

**BYRAM TOWNSHIP COUNCIL MEETING - JUNE 3, 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, here; 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
  - LES
  - Electricity Renewal Bid Analysis
- b. Contract Negotiations
  - Shared Services
  - Municipal Building

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	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on June 3, 2019.  
 Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION**

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Gray, second by Councilman Olson to approve the agenda with the removal of Resolution No. 129-2019 for discussion. All members were in favor. Motion carried.

**PRESENTATION FROM GABLE ASSOCIATES** – Community Energy Aggregation – Bob Chilton  
 JCPL is just a middle man now and if we don’t pick a 3<sup>rd</sup> party supplier, JCPL goes out on the market, and picks one for its customers.

Customer protection is a huge benefit. The price is established and known for the full contract term, no hidden fees. Their general experience is that at first towns have a lot of questions, but once they do it, they usually are happy and renew. If the Council agrees to move forward with the program, a notification package goes out the to homeowner. There is an initial 30 day opt out period. JCP&L will send a 2<sup>nd</sup> letter to verify that they are switching energy providers, and let’s them know they can still opt out. You can also be placed on a Do Not Disturb List and you would be removed from the eligible customer list.

Alex questioned why we should go with them and not their competitor. Bob Chilton stated that they have been doing it longer than anyone else, lower fees, respectful to the municipality, etc.

Alex asked about next steps and how they would help with the transition.

- Adopt the ordinance

- Resolution to hire consultant
- Notification package – very detailed summary letter. They verify the accounts with the boundary lines through GIS. They may work with the clerk verifying some addresses. Use Byram’s logo to put on the envelope so that it doesn’t look like junk mail.
- They prepare info for us to put on website.
- Typical opt out rate is 5-10% initially, and another 5% when JCPL sends out 2<sup>nd</sup> letter, and through attrition, it averages approximately 2/3rds of the eligible customers.
- Scott asked about peak and off peak rates. Bob Chilton said they only do flat rate.
- They are working with 24 municipalities
- The last consulting agreement that was signed was Glenrock – they are also working with Princeton.
- Joe asked if the commission would be greater than \$17,500 and they responded that it would be a little over that amount.
- They will send a sample RFQ

**COUNCIL REPORTS**

**Manager’s Report:**

- Byram received a Clean Communities Grant award in the amount of \$22, 241.31
- Joe met with the Chair of the Byram Day Committee – initially they were asking for September 28. It may change to a food truck and fireworks festival.

**Mayor Rubenstein**

- Memorial Day Ceremony took place at the Veteran’s Display followed by a Fire Department parade. It was a great event attended by many residents.
- Planning Board meeting will be held on June 6 at 7:30 p.m. Several residential applications will be heard along with Exxon.
- Attended the Recreation Committee meeting on May 20—discussed Byram Day and goals and objectives

**David Gray –No report**

**Harvey Roseff** – Reported that today it was announced the NJDEP won the law suit in Vernon regarding the dirty dirt. After the renewed effort by NJDEP, they accomplished it.

**Councilman Olson**

- Thanked Rich Bowe for leading the Memorial Day Ceremony.
- June 10 – Open Space meeting. Greener By Design will give us an update on the PRP. The survey is still open.

**PUBLIC PARTICIPATION I**

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

Skip Danielson, Hunter Lane, stated that he will be celebrating the 75<sup>th</sup> anniversary of D-Day on June 6. We lost many good people. Skip stated that they have been through 22 sessions with the worker’s compensation case with Statewide, but he knows they will be successful.

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

**APPROVAL OF MINUTES**

- May 21, 2019 – Regular & 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		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 Councilman Gray to approve the consent agenda.

- Resolution No. 123-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 275 Lot 735, 2 Old Stagecoach Road
- Resolution No. 124-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 279 Lot 131 – 52 Crescent Drive North
- Resolution No. 125-2019 – Authorization to Purchase One (1) New Loader Backhoe Under the Sourcewell National Cooperative Purchasing System for Budget Year 2019 – Not to Exceed \$94,114.01
- Resolution No. 126-2019 – Awarding the Contract Between Sunnyside Landscaping Inc. and the Township of Byram for the Adopt a Spot Program.

- E. Resolution No. 127-2019 – Authorizing in REM Foreclosure of the Tax Sale Certificates Shown on the Attached Tax Foreclosure List
- F. Resolution No. 128-2019 – A Resolution Authorizing the Employment and Contract for Professional Services to Stuart B. Klepesch, ESQ. to Represent the Municipality in Foreclose of Tax Sale Certificates pursuant to the Tax Sale Law, Title 54 and other Related Services Associated Therein
- G. Resolution No. 130-2019 – 2019 Green Communities Grant
- H. Resolution No. 131-2019- Resolution Authorizing A Professional Services Agreement with Ron Farr Forestry Services, LLC, to Prepare the 2020-2024 Community Forestry Management Plan – Not to Exceed \$3000

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

Scott stated that he was happy to see the award to Sunnyside on the agenda and is looking forward to seeing the beautification project completed at the intersection of Lackawanna Drive and Route 206. Harvey asked what type of signage will be allowed. Joe said that the resolution the Council approved said that Byram would provide the signage, which was going to be standard at any adopt-a-spot location.

Resolution No. 129-2019 – Resolution Authorizing the Nader Group to Provide Architectural, Civil Engineer, Environmental / Permitting & Construction, Administration Services for the Preparation of Phase IA – Program Refinement and Concept Layout of the Byram Municipal Building - Not to Exceed \$50,000. Motion by Councilman Olson, second by Councilwoman Kash to adopt the resolution.

Harvey said that we should explain to the public what we are doing. Alex stated that the building subcommittee recommended that the Council hire the Nader Group to move to the next step. The Council approved a proposal that includes reviewing the programming document, doing a thorough building inspection, schematic building designs, and conceptual site plan. The proposal was broken down into phases, and Phase 1A is authorized not to exceed \$50,000. The time line is approximately 8 weeks. There are 3 additional phases outlined in the proposal, which would bring us all the way to construction and bid documents. It is important to note that this proposal has been prepared in such a manner that the progress plans will require review and approval by phase prior to moving to the next phase of work. They will be doing core samples of the floor and walls over the next week and then proceed with interviewing the department heads to review the program document.

Harvey would like to see the subcommittee continue to work in the independent way that they have. There is still a lot of work that the subcommittee has expertise in. Harvey anticipates a timely coordination with the subcommittee and allow them to influence along the way. \$5-1/2 million could easily go to \$6-1/2 million or it can go down to as low as \$3-1/2 million. The public has been very focused on price.

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

**June 3, 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	x
No					
Abstain					
Absent					

**ITEMS FOR DISCUSSION**

**Municipal Building** – The Council discussed a date for a meeting and decided on June 18 at 6:30 p.m. It will be a joint Council, Building subcommittee meeting 6:30-7:30 p.m. prior to the regularly scheduled meeting. The purpose of the meeting is to reorganize, talk about next steps, and choose a chair.

**Fire Truck** – There was damage done to Lackawanna Fire house and the Secaucus fire truck when it was pulling out to respond to a call. There was considerable damage to the ladder and it was decided to remove it to get the truck back in service.

The Fire Department wants an assessment of Engine 1 and the Secaucus Truck to see which one is in better shape to keep. Joe said that we don't have anyone experienced enough to give an assessment—we would need to hire someone which could cost a few thousand dollars. We were only supposed to keep the Secaucus truck until the new truck is delivered. Alex suggested if we decide we are not keeping the Secaucus truck, we should look for a municipality who is in need of a truck. Scott agreed. Joe will continue communications with Todd to work on this matter.

**PUBLIC PARTICIPATION II**

Motion by Councilman Gray, second by Councilman Olson, to open to the public. No comments were made. Closed to the public. Motion by Councilman Olson, second by Councilman Gray to close to the public.

**EXECUTIVE SESSION**

**RESOLUTION**

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Motion by Councilman Olson, second by Councilman Gray to adopt the 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 June 3, 2019.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION**

**ADJOURNMENT** – Motion by Councilman Olson, second by Councilman Roseff to adjourn at 10:06 p.m. All members in favor. Motion carried.

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Doris J. Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor