

**BYRAM TOWNSHIP COUNCIL MEETING - MAY 21, 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, absent; Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins and Deputy Municipal Clerk Cynthia Church.

**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. Contract Negotiations
  - Municipal Building
  - Employee Contracts
  - Andover Snow Removal
  - Shared Services
- b. Anticipated Litigation
  - Alvarez
- c. Attorney Client Privilege Communication
  - General

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 21, 2019.  
 Cynthia Church, Deputy Municipal Clerk

**RETURN TO OPEN SESSION**

**FLAG SALUTE AND MOMENT OF SILENCE**

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

**COUNCIL REPORTS**

**Manager’s Report:** - Doris attended the Senior Luncheon. Both Arlene Gardner and Paul Tracy were give awards for Senior of the year for 2019. Monday, June 3<sup>rd</sup> will be out next Township Council meeting due to the Primany Elections on June 4<sup>th</sup>.

**Mayor Rubenstein** – There was a Recreation Committee meeting on May 20<sup>th</sup>. There are two new member, Donna Griff and Mary Schneider. There was a discussion about Byram Day. They are still working out the date for Byram Day.

Open space and recreation study conference call – there are plans to have a presentation to the council during second meeting in June.

**David Gray** – Memorial days services will be held 10:00 a.m. on Monday. Parade at 11:00 a.m.

**Harvey Roseff** – Attended two meeting regarding the dirt dump in Vernon. One was held by the residents and the other one was held by NJDEP, who presented their case. Would like to explore options for Byram.

**Councilman Olson** – There was a Planning Board Meeting on May 16<sup>th</sup> a resolution for approval of an addition to house to be built on Cranberry Lake, and also discussion regarding C & D variances and how the process takes place. May 19, 2019 Scott attended the Eagle Scout Court of Honor for Ricky Proctor and Dennis Raffey. There will be a Historical Society Meeting on May 30 at 7 p.m. with a tour of the Roseville School House Museum. Memorial Day on Monday May 27<sup>th</sup>, services at 10 a.m., and parade at 11a.m. Sussex County History Day will be held on September 21st.

**PUBLIC PARTICIPATION I**

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

Jack Moran – 7 East Waterloo – Had question about the Electrical Cooperative. Suggested having competitors of Concord to come in and present. Alex, replied that there is another one coming in for June 3<sup>rd</sup> meeting. Jack also had a question about ISO and consent agenda items C, E & F. Joe answered that regarding item C – this has to do with forestry management plan.

David Grazziano – 5 Mayfair Lane – Had questions regarding the Cable Company Services. Both Service Electric and Direct TV. There are no other companies in the area. Asked why we are subject to only cable company. Alex explained there is no limitations placed on by our Town. The economic side is convincing others to come into the Township. We are actively soliciting Century Link and Cablevision. Mr. Grazziano also asked about what happened to status of open land study. Alex said this is still on going and there will be an update on June 18<sup>th</sup>.

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

**APPROVAL OF MINUTES**

- May 7, 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               |                   | x                |                   |                  |
| 2nd     |                 |                   |                  |                   | x                |
| Yes     | x               |                   | x                |                   | x                |
| No      |                 |                   |                  |                   |                  |
| Abstain |                 |                   |                  | 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 Councilman Gray to approve the consent agenda.

Harvey asked to pull Items D & I and put them on for a separate for discussion.

Motion by Councilman Gray, second by Councilman Olson to approve with exception to the above.

- A. Approval of County of Sussex 2019 Financial Assistance of \$2,800 of Lakeland Emergency Squad
- B. Resolution No. 106-2019 - Resolution of the Mayor and Council of the Township of Byram Approving a Conditional Agreement to Consent to Raimo of Stanhope, Inc. to File and Pursue an Application to the Planning Board for a D Variance, C Variances and Preliminary and Final Site Plan Approval
- C. Resolution No. 107-2019 – Resolution Authorizing Submittal of 2019 Green Communities Grant Application to Prepare Five-Year Community Forestry Plan for 2020-2024 - \$3,000
- D. Resolution No. 108-2019 – Resolution Authorizing the Execution of a Banking Services Agreement with Valley National Bank
- E. Resolution No. 109-2019 – Resolution to Award Bid to Tilcon, New York, Inc. Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Various Streets, Briar Lane, Joan Drive & Ross Road Not to Exceed \$302,637.75
- F. Resolution No. 110-2019 – Resolution Authorizing the Execution of the Mansfield Trail Dump Superfund Site Consent for Access to Property Agreement
- G. Resolution No. 111-2019 – Authorization to Purchase Sub-Compact Utility Tractor & Snow Blower under the Hunterdon County Educational Services Commission Cooperative Purchasing Program for Budget Year 2019 – Not to Exceed \$17,297.28
- H. Resolution No. 112-2019 – Resolution Authorizing the Execution of Documents Associated with the Damage that Occurred to the Roof of the Municipal Building on March 2, 2018
- I. Resolution No. 113-2019 – Resolution Authorizing the Interlocal Agreement Between Byram Township and Netcong Borough for Construction Department Services Effective September 1, 2019 through December 31, 2023

- J. Resolution No. 114-2019 – Resolution Authorizing the Submittal of the 2019 NJ Urban and Community Forestry (NJUCF) Stewardship Grant Application
- K. Resolution No. 115-2019 – Confirming the Redemption of TTL #2010-018 – Block 252 Lot 138 – 159 Lake Drive
- L. Resolution No. 116-2019 – Resolution Authorizing the Purchase of Fingerprint Scanner for the Township of Byram Police Department – Not to Exceed \$22,532.00
- M. Resolution No. 117-2019 – Authorization to Purchase Asphalt Hot Patcher Dump Trailer under the Educational Services Commission of New Jersey Cooperative Pricing System for Budget Year 2019 – Not to Exceed \$36,433.00
- N. Resolution No. 118-2019 – Resolution to Support Extending the Warren Heritage Scenic Byway to Union Square in Phillipsburg and to Waterloo Village in Byram Township Sussex County
- O. Resolution No. 119-2019 – Resolution Authorizing L & G Planning to Provide Planning Services for the Preparation of an Ordinance for the Regulation of LED and Electronic Message Boards Not to Exceed \$4,500
- P. Resolution No. 120-2019 - Resolution Authorizing L & G Planning to Provide Planning Services for the Preparation of an Ordinance For The Regulation Of 5G Wireless Telecommunications Facilities Not to Exceed \$5,000
- Q. Resolution No. 121-2019 - Resolution to Award the Bid For Proposed Cape Sealing of Various Streets in the Township of Byram Not to Exceed \$150,920
- R. Resolution No. 122-2019 - Resolution to Award the Bid for Proposed Drainage Inlet Repairs for Joan Drive in the Township of Byram Not to Exceed \$44,900
- S.

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

**APPROVAL OF RESOLUTIONS:**

**Resolution No. 108-2019** – Resolution Authorizing the Execution of a Banking Services Agreement with Valley National Bank

Harvey asked to have this resolution pulled from consent to have a discussion. Joe gave explanation to the resolution with regard to trying to maximize the return on money received and increasing interest income. CFO and Joe recommended doing a Baking RFP. CFO did a thorough analysis of the RFP. As a result, the recommendation to change the banking relationship from PNC Bank to Valley National Bank.

Motion by Councilman Olson, second by Councilman Gray to approve Resolution 108-2019.

|         | 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. 113-2019** – Resolution Authorizing the Interlocal Agreement Between Byram Township and Netcong Borough for Construction Department Services Effective September 1, 2019 through December 31, 2023.

Harvey asked to pull this resolution from consent to have a discussion. Harvey asked why the time period was not shorter. Joe explained that the DCA will not allowed for a time period of less than the 4 years.

Motion by Councilman Olson, Second by Councilman Gray to approve Resolution 113-2019.

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

**MAY 21, 2019 BILL LIST**

Motion by Councilman Olson, second by Councilman Gray 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 – 2<sup>nd</sup> Reading/Public Hearing**

**ORDINANCE 008-2019 - 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.”**

Motion by Councilman Gray, second by Councilman Olson 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 <sup>nd</sup> |                 |                   | x                |                   |                  |
| Yes             | x               |                   | x                | x                 | x                |
| No              |                 |                   |                  |                   |                  |
| Abstain         |                 |                   |                  |                   |                  |
| Absent          |                 | x                 |                  |                   |                  |

Be It Resolved that Ordinance 8-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

- **ORDINANCE 009-2019 - 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**

Motion by Councilman Olson, second by Councilman Roseff 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 <sup>nd</sup> |                 |                   |                  | x                 |                  |
| Yes             | x               |                   | x                | x                 | x                |
| No              |                 |                   |                  |                   |                  |
| Abstain         |                 |                   |                  |                   |                  |
| Absent          |                 | x                 |                  |                   |                  |

Be It Resolved that Ordinance 9-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ITEMS FOR DISCUSSION**

**Municipal Building** – The Nader group will be providing an update to the proposal. There will be more action at the next meeting and will make a decision on what to do with the subcommittee.. We will need to decide how we want them to be in charge moving forward. Harvey thought this subcommittee worked well as a whole and does not think the initial charge is done. Scott would like the meetings to be public meetings including the Township Council. David would like the Township Council to get the recommendation from the subcommittee. David would like to keep them involved throughout the process.

**Stormwater Utility** – The rain water tax bill has been passed, rain water tax. This allows a municipality to establish a storm water utility. They would have a separate billing and budget and would require additional administration. Joe explained that this is not required, and it is up to the governing body. Joe does not recommend doing this at this time. Mayor Rubenstein does not see a reason to move forward at this time. Council is not looking to take action.

**Soil Importation Ordinance** – This is a situation that has been going on in Vernon, where contaminated soil was dumped. This has become a public health issue. Alex attended a couple meetings where this topic was discussed. Byram can protect ourselves by ordinance that would control how soil come in or out of the Township. Alex wants to see if the

council would like to take action. Scott and David both think we should move forward. Harvey believes it was a breakdown of government that caused this to happen in Vernon and Wantage. Tom Collins said this a soil moving and grading process problem. Tom Collins recommended a soil permit process. Alex asked for a consensus of the council to proceed. Scott and David both recommended going through with it, and to review the ordinances from other municipalities. Alex asked the Council to read through the ordinances and send comments to Doris and Joe.

**Fire Truck Pump Testing** – Todd provided explanation to the fire truck pump testing. Todd explained that this is required annually to test all pumps. There is no impact to firefighting. The trucks are not taken out of service. This is an annual thing that is done, and it is not unusual to have them fail. This will be repaired with general maintenance.

**PUBLIC PARTICIPATION II**

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

Jack Moran 7 East Waterloo Road– Asked about if there is any report on Shared Services. Nothing to report on yet.

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. Contract Negotiations
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- b. Anticipated Litigation
  - Alvarez
- c. Attorney Client Privilege Communication
  - General

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 21, 2019.  
Cynthia Church, Deputy Municipal Clerk

**RETURN TO OPEN SESSION**

**ADJOURNMENT** – Motion by Councilman Olson, second by Councilman Gray to adjourn at 10:04 p.m. All members in favor. Motion carried.

\_\_\_\_\_  
Cynthia Church, Deputy Municipal Clerk

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Alexander Rubenstein, Mayor