

BYRAM TOWNSHIP COUNCIL MEETING - JULY 2, 2019
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

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, late (7:10 pm); Councilwoman Kash, absent; 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
 - SHBP Status
- b. Personnel
 - Employee Handbook

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
No					
Abstain					
Absent	x	x			

Certification: I certify that the Byram Township Council adopted the above resolution on July 2, 2019.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilman Gray to approve the agenda as presented. All members were in favor. Motion carried.

APPROVAL OF NEW FIRE DEPARTMENT MEMBER – Benjamin T. Palmer – Ben was introduced and sworn in as a new member of the Fire Department.

BYRAM DAY DISCUSSION – Mary Schneider, Donna Griff, and Jeri Quirk came before the Council to ask for approval to move Byram Day to June 2020, and in lieu of Byram Day this year, hold Byram Fest on Friday, September 27, at COJ from 5 p.m.-9 p.m. They are requesting \$5000 for fireworks, and overtime for DPW and Police.

David thanked Mary, Donna and Jeri for coming tonight and supporting Byram Day. David expressed his support, but he did think there was one thing missing which was a component for children, such as bounce houses. Alex said sunset is at 7:12 p.m. on September 27. There is a high school football game in Hopatcong and a freshman game at Lenape, which will draw people away from this event. We could use the football lights to light the area where the food trucks would be. We may be also be able to use temporary lights that soccer has for additional lighting. Scott thanked Mary, Jeri and Donna for their time and interest. Scott asked why the Byram Business Owners Association aren’t doing something like this. He feels that this type of event doesn’t have anything to do with recreation. He questioned why we have to bring in for-profit food trucks instead of using our non-profit organizations for food like we have done in the past. Donna said what was driving this event was that it was much simpler for everyone involved. Food trucks have become very popular among Townships. It can be pulled together quickly with minimum work. Scott said besides a small group of recreation members, there is a sad lack of public participation. Mary stated that she understands Scott’s comments and is looking forward to working on 2020 Byram Day and involving the businesses.

Mary said they are going to incorporate a coat drive and a food drive at the Byram Fest. Jeri stated that for Byram 2020 they would like to plan a blood drive, and Mary will solicit businesses. Build a Better Byram will be the theme for next year.

Scott asked Mary to pass his thanks to Nicole for all her work in Miss Byram and Jen for putting together the Tri-Harder Triathlon. David stated that if the Council gives the committee the budget they need to make a great Byram Day for a year or two that will draw the businesses to get involved.

Joe explained that he has just kicked off the 2020 budget and encourages the Recreation Committee to put together their budget needs for 2020.

The Council discussed the amount needed to allocate for Byram Fest. The overtime would not come out of this budget—it would come out of the DPW and PD overtime budget. Alex asked what the Byram Day committee felt about adding bounce houses for children before the fireworks. They thought it was a great idea because it would attract more people to the food trucks. Joe stated that the amount of food trucks depends on the anticipated amount of people attending the event.

The Council will support the expenditure of \$10,000 for fireworks, incidentals, bounce houses for Byram Fest, tentatively set for September 27, 2019, from 5-9 pm. Motion by Councilman Gray, second by Mayor Rubenstein. All in favor. Motion carried.

PRESENTATION FROM GREENER BY DESIGN – Open Space & Recreation Plan update

Ben Spinelli was present and provided an interim report on where they are at:

- They are at the end of the stakeholder interviews. Includes youth sports groups, Jorba, NY/NJ Trails Conference, Waterloo Village, NJDEP park superintendent, Conservation Foundation, Salt Shakers, Byram Historical Society, EC, Recreation Comm., Open Space, DPW, Netcong and Stanhope administrators.
- They will be talking with Lacrosse tomorrow and also will be meeting with Lake communities shortly.
- Over 1000 surveys were submitted. The bulk was from Byram.
- Usage of trails was very high, along with usage of the parks.
- Will provide a very comprehensive breakdown when the survey is completed.
- They have done preliminary reviews of all the parks and will visit again.
- Trail blitz day – walked all the trails
- They would like to make a unified trail system from one end to the other in Byram. It would be great to make the connections to trail systems close to Byram, such as the Kellogg property. It creates more options for our residents and also be an attraction for people outside of Byram.
- Jorba had terrific things to say about Byram and had some great suggestions. Possibilities that could be beneficial to both Jorba and Byram. Make Byram a destination to mountain bikers.
- Great possibility to become an eco-tourism destination.
- Parks are generally in very good condition. COJ and Tamarack park get a lot of use but are well taken care of. They received a lot of compliments about our DPW and the quality maintenance job that is done on the parks.
- There were several issues found: the bathrooms and stairs at COJ, fieldhouse, football field is substandard, Riverside Park could use improvement, and Neil Gylling does not have any amenities.
- A good job has been done on field allocation – there doesn't seem to be many conflicts.
- They will provide recommendations and information that will allow us to make policy decisions on what is needed and the cost projection.
- There were comments in the survey that we needed a full-time recreation director. Ben stated that this is a policy decision but they will be able to provide suggestions and information on ways to handle recreation.
- Talked about the Highlands Trail – which is being promoted as a multi-day hiking trail. A draw back is that there aren't places to make pit stops, food, lodging, etc. Byram is about ½ way through the trail and Byram would make a great place to be a host community.
- Waterloo hosts 20,000 children during the year for school events.
- It would be a great benefit to have transit access to Byram. It would be beneficial to advocate for this. There is a train station in Mt. Olive, Netcong, and a proposed one on Roseville Road. They do not have weekend service.
- They are going to a drone flyover and develop a promotional video. They will be able to capture fantastic footage throughout Byram.
- Spent an afternoon with Joe and DPW reviewing the investment of the parks over time. This will be used to produce a budgeting plan over time for replacement.
- All Open Space and Trails Mapping will be updated.

Harvey asked if there was a portion of the plan that was going to look at grants. Ben stated that they will look at grants and outside funding. Harvey asked if Ben could breakout grants and the economic component on the timeline chart. Harvey asked if they will be identifying grants during the process instead of the end of the process. Ben stated that they will try to look for grants along the way that could help on a few of the improvements that need to be done in the short term.

Scott Yappen, 5 Catherine Terr., appreciated the comments on shared opportunities and the comments on grants. He asked if Ben had a slide on what the survey said about what we don't have that people want. Ben stated that there were comments asking for indoor facilities, and turf and lights, among other things.

MANAGER AND COUNCIL REPORTS

Manager's Report:

- Saturday, July 13 at 9 a.m., Environmental Commission (EC) is doing a clean up at Brookwood Park. They are looking for volunteers. Rain date would be the next day.
- Habitat for Humanity is having an official dedication ceremony on Friday, August 9 at 10:30 a.m. with the family who has purchased the home on 14 Belton Street. The Mayor and Council have been invited.
- Kicked off 2020 budget – provided the Council with a memo outlining the process. All budget meetings will be held publicly with the Council and Joe is looking to hold the first one in October.
- Provided the Council with a memo regarding electronic fund transfers – speaks to a broad subject matter – recommendation is to stay consistent to what we are now doing.

Mayor Rubenstein

- 6/20 - PB meeting – sign application for the existing Quick Check sign, and few residential applications.
- 6/22 - Tri Harder – Approximately 25-30 kids participated – it was a great event.
- 6/29 – Freak storm in Cranberry Lake – shout out to the Police, DPW and Fire for getting to the scene so quickly and doing a great job.

David Gray – No report

Harvey Roseff – Attended the 6/28 EC meeting. The EC has some interest in participating in the soil importation ordinance

Councilman Olson

- 7/18 -Planning Board meeting – a few residential applications. Tomahawk Lake application has been postponed until September.
- 7/23 - EPA meeting at 7 p.m. – Meeting will be noticed by the EPA.

PUBLIC PARTICIPATION I

Motion by Councilman Olson, second by Councilman Gray to open to the public. All members in favor. Motion carried. Richard Schneider, River Road, asked why the shift on the date and time of Byram Day. Alex explained.

Joanne Smith, 57 Lake Drive, had a question on the ordinance. Alex said it would be appropriate to ask the question at the next meeting.

Mandy from the Township Journal – asked for particulars on 14 Belton.

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 –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					
Absent		x			

- June 18, 2019 –Regular & Closed Session Minutes – Motion by Councilman Gray, second by Councilman Olson, 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					
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.

- A. Resolution No. 153-2019 - Resolution Authorizing Harold E. Pellow & Associates, Inc. to Proceed with Obtaining Engineering Specifications and Bid Documents for Tennis Court Repairs & Re-coating at Carl O. Johnson Park – Not to Exceed \$5,000.00
- B. Resolution No. 154-2019 – Authorizing to Execute Change Order No. 1 Township of Byram for Proposed Drainage Inlet Repairs to Joan Drive – Not to exceed \$4,500.00
- C. Resolution No. 155-2019 – Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the North Shore Road Improvement Project
- D. Resolution No. 156-2019 – 2019 Capital Budget Amendment Resolution
- E. Resolution No. 157-2019 – Resolution Directing the Township Manager to Participate in a Reverse Auction for Electricity Generation Through Energy Market Exchange (EMEX)
- F. Resolution No. 158-2019 – Establishing Salaries for Non-Union Employee for Calendar Year 2019

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

July 2, 2019 BILL LIST

Motion by Councilman Gray, second by Councilman Olson to approve the bill list as presented. Harvey asked if we have received any additional billing letters from Blue Diamond. Joe is not aware of receiving any.

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

ORDINANCE INTRODUCTION / 1ST READING

- BE IT RESOLVED that Ordinance entitled “Bond Ordinance Providing for the Initial Costs Associated with the Construction of a New Municipal Building in and by the Township of Byram, in the County of Sussex, New Jersey, Appropriating \$311,000 therefore and Authorizing the Issuance of \$295,000 Bonds for Notes of the Township for Financing such Appropriation” be read by title on first reading.

Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance. Harvey stated that he is uncomfortable with this ordinance because we have yet to set an expectation of a budget. He knows that we are anticipating that the architect will come before us again with a report on the initial \$50,000 that we already approved. He feels moving forward with the bond ordinance at this time is premature and stated it should wait until we get the subcommittee feedback on the report on the first phase that the Nader Group is working on. Harvey stated that we don’t know how the building subcommittee will respond to the first report from the Nader Group. Scott stated that we had this discussion at the last meeting with the building subcommittee. We can’t look at a budget until we have the bond ordinance in place and the first 2 phases are complete. This is laying the groundwork to allow us to continue to move forward if that is the Council’s decision, instead of having to put everything on hold for a length of time. We will not be expending any funds until we have all reviewed the report from Phase 1 and agree to move forward. Alex agreed and stated that as we discussed at the last meeting, we are following the process and the building committee has already given their support. David stated that we did see in the paper that Clark built a 15,000 s.f. police building for \$8 million, which was a little over the number we came to a few years ago when we were going through this process. Alex asked the clerk to call the vote.

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

Planet Networks Presentation – Robert Boyle, CEO of Planet Networks, based out of Newton was present. Alex stated that we have engaged our planner to draft an ordinance on 5G because we are concerned with the placement of modules. They are now putting their own fiber on the poles now and can give people much faster speeds than they can get now. They have been granted the proper status by the BPU. Every municipality must grant permission when they use other people's poles. The poles are either owned by the telephone companies or JCPL. Planet Networks does have pole agreements with these companies. They have to do engineering on each pole they want to use. There is a buffer area between the high voltage which is on the top of the pole.

Harvey asked if they were looking to work with residential or commercial. Robert said they want to work with both. Planet Network said that Byram is in their plan. Harvey asked what is Planet Networks' plan for Byram. Robert stated that he wasn't sure of the plan right yet. They are putting fiber at the Shop Rite plaza now.

Joe asked if they could provide us with free internet services here, the school and the fire house like SECTV does. Robert Boyle said they are not allowed to provide free services but they would work with the Township on something that is affordable.

The Council is in support of moving forward. There was discussion on the amount of an escrow. Tom Collins asked for \$2500 escrow and the balance would be returned when the review is done. They also discussed whether an ordinance or resolution was needed. Robert Boyle stated that he needed a resolution. Tom will need to review the resolution and contract.

Municipal Building Update – Joe reported that the Nader Group did core drillings of the floor and walls on Monday. The subcommittee hasn't met since the last Council meeting, at which time they nominated John Morytko and Cris Franco as co-chairs. Harvey asked what the next milestones were. Alex stated that John and Cris were going to see which members still wanted to be engaged in the committee.

Alex suggested that we call the Nader group to see if they would be ready to present on August 13. We could have a subcommittee meeting from 6:30 to 7:30 p.m. prior to council meeting. Harvey thought we should check with the committee to see if they are available. Alex stated that the meeting is 6 weeks away which gives people plenty of notice and commented that there are always going to be dates that some people can't make. Joe will be sending out a RFP to estimators. Harvey reiterated that he feels we should have a budget first before moving forward. Joe stated that he was directed at the last meeting to introduce the bond ordinance and have the public hearing on July 16 so that we were ready to move forward when we had the results of Phase 1a. Alex asked if the Council was in agreement to start the Council meeting early on August 13 if the Nader Group will have the report from Phase 1A. The Council agreed to an early start. We will have a closed session as 6 p.m. and a joint meeting at 6:30 p.m. with the building subcommittee before the regular 7:30 p.m. start of the Council meeting. Joe will have a resolution drafted to proceed with the next Phase if the Council with the support of the subcommittee are in agreement to move forward after the presentation by the Nader Group on August 13.

Soil Importation Ordinance – Wantage, Vernon and Franklin's ordinances – are very similar. Alex likes the North Brunswick ordinance. Wantage did not have a term on the permitting process. Tom said he could modify our existing ordinance and incorporate fill into it. Tom did like North Brunswick without the testing. The Council directed Tom to come up with a first draft. Tom will incorporate several suggestions that were discussed tonight and present a first draft to the Council. Alex didn't want to make this hard on the individual homeowner.

PUBLIC PARTICIPATION II

Motion by Councilman Gray, second by Councilman Olson, to open to the public. Joanne Smith, 57 Lake Drive, asked if it was a recommendation of the subcommittee to go forward with a bond ordinance. Alex stated that the subcommittee was on board with going forward with the \$371,000 bond ordinance because it was discussed in detail at the last meeting and no one spoke in opposition. Joanne asked if there are any fees associated with the bond ordinance. Joe reported that the costs are minimal for the bond counsel to prepare a bond ordinance—approximately a few hundred dollars.

Scott Yappen, 5 Catherine Terrace, stated that he is a member of the subcommittee. He doesn't understand the advantage or why the bond ordinance has to occur. Alex explained the time line of a bond ordinance. Scott still questioned why we would go forward. Joe further explained the timeline to Scott Yappen and reiterated that this is only the funding mechanism not the authorization to spend. Joe stated that we only have 1 meeting in August, and if we put this off, it will push everything out. If the committee and Council are happy with the results of Phase 1a, we could authorize the Nader Group to start working on the next phase as long as the funding is in place. If Phase 1a uncover problems with the building and we need to refocus, we can do that. Scott Yappen asked if we have to go out to bid for architectural services. Joe explained that the Nader Group was hired under a professional services agreement and is not subject to the bidding process. Motion by Councilman Olson, second by Councilman Gray to close to the public.

ADJOURNMENT – Motion by Councilman Olson, second by Councilman Gray to adjourn at 10:12 p.m. All members in favor. Motion carried.

Doris J. Flynn, Municipal Clerk

Alexander Rubenstein, Mayor