

BYRAM TOWNSHIP COUNCIL MEETING - JUNE 19, 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, absent; Councilwoman Kash, here; 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
 - Policy Restoration/Repair ROW
 - Stag Pond Road
- b. Personnel
 - Construction Department
- c. Contract Negotiations
 - PBA Status

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 Roseff 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 June 19, 2018.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:35 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 Councilwoman Kash to approve the agenda. All members were in favor. Motion carried.

COUNCIL REPORTS

Township Manager Joe Sabatini

- Registration open for summer programs. Registration is through the website or contact Jen Kerr through June 29
- Summer Council Meeting schedule – Monday, July 2 and Tuesday, July 17 and Tuesday, August 14

- Congratulated Deputy Clerk Cindy Church for passing the Registered Municipal Clerk Exam. Cindy has taken a series of courses over several years, and sat for the exam in April. She now has her RMC certification.

Mayor Rubenstein

June 8 - Attended a baseball game at Skylands Stadium for the 265th Sussex County celebration. It is a great facility and a fun evening.

June 14 – Attended Bldg. Subcommittee Meeting which will be discussed later in the meeting

June 23 – Tri Harder Triathlon – Swim, Bike, and Run at Lake Lackawanna for ages 4-13. It is always a great event.

June 21 – PB Meeting – Anty Trucking application is on the agenda.

Councilman Roseff – Harvey will report on the building subcommittee later in the meeting.

Councilman Olson

June 11 – Attended Open Space meeting. Discussed a few projects for the Open Space Consultant and Forester. The Committee recommended that the Council move forward with the authorization of hunting on the same open space lots as last year.

June 12 – Attended the CAD meeting held with the EPA representatives at the Township meeting room. Scott provided an updated status to the Council.

PUBLIC PARTICIPATION I

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

Alison Andrews, 18 Little Paint Way, a 4th grade teacher at Byram Lakes, brought several of her 4th grade students to share their idea of having a town pool in Byram Township. Alex Lengyel, Sydney Alderson, Mia Dulio, Tyler Brennon, Christopher Haak, Amanda Malloy, and Berouria Luberisse explained that they were learning about civic engagement in social studies and their group decided to make a presentation to the Council for a community pool.

Skip Danielson, 18 Hunter Lane, commended the 4th graders on their flag salute and for coming before the Council.

Lee Ann Clark, 6 Joan Drive, thanked the Council for authorizing the work to fix the drains in front of their house. She also thanked Scott Olson for taking the time to explain what was going on. Lee Ann did have a complaint and stated that she thought she should have been notified that there was going to be extensive construction done in front of their house lasting several weeks. They live on a tree-lined street, but due to this construction they lost the tree, and mature bushes in front of their house. The Clark’s have concerns about drainage and run-off by not having the tree and shrubs there and they are asking the Township to replace them. She also complained about the abandoned house next to hers, and the condition of the basin across the street from their house, because the fencing is in disrepair and some sections are falling down. Lee Ann has concerns about the safety of the fence, which she feels is a very dangerous situation. Lee Ann did comment that the contractors were very nice and informative.

Alex explained to Lee Ann that the Council discussed it in closed session. Two Council members want to come by and see the property. The Council will continue discussion at the next meeting. Joan Drive is scheduled to be paved in 2019.

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

APPROVAL OF MINUTES

- June 4, 2018 – Regular and Closed Session Minutes – Motion by Councilman Olson, second by Councilman Roseff, to adopt the minutes as presented.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			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 Councilwoman Kash, to approve the consent agenda.

- Resolution No. 127-2018 – Resolution Authorizing Member Participation in the National Joint Powers Alliance Cooperative Purchasing System and the Purchase of One (1) Model 200 Utility Chipper (12” Disc Style) Brush Bandit – not to exceed \$30,540.00
- Resolution No. 128-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 406 Lot 107 – 72 Sleepy Hollow Road
- Resolution No. 129-2018 – Authorizing Appointment of the Township Auditor and Award of Professional Service Contract in Connection Therewith
- Resolution No. 130-2018 – Chapter 159 - \$19,925.69 NJDEP – Solid Waste Administration 2018 Clean Communities Grant
- Resolution No. 131-2018 – Resolution Authorizing the Renewal of the Liquor License to 239 Route 206 LLC Trading as Stonewood Tavern from 7/1/2018 through 6/30/2019
- Resolution No. 132-2018 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Standby Generator for Emergency Communications Tower – Net Increase of \$1,000.00
- Resolution No. 133-2018 – Final Acceptance of Proposed Standby Generator for Emergency Communications Tower
- Resolution No. 134-2018 – Final Acceptance of Emergency Drainage Repair 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				

JUNE 19, 2018 BILL LIST

Motion by Councilwoman Kash, 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 13-2018 - AN ORDINANCE AMENDING “CHAPTER 240 – ZONING” OF THE TOWNSHIP OF BYRAM CODE TO UPDATE THE “ZONING MAP OF THE TOWNSHIP OF BYRAM**

Motion by Councilman Olson, second by Councilwoman Kash to consider this ordinance for adoption. Paul Gleitz was present and said the map is two parts, one part is the insert to the map showing the Highlands Center and Planning and Preservation area, which is all part of the Highlands Conformance process and the other part was correcting and updating any split zone lots or other mapping errors. Mayor Rubenstein opened to the public

Skip Danielson, 18 Hunter Lane, stated that Paul explained the ordinance thoroughly at the introduction on June 4. Skip asked if everyone affected by the split zones were notified. Paul stated that these properties were mailed a courtesy letter explaining the change and referring them to the zoning map located on the website. 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	x
No					
Abstain					
Absent	x				

Be It Resolved that Ordinance 13-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **ORDINANCE 14-2018 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR DRAINAGE IMPROVEMENTS TO RIVER ROAD & CHESTNUT STREET TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$16,000.00**

Motion by Councilman Olson, second by Councilwoman Kash to consider the ordinance for adoption. Councilman Roseff asked to explain what the repair will be. Alex explained that there is a pipe under a driveway on a corner lot that is not working and blocking the water from flowing. Alex reviewed the memo

that Township Engineer Cory Stoner prepared and described Option 3, which outlines how the Township will do the repair. Our DPW Department will be doing the repair.

Mayor Rubenstein opened to the public.

Dawn Edwards, 3 Springbrook Street, thanked the Council for this ordinance and asked when the project will start. The ordinance will become effective July 9, and it will get scheduled sometime after that. We do have road projects starting that week so Joe is not sure when the work will start. Dawn asked if there would be communication as to the start date. Joe will make sure that notification goes out to the property owners in the area. The homeowner who has the pipe will have to remove the stockade fence in the area where the work is going to be done because it is in the right-of-way. The Mayor closed to the public and 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	x
No					
Abstain					
Absent	x				

Be It Resolved that Ordinance 14-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ORDINANCE – 1st Reading / Introduction

- BE IT RESOLVED that Ordinance entitled “**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 164 SECTION 164-26 TO AMEND THE HOURS OF SOLICITATION**” be read by title on first reading
Purpose Statement: The purpose of this Ordinance is to amend the hours of the solicitation license ordinance to change the deadline from 5:00 p.m. to 9:00 p.m. in accordance with federal case law decisions.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance. Tom Collins stated that the Township received a letter from an attorney representing a pest control company stating that the hours listed in our ordinance for solicitation is unconstitutional. The Township Manager stated that i

	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 July 2 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.

PUBLIC PARTICIPATION II

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

Luanne Byrne, Richmond Road, asked a few questions about the zoning map update. Tom Collins explained about split zones.

John Schmidt, President of New Jersey Foundation for Open Government stated that he had been speaking to Councilman Roseff and since we put OPRA/OPMA on as a discussion item, he wanted to come and speak to the Council. Most of the changes that they would like to see are minor changes. NJFOG would like to see an agenda packet available 48 hours before a meeting, which Byram already does. They would like to see 2 public comment sessions, which Byram already has. Scott said that NJFOG should take a position against the commercial use of public records. NJFOG is not taking a position but is not opposed to the language that is in the new proposed legislation. John thanked the Township Council for their time and hopes that the Council will support these bills. It brings the laws into the 21st century.

Scott DeCristofaro, Hadden Township, congratulated us for having a culture of transparency. He attends a lot of meetings in New Jersey, New York and Pennsylvania, and he wanted to acknowledge the extraordinary effort we put into serving the public.

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

ITEMS FOR DISCUSSION

- Proposed OPRA/OPMA Bills – Harvey would like to see our Council take the lead and support these bills to be an example to other towns. He doesn't feel that we need to support it for ourselves since we do a good job with OPMA and OPRA, but by supporting it, it is a way to make a better New Jersey. Alex stated that if we would like to support these bills, we need to put specific bullet points in of our specific concerns. The Council members can send bullet points to Doris who will collect them.
- Municipal Building Subcommittee Update – Harvey pointed out that the proposed OPMA law would require 4 quarterly reports per year on a subcommittee meeting, and the oral report he is giving tonight would count towards that. They had their second meeting, and the committee was created about 1 month ago. The committee is looking at leasing/purchasing, rehabbing our building or building a new building. Today they visited the Andover police department, and on Thursday they will visit Lafayette. They may look at Pope John's pre-fab building. The committee is meeting with the Byram Board of Education next week to discuss repurposing the open space area for municipal space. The Andover Police Department tour was very interesting. The subcommittee will be meeting tomorrow morning at Senator Oroho's office to discuss private/public partnership legislation. Alex stated that the people on the committee have been very positive and knowledgeable, and so far it has been a great experience.

RESOLUTION

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WHEREAS, this public body is of the opinion that such circumstances presently exist.

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BYRAM TOWNSHIP COUNCIL

Motion by Councilman Olson second by Councilwoman Kash to go into closed session and adopt the above resolution. All members in favor. Motion carried.

Certification: I certify that the Byram Township Council adopted the above resolution on June 19, 2018.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 9:13 pm. All members were in favor. Motion Carried.

Alex Rubenstein announced that he will not be at the next meeting due to a prior commitment. Doris will inform Deputy Mayor David Gray that he will be running the meeting.

ADJOURN

On the motion of Councilwoman Olson, second by Councilman Kash and with all members in favor, the meeting was adjourned at 9:15 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor