

BYRAM TOWNSHIP COUNCIL MEETING - JULY 02, 2018

EXECUTIVE SESSION – 6:30 P.M.

REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Deputy Mayor Gray 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, late (7:58 p.m.). 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
 - Tomahawk Lake
- b. Personnel
 - Construction Department
- c. Contract Negotiations
 - PBA

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 | |
| No | | | | | |
| Abstain | | | | | |
| Absent | | x | | | x |

Certification: I certify that the Byram Township Council adopted the above resolution on July 2, 2018.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilman Roseff to return to open session at 7:30 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 – The next regular Council meeting is on 7/17 at 7:30 p.m. and there will be one meeting in August on 8/14. There will be a special council meeting on 7/10 at 10 a.m. for a DCA presentation on Construction Services. No action will be taken.

Councilman Roseff – Attended Bldg. subcommittee meeting on June 28 and will report on it later in the meeting

Councilman Olson – No report

Deputy Mayor Gray – David reported that he has been away in Europe on a wonderful family trip, but is glad to be back.

PUBLIC PARTICIPATION I

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

Motion carried. Skip Danielson, 18 Hunter Lane, wished everyone a Happy 4th of July. Motion by Councilman Olson, second by Councilman Roseff 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 | |
| No | | | | | |
| Abstain | recuse | | | | |
| Absent | | x | | | 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 Roseff, to approve the consent agenda.

- Approval of Raffle – 50/50 & Tricky Tray – Sussex County Police Athletic League – Panther Lake - July 28, 2018
- Approval of Raffle – 50/50 – The Nicholas Whilborg Foundation – Lake Lackawanna - July 28, 2018
- Resolution No. 135-2018 – Resolution Granting a Place to Place Transfer for Expansion of Premises for Plenary Retail Distribution License Issued to Byram Beverage, Inc.
- Resolution No. 136-2018 – Confirming the Redemption of TTL#2010-08 – Block 144 Lot 136- Ka-Ton-Ah Tr.
- Resolution No. 138-2018 – Award of Bid to Contractors under the Morris County Cooperative Pricing Council for Proposed Improvements to Roseville Road – Not to Exceed \$211,977.75 (Tilcon – Milling & Paving) & Not to Exceed \$7,647.00 (Denville Line Painting)
- Resolution No. 139-2018 – Resolution to Extend the Bid with JML Landscaping, Inc. for Proposed Automatic Irrigation System for Tamarack Park – valid until August 30, 2018
- Resolution No. 140-2018 – Final Acceptance of No Net Loss Tree Reforestation – Phase II

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

Resolution No. 137-2018 – Resolution Authorizing Award of Contract to Vendor with National Cooperative Contracts for Fire Apparatus – Not to Exceed \$473,522.00

Councilman Roseff asked to have discussion on this ordinance because he had several questions. Deputy Mayor Gray asked Chief Todd Rudloff to come forward and participate in the discussion. Scott and David have been a part of the capital subcommittee and stated that the cost of purchasing a fire truck has been reduced. Harvey stated that it is a big number, and had questions about how we go about procuring this apparatus. He asked if there is a performance bond. Joe stated that a performance bond is not required through this co-op, because we don't pay for the truck until it is delivered to the fire house and fully inspected. Todd explained that after the last truck was delivered to the fire house and fully inspected, he sent an email to the Township to process the check which was sent out the next day. Harvey asked how First Priority fit into this. Todd stated that First Priority is the local representative for K & E. Scott Olson asked how long it takes to get delivery of the truck, and Tod stated it is about a 300-day delivery.

Motion by Councilman Olson, second by Councilman Roseff, to adopt the Resolution.

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

- Approval of Raffle – 50/50 – Byram Township Historical Society – Byram Day – September 8, 2018 – Motion by Councilman Roseff, second by Deputy Mayor Gray.

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

JULY 2, 2018 BILL LIST

Motion by Councilman Olson, second by Councilman Roseff 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 | |
| No | | | | | |
| Abstain | | | | | |
| Absent | | x | | | x |

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE NO. 15-2018 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 164 SECTION 164-26 TO AMEND THE HOURS OF SOLICITATION**

Motion by Councilman Olson, second by Councilman Roseff to consider this ordinance for adoption and to open to the public for discussion on this ordinance. No comments were made. Motion by Councilman Olson, second by Councilman Roseff to close to the public.

Deputy Mayor Gray 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 | | | | | |
| Abstain | | | | | |
| Absent | | x | | | x |

Be It Resolved that Ordinance 15-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ITEMS FOR DISCUSSION

- Beautification Projects (Concessions) – David Gray asked to put this on for discussion because he saw the article in the New Jersey Herald. Newton found a way to get plantings and the signs showing what business was responsible for the beautification and have the areas look great. Scott stated there used to be a church that would beautify the Riverside Park sign area and also a girl scout troop used to beautify an area at CO Johnson. David and Scott were in favor of doing this. Joe stated that we would handle as a concession. Most likely, we would have the sign made that would give credit to the businesses so that the signs were uniform (Mayor Rubenstein arrived at 7:58 p.m.). The DPW would manage it once it got up and going. We are obligated to maintain the area at the Plaza, but it is not our property. It is owned by the State. David asked if the BBOA could handle this. Joe can take it back and do some research, and we can discuss it at the next meeting.
- Municipal Building Subcommittee Update – Councilman Roseff updated the Council. They had their 3rd meeting. They have visited the Andover Police Dept., Lafayette Municipal Bldg. and the Byram Intermediate School Open Space area. The group is starting to build some consensus. He stated that the group was amazed at the low cost for the Andover Police Station and Lafayette bldg. The subcommittee

had an open discussion with the BOE. School population has dropped 28% over the years, which is why this space is available. The BOE asked what areas of the building Byram would want to use, how we would access parking, how we would access the building, etc. Our next step is to have another sub group met with Senator Oroho and reviewed what he was proposing. They will look at Blairstown and Stillwater, and possibly the Verizon building that Roxbury is repurposing. Fred Braun, one of the builders of the foundation of the administration/police section of the building, may be attending an upcoming meeting to give some history about it. At the next subcommittee meeting on July 16, the estimator who provided a cost estimate of the conceptual plan that was drawn up several years ago will be attending to explain how he arrived at the estimate. Scott asked if Steve Panek will be attending the July 16th meeting to hear the estimator speak. Alex will follow up. David recalled that the estimator explained to us why the cost per square foot was so high. David was interested to hear how he will be explaining it to the subcommittee.

Alex commented that the subcommittee has been great and very engaged. They would like the Township to continue moving forward with the BOE on investigating this option further. Joe has looked into financing this type of project and talked briefly about it. Harvey stated that we needed to explore the option of Court, and would like to talk to Andover about the future of court. The subcommittee would like more info about the court to know if they need to plan for it now or in the future. Joe will add court as a discussion to our executive session at the next meeting, and he will further research the allowable contract length for a joint court.

A few members of the group met with Senator Oroho about the legislation regarding the public/private partnerships that he is sponsoring. They also briefly talked about the possibility of repurposing a portion of the School's office space for municipal space. The Senator liked the concept and stated there possibly could be grant money out there for it.

PUBLIC PARTICIPATION II

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

David Romano, one of the Owners of Byram Plaza, 6 Michael Court, Lafayette, NJ, commented that the President of the BOE was interested in talking about repurposing the open space for municipal use. He also commented on the Court discussion, and stated that the Council should authorize a post audit to analyze the before and after to better prepare us to negotiate for the next court contract.

With regard to beautification projects, David Romano asked who is ultimately responsible for the landscaped area at the corner of Lackawanna and Route 206. He stated that the wire stakes around trees the NJDOT planted should be removed because they will end up choking the trees. Byram Plaza removed the wire stakes around the trees bordering his property. The area by the Nissan Dealer and the NJDOT building is very overgrown. He also stated that the Township should think about what should be planted because flowering annuals die off and require maintenance and water. Grass, bushes and perennials would be best to plant. Harvey asked about lighting at the landscaping areas. David talked about LED lighting.

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

ADJOURN

On the motion of Councilwoman Olson, second by Councilman Roseff and with all members in favor, the meeting was adjourned at 8:42 p.m. Motion carried.

Doris Flynn, Municipal Clerk

David Gray, Deputy Mayor