

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 18, 2019
EXECUTIVE SESSION – 6:00 P.M
JOINT MUNICIPAL BUILDING SUBCOMMITTEE / COUNCIL MEETING – 6:30 P.M.
REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor Rubenstein called the meeting to order at 6:00 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
 - SHBP Status
 - Continental Drive
 - Planet Network – Internet Access
- b. Shared Services

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 18, 2019.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

CALL JOINT MUNICIPAL BUILDING SUBCOMMITTEE/COUNCIL MEETING TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

Members Present from Municipal Bldg. Committee: Eric Serilli, Skip Danielson, John Morytko, Cris Franco, Larry Rotter, Jim Reinhold, Mike Pellek, Don Robbins

The Mayor read the 4 Recommendations of the Building Subcommittee from the April report. Since the document was presented to the Council, the Council met with the Nader group twice and authorized a proposal to move to the next stage.

Alex asked if the committee was still committed and would want to continue. All members who were present said yes.

- Alex asked Wassim to address providing the CAD drawings to the Township. Wassim explained that they would be providing one layer of the CAD drawings, which is a modified CAD drawing. Harvey asked what format it would be provided in. Wassim responded that it would be in a DWG format. Harvey asked if it would pull in all the dimensional data, and Wassim stated that it would. David Gray stated that he was satisfied with the explanation that the Nader Group gave.

- Harvey brought up the test data at the last meeting and asked if their lab has agreed to provide the data. Wassim stated that they would be providing it, and he is trying to get the lab here on Thursday afternoon. The testing is going to yield the decision whether they are able to rehab the mortar building or if they would have to rebuild.
- They will be looking at the utilization of space.
- Alex asked what Wassim would see as the next useful time to meet with the subcommittee. Wassim stated that they should get through 1a and then they could meet with the Council and subcommittee.
- Harvey stated we haven't focused on price yet and that has been the public's concern. We need to concentrate on this while we do this phase.
- Scott stated that he feels we have to work as a group and all agree that we need to do something with the municipal building—either rehab or build new.
- Joe received a quote from Mark Alpaugh of MJA. Joe stated that he would get additional quotes and suggested that the subcommittee may want to review and give a recommendation.
- Joe would like to secure funding to move beyond 1a. We only have funding for \$50,000. In order to go to 1b, we need to go out to bond. We need 2 meetings to adopt a bond ordinance followed by a 20-day waiting period before we could authorize any additional spending.
- Harvey suggested waiting a few weeks to get some feedback. Harvey stated that we wouldn't have any concrete information on results of the testing and did not think we should move forward until we had that information. Harvey said we would have no price discovery. Eric stated that we can't get to price discovery until we go through the process.
- Alex suggested that we move forward with introducing the bond ordinance at the next meeting because it puts a mechanism in place to spend money but doesn't actually authorize the spending of any funds. The Council would need to authorize the expenditure of any funds for this project after the bond ordinance is adopted.
- Scott stated that we are looking to bond to get us to the point of construction services/bid documents.
- Alex asked Wassim if he would have lab results 4 weeks from this meeting. Wassim thought that was probable. Alex stated that the bond ordinance would not include the \$50,000 that was previously authorized for Phase 1a. Also, Phase 3 would not be part of this bond.
- David stated that he would be looking for a recommendation from the subcommittee in early September regarding spending additional funds on the project.
- Mike Pellek commented that he never heard before tonight that the mortar building had to be evaluated and possibly may not be able to be rehabbed, and we may need to build an entire new structure. He is concerned about the price if an entire new building would need to be built.
- David Gray understood that we would need to evaluate this building and would need to go back to the drawing board if the building wasn't sound.
- Larry asked if the \$371,000 is a portion of the \$5.5 million that was discussed. He was told it was.
- Pellek asked questions about comments made at the last Council meeting regarding having joint meetings with the subcommittee and appointing a chair and vice chair.
- Morytko said it is a good idea to have structure to keep the group on task. He feels agendas are important at this stage. Scott suggested that the contractors/architect should have a point person, which should be Joe. Eric Serilli agreed with John Morytko. Harvey stated that the subcommittee should be independent and have a strong voice. Harvey feels the subcommittee should lead and the Council should be invited. All Council members will be invited – all meetings will be noticed.
- Mike Pellek stated that he would recommend that John Morytko and Cris Franco be co-chairs to the committee. They did a great job presenting the report. There was a motion by Mike Pellek, second by Larry Rotter to have John Morytko and Cris Franco to act as chairs. All members were in favor.
- Joanne Smith, 57 Lake Drive, reiterated that the building committee was formed because of the taxpayers. She stated that the group needs to concentrate on the budget and cut it back.
- Joe will transmit any info from the Nader Group to the subcommittee.

CALL REGULAR SESSION MEETING TO ORDER

APPROVAL OF AGENDA – Motion by Councilman Gray, second by Councilman Olson to approve the agenda with the removal of executive session minutes and Resolution 149-2019 and 150-2019. All members were in favor. Motion carried.

PRESENTATION OF THE 2018 AUDIT – Ray Sarinelli, Jr. presented the budget to the Council. The fund balance is stable, reserves are healthy, and the trust funds operated normally. The only recommendation in the audit was segregation of duties, which appears in 99% of the municipal audits they prepare. Ray appreciates the job that Ashleigh does because it makes his job easier. We would need to hire 3-4 full time people to be able to segregate the duties in accordance with government standard.

- Harvey had a few questions on Fund balance – In 2015 fund balance was at \$2.18 million, and this year we at \$2.72 million. He feels it is a big number – it is a 25% increase over 3 years in funds that are not being used. Harvey asked why the number is high. Ray said it is the economy, when good things happen the fund balance increases, also tax collection is high. Steady climb in fund balance is the product of conservative budgeting. Harvey said our fund balance is increasing 6-7% each year, but our budget is not. We are at \$2.7 million with an \$11 million budget, which he feels is a high ratio. Ridgewood is a town in Bergen county and they have a \$50 million budget, and their fund balance is less than double of ours. Harvey feels it is a bad use of money to have a high fund balance. We used \$1.610 million in . It comes down to a Council decision on how much the Township wants to use from fund balance. Harvey stated that we are not returning money to the taxpayers. Scott asked what percentage of the budget Ray recommends having for fund balance. Ray stated that they base it on the bond ratings. Byram is AA, and he said they like to see 20%, and Byram is at about 22%. Harvey talked in detail

about Ridgewood’s budget and fund balance—the budget is 5 times Byram’s budget and not quite twice the amount of fund balance.

- Scott thanked Ashleigh and Ray for the work they have done and stated that his firm has assisted Byram for many years and have always steered them in the right direction.
- Joe said that if we decrease fund balance we would have to find a way to not to depend on fund balance as much as we do.
- Harvey stated that we have had a 25% increase in fund balance in 3 years.
- David Gray stated that he reviewed the audit and didn’t see any red flags, which is great. David thanked Ray for his work.

Opened to the public – no comments.

- Resolution No. 151- 2019 – Governing body Certification of the Annual Audit

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

- Resolution No. -152 - 2019 – Corrective Action Plan for 2018 Audit

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

RESIGNATION OF ARC COMMITTEE MEMBER – Susan Mirz Motion by Councilman Olson, second by Councilwoman Kash to accept the resignation. All in favor. Scott thanked Susan for her service, and we will send a thank you letter to Susan.

COUNCIL REPORTS

Manager’s Report:

- Greener by Design will be attending the next meeting to give an update on the Parks and Rec Plan they are working on. Joe stated that the survey is still live and encouraged people to complete it.
- Attended the LEED graduation ceremony
- Attended a joint municipal court meeting at Andover Township

Mayor Rubenstein

- Alex was invited to speak at the LEED graduation.
- Update of PB meeting
- There will be a special meeting on 6/24 8 p.m. of the Recreation Committee because there wasn’t a quorum at the last regularly scheduled meeting.

David Gray – Attended the joint municipal court meeting at Andover. Productive meeting – court will continue in Andover.

Harvey Roseff – No report

Councilman Olson

- Provided a Planning Board update of approvals given at last meeting
- Open Space met 6/10 – recommended a few improvements at COJ, Greener by Design provided an update to the Parks and Rec plan they have been working on.

Attorney Tom Collins – Teaching a board member class at the League convention and in the afternoon will teach a class to Municipal Engineers and Attorneys in November.

PUBLIC PARTICIPATION I

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. Motion carried. Jack Moran, East Waterloo Road, asked about the Energy Aggregation presentation. Alex said it was basically what was presented by Concord. It confirmed the information presented by the first company. David stated that he is in favor of the program because he feels it gives much more protection than he would get on his own. Jack asked if there has been any update on the investigation of a second entrance/exit into East Brookwood. Joe stated that he provided Alex with a report 2 months ago from Cory Stoner. The Council would now need to decide if they want to move forward. Jack asked if there was any further progress on the ISO ratings. Harvey stated that there hasn’t been any further action on this.

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

APPROVAL OF MINUTES

- June 3, 2019 – Regular 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	x
No					
Abstain					
Absent					

Architectural Review Committee – Scott Olson explained what the Architectural Review Committee does. They are advisory to the Planning Board and reviews commercial applications in the Village Center and Village Business Zone. They are in need of 3 members. Doris Flynn will post this on the website as well as any other positions needed for committees.

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.

- A. Resolution No. 132-2019 – Resolution Renewing a Plenary Retail Consumption License Issued to Andover Wine and Liquors Inc. Trading as Liquor Factory & Lounge Valid From 7/1/2019 through 6/30/2020
- B. Resolution No. 133-2019 – Resolution Authorizing the Renewal of Liquor License to Zipload, Inc. Trading as Salt, Valid From 7/1/2019 through 6/30/2020
- C. Resolution No. 134-2019 – Resolution Authorizing the Renewal of Liquor License to Byram Beverage Inc. Valid from 7/1/19 through 6/30/20
- D. Resolution No. 135-2019 - Resolution Authorizing the Renewal of Liquor License to Venture Two LLC Valid from 7/1/19 through 6/30/20
- E. Resolution No. 136-2019 – Resolution Authorizing the Renewal of Liquor License to Adam Todd Inc. Valid from 7/1/19 through 6/30/20
- F. Resolution No. 137-2019 – Refund State Tax Appeal for 2013 – Block 336 Lot 15.09 – Lee Hill Road
- G. Resolution No. 138-2019 – Refund State Tax Appeal for 2013 – Block 336 Lot 15.10 – Lee Hill Road
- H. Resolution No. 139-2019 – Chapter 159 – 2019 Clean Communities Grant - \$22,241.31
- I. Resolution No. 140-2019 – Chapter 159 – 2019 Green Communities Grant - \$3,000
- J. Resolution No. 141-2019 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 279 Lot 367.02 – 65 Sherwood Forest Drive
- K. Resolution No. 142-2019 – Resolution Authorizing the Renewal of Liquor License to Tomahawk Lake Inc., Trading as Tomahawk Lake, Valid From 7/1/19 through 6/30/20
- L. Resolution No. 143-2019 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 365.04, Lot 3; Refund of Taxes Paid from May 3, 2019 Thru June 30, 2019 (Portion of 2nd Quarter 2019)
- M. Resolution No. 144-2019 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 400, Lot 164; Refund of Taxes Paid from January 2, 2019 Thru June 30, 2019 (Portion of 1st Quarter 2019 Thru 2nd Quarter 2019)
- N. Resolution No. 145-2019 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 342.02 Lot 1; Refund of Taxes Paid from April 30, 2019 Thru June 30, 2019 (Portion of 2nd Quarter 2019)
- O. Resolution No. 146-2019 – Resolution to Authorize Participation in the 2019 Radon Awareness Program
- P. Resolution No. 147-2019 – Resolution Authorizing the Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as, Golden Nugget Saloon, Valid from 7/1/19 Through 06/30/20
- Q. Resolution No. 148-2019 – Resolution Authorizing the Renewal of Liquor License to BBG Restaurant LLC, Trading as Brooke’s Beer Garden, Valid from 7/1/19 through 6/30/20

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

Exceed \$5,000.00 –Motion by Councilman Olson, second by Councilwoman Kash to adopt the resolution. Harvey asked to pull this for discussion. Harvey heard that there is \$150,000 budget proposed for improvements of Byram’s facilities but this hasn’t been presented to the Council. He wanted to know if the Recreation Committee feels this is the best way to spend the money. Scott stated that the capital committee has looked at funding improvement projects at our parks over the years. David asked why we would repair the tennis courts before the field house. Scott explained that we are waiting for the input by Greener by Design on the major facility improvements. The fieldhouse is part of the bigger plan. Harvey would like to engage the Recreation Committee and find out if this is how they want to spend close to \$100,000. Harvey moved to table this resolution and have the Recreation Committee review the resolution.

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

Resolution No. 150-2019 – Resolution Authorizing Harold E. Pellow & Associates, Inc. to Proceed with Obtaining Engineering Specifications and Bid Documents for Stairs – Not to exceed \$3,000.00 – Motion by Councilman Olson, second by Councilwoman Kash.

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

June 18, 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					

ORDINANCE INTRODUCTION / 1ST READING

BE IT RESOLVED that Ordinance entitled **An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish any Public Rights as to a Portion of The Street Known as Stag Pond Road, Pursuant to N.J.S.A. 40:49-6 And N.J.S.A. 40:67-21** be read by title on first reading.

Purpose Statement: The purpose of this Ordinance is to vacate a portion of the street identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

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

Tom stated that this is an ordinance to vacate a portion of Stag Pond Road that traverses through Stag Lake Corporation property. The private rights for people to use it will not be eliminated. The public’s interest will be eliminated.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 nd		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 July 16 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

Soil Importation Ordinance – Joe commented that at the 5/23 meeting it was stated that council members were supposed to email comments to Doris and Joe about it. Scott asked that we circulate the Wantage ordinance. Tom stated that he thought it was adopted by Wantage. He said that the ordinance refers them to the PB for a permit. We will circulate the Wantage ordinance and add it to the next agenda for discussion. If anyone finds additional ordinances, they should bring those to the meeting. The Wantage and Frankford ordinances have a permitting process through the Planning Board. It could also be handled by the governing body or go through the engineer. Joe asked if we could follow our soil removal ordinance. Tom stated that we could incorporate a soil importation ordinance into our soil removal ordinance. Tom explained that if a load of dirt is dumped in Wantage a stop work order would be issued because they did it without a permit. A permit can be obtained from the zoning officer if the amount of soil being brought in is limited. If the amount of soil is in excess, it would go to the Planning Board for a permit. Fines can reach \$2,000 per day per the Wantage ordinance, with each non-compliant day having a separate violation. Doris Flynn will circulate the Wantage and Frankford ordinances as well as Byram’s ordinance on soil removal. We will discuss this further at the next Council meeting.

PUBLIC PARTICIPATION II

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

Joann Smith, 57 Lake Drive, plays on the tennis courts at COJ, asked why we would need engineering on the tennis courts. She thought we would just seal the cracks. Joe explained what Cory’s role is with this. Joanne said the courts at Mansfield are in terrible shape and she didn’t feel the COJ courts were that bad. Although, she did stated that she appreciated the Township being proactive in repairing the courts.

Larry Rotter, 80 Tamarack Road, asked where Stag Pond Road was in Byram. Alex explained where it was located, and Tom Collins summarized why we wanted to vacate it.

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:

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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.

Motion by Councilwoman Kash, second by Councilman Olson 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 18, 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.

Doris J. Flynn, Municipal Clerk

Alexander Rubenstein, Mayor