how to proceed. David suggested having the public meeting on the 21st and discuss options with the group to see the interest. At that meeting we can announce the formation of this meeting.

Executive Session II

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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Contract Negotiations – Labor 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 Councilman Gray to go into closed session and adopt the above resolution.

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

Certification: I certify that the Byram Township Council adopted the above resolution on May 15, 2018.

Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilman Gray to return to open session at 12:13 a.m. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilwoman Olson, second by Councilman Gray and with all members in favor, the meeting was adjourned at 12:13 a.m. Motion carried.