

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
July 5, 2022  
EXECUTIVE SESSION – 6:30 P.M.  
REGULAR SESSION - 7:30 P.M.**

**CALL MEETING TO ORDER** – Mayor Rubenstein called the meeting to order.

**OPEN PUBLIC MEETING STATEMENT**

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of the meeting has been provided, specifying the time, place. In addition, a copy of this notice is available to the public and is on file in the office of the Municipal Clerk, posted on the main door, the bulletin board of the Municipal Building, on the Township website at: [https://www.byramtpw.org/index.php/town\\_hall/township\\_council](https://www.byramtpw.org/index.php/town_hall/township_council), and has been forwarded to those persons requesting notice.

**ROLL CALL OF THE TOWNSHIP COUNCIL** – Councilman Bonker here; Councilwoman Franco, here; Councilman Gallagher, absent; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joseph Sabatini, Attorney Tom Collins and Municipal Clerk Cynthia Church

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

**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.

- a. Attorney Client Privilege Communication
  - General
  - Engineer Interviews – CO Johnson Park Improvements
  - Elizabeth Town Gas
  - COAH/Consortium
- b. Contract Negotiations
  - Solid Waste Recycling Contract

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:

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**

Certification: I certify that the Byram Township Council adopted the above resolution on July 5, 2022.

Cynthia Church, Municipal Clerk

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**RETURN TO OPEN SESSION** - Motion by Councilman Bonker, second by Councilwoman Franco to return to open session at 7:32 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilman Bonker, second by Councilwoman Franco

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**PRESENTATION OF JUNE DOBSON SCHOLARSHIP AWARD** – Joseph Panac

Frank Gonzalez presented and congratulated Joseph Panac on the June Dobson Scholarship Award and was presented him with a check for \$1,000.

## **TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS**

**Township Manager** – Mr. Sabatini announced that he received notification from the NJLOM that this year’s State Fiscal Year Budget included a \$75 million increase of new funding to put toward the municipal relief fund, and to distribute it to municipalities through the Energy Tax Receipt. The NJLOM has been pushing this since they took away the state aid in 2009. Byram Township lost about \$750,000 in state aid and had to find alternative ways to make it up. The notification is asking the governing body to thank the legislators and let them know that the \$75 million dollars will be protected and expanded on next year.

Mr. Sabatini reported that the final draft of the Wastewater Management Plan is available. The Mayor and Council will need to adopt this plan. Van Cleef Engineering Associates was hired to assist with that process and will ask them to come and present the plan to the council in September.

Mr. Sabatini reported that the 2023 Budget Process will be kicked off this week with the department heads. Mr. Sabatini will be expecting departmental budgets to be received by August 26<sup>th</sup>. There will be a discussion item added to the August 16<sup>th</sup> meeting to discuss goals & objectives.

July 9<sup>th</sup> is the Byram Township Resident day at the Sussex County Miners game. Byram Fest is scheduled for September 10<sup>th</sup> at CO Johnson Park.

**Mayor Rubenstein** – Nothing to Report.

**Councilman Bonker** – The Legislature and the Governor approved \$75 million for the Energy Tax Receipts to municipalities. The total was supposed to be \$331 million. Byram did not get their money back.

On Sunday, the traffic on Tomahawk Trail going into Tomahawk Lake was difficult, at both the Sparta end and the Byram end. The police did what they could, even knowing that Tomahawk Lake pays for the extra police coverage, but the problem persists. No parking signs were posted, but the imbalance between demand and supply for parking at Tomahawk Lake on the July 4<sup>th</sup> weekend persists, to the detriment of our citizens and to the detriment of Sparta’s citizens. This Council passed an ordinance several months ago, but the problem still persists. The council should not operate under the illusion that the problem does not exist.

**Councilwoman Franco** – Nothing to Report

**Councilman Roseff** – Councilman Roseff reported that the Environmental Commission discussed the National Park concept, and the Trails Committee.

## **PUBLIC PARTICIPATION I**

Motion by Councilman Bonker, Second by Councilwoman Franco to open to the public.

Tracy Lyons, 34 Mt. Heights Drive – read aloud the following statement regarding issues with Tomahawk Lake. *If you aren't aware, my road is parallel to Tomahawk Trail, one block up from the water park. It extends from Seneca Lake Rd to Sparta/Stanhope Rd. I have lived in Byram for 23 years. I have never once attended one of these meetings because I felt the town and its elected council has always had the Byram residents' best interest at heart. I am also here because I believe you cannot correct what you don't know is a problem. However, I do know that you are all aware of the complaints pertaining to the water park that has stemmed for years. What is different this year for me is that it is the 1st time in 23 years I had to call the police to assist with recklessness, belligerent, and otherwise disruptive nonsense that continued all weekend. MY holiday weekend. Lines of cars, speeding, coming from either end on a somewhat curvy back road. My road has hidden driveways, blind spots and cul-de-sacs that stem off it. Lines of cars speeding down Mountain Heights going straight onto Mountain Terrace which is a dead end street then having to turn around causing a traffic jam, ON A CUL-DE-SAC!. These patrons of the water park are not familiar with the area and have zero regard for the safety and security of the residents that live here. After the park closes, they drive up and down the street, honking their horns excessively, most likely under the influence, because the town allows the water park to not only allow their patrons to bring their own alcohol, but they also SERVE it!*

*When the parking lot is full, they try to park their cars wherever and however to have their friends or family pick them up and cram into one car so they can walk into the park or in hopes they can fit just ONE MORE car. Residents cannot even have their own BBQ with guests because there is nowhere to park let alone the traffic jam leading to the park making it virtually impossible to get to and from my house. That alone is a safety concern. Not to mention, I should not have to sit on Seneca Lake Road or Sparta/ Stanhope Road in a non-moving, bumper to bumper traffic jam to get home, due to lack of planning for these weekends at the waterpark. It is unreasonable and completely irresponsible of the town to allow this. I don't think I have to mention Emergency vehicles. The patrons of the waterpark drive around and around trying to find some way, somehow to get into the park once the parking lot is full. It's dangerous, it's a nuisance, and the residents of Byram should not be subjected to the lack of planning on the Waterpark or the towns' part. This year was the absolute worst I've seen. As stated before, it was the 1st time I called the police in the 23 years I have lived here. The police were awesome. They did respond and patrol my road for several hours to alleviate the chaos. For the record, I have zero complaints with the Byram PD. However, although the police presence helped, it did not deter it. There needs to be more traffic control and police presence and that should be the responsibility of the waterpark. There is absolutely no reason for them to be on Mountain Heights Drive. It is not an access road to the park or any main road out of town.*

My suggestions going forward on weekends like July 4th.

1. Close Mountain Heights Drive to thru traffic. I cannot speak for other roads as I don't live there but close any road that this is a potential issue.
2. Post an officer at the Waterparks Gate. Unless you live within walking distance, and have valid ID of such, DO NOT allow walk ins.
3. Have the officer, not the park staff, check the vehicles. If it is a 4-person occupancy car then there should not be 7 people in it and they should immediately be asked to leave. Check the trunks. This will alleviate parking outside the park.
4. Demand a maximum PERSON occupancy. The Waterpark alone would be a catastrophe in an emergency.
5. Post signs at the exits that the park is closed when the park has reached its maximum occupancy to avoid the unnecessary traffic. This should all be done at the cost of the Waterpark, not at the expense the residents of Byram.
6. At the closing of the park, have a police DUI check point at the gate to deter drunk drivers. Again, the cost should be at the expense of the Waterpark.
7. Speed up entry to the park. The Waterpark should set up a system online to pay for their tickets ahead of time. NO tickets sold at the gate. This will increase the speed of entry and alleviate the traffic jam. This will also alleviate walk ins since once the park is sold out online for that day, no more tickets can be bought, hence alleviating unnecessary cars driving hours just to be turned away.

Christine Aboulhosn, 169 Forest Lakes Drive – Would like to see the township adopt a dirty dirt ordinance to help address the contaminated soil that was dumped at a residence in Forest Lakes.

George Shivas, 361 Amity Road – Reported that this was the worst year in his 54 years that he has experienced in Tomahawk Lake. Feels that Tomahawk Lake needs to make a new application with the Planning Board and widen their entrance.

Motion by Councilman Bonker, Second by Councilwoman Franco to close to the public.

**APPROVAL OF MINUTES**

- June 21, 2022 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Bonker to approve the minutes.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 <sup>nd</sup>	x				
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**CONSENT AGENDA** – All are considered to be routine by the Members of the Township Council and will be enacted on by one motion. Motion by Councilman Bonker, Second by Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 156-2022 – Appointment of Byram Township Police Officer - Joseph E. Ruggieri
- B. Resolution No. 157-2022 – Authorizing Appointment and Award of a Professional Service Agreement to Princeton Hydro, LLC for Lake Management Planning for Byram Township
- C. Resolution No. 158-2022 – Authorization to Execute Change Order No. 1 for Proposed Improvements to Little Paint Way to Kulpeska Land Improvements – Net Increase \$9,050.94

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**BILL LIST** – July 5, 2022 – Motion by Councilwoman Franco, second by Councilman Bonker to approve the bill list as presented.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 <sup>nd</sup>	x				
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**ORDINANCE – 2<sup>nd</sup> Reading / Public Hearing**

- **ORDINANCE NO. 007-2022 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN A PORTION OF THE STREET AND ROADWAY KNOWN AS WEAVER HOUSE COVE ROAD PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

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

Motion by Councilman Bonker, second by Councilwoman Franco to Adopt Ordinance No. 007-2022

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

BE IT RESOLVED that Ordinance No. 007-2022 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE – 1<sup>st</sup> Reading / Introduction**

- **AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF BYRAM, NEW JERSEY TO CSC TKR, LLC AND AMENDING AND REPLACING SECTION A286 OF THE CODE OF THE TOWNSHIP OF BYRAM ENTITLED “SERVICE ELECTRIC CABLE TELEVISION OF NEW JERSEY, INC. FRANCHISE ORDINANCE”**

Motion by Councilwoman Franco, second by Councilman Bonker to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 <sup>nd</sup>	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 19th 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**

**Creation of a New Trails Management Committee** – Councilman Bonker agrees with the Open Space Plan, that a Trails Advisory Committee should be created and believes that they are at a maturation point where a separate Trails Advisory Committee will be more effective than the Open Space Committee at achieving this vision. Councilman Bonker prefers the Randolph model over the Roxbury model, and believes they should be asking the administration to come up with an ordinance to create a Trails Advisory Committee with membership including an Open Space member, a Recreation Committee member, an Environmental Committee member, a public member or two, a member of the administration and possibly some DPW participation as well, along with one Council member. Would like to see this set to begin by the new year.

Mayor Rubenstein agreed that a Trails Management Committee is needed. Councilwoman Franco feels that a Trails Management Committee is a great idea. Councilman Roseff said that this was also discussed at the Environmental Committee meeting and their feeling is that the Trails Committee should lead the trails clean up events, and said that they do not think that an Environmental Commission member needs to site on that committee. Mr. Sabatini will use Randolph Township’s Ordinance to model off. Mr. Sabatini will share the draft at an upcoming meeting.

**Soil Importation Ordinance** – Mr. Sabatini circulated the draft ordinance to the Township Council. The Planning Board looked at the ordinance and provided comments and suggested changes. Upon review with staff and feedback from the Planning Board they eliminated the definition of minor and major soil fill permit, added the ability to request a certificate of clean fill, and also did not feel that the engineer is required for every permit. This will also allow the township more authority to issue violations and penalties. Mr. Sabatini is looking for feedback from the council. Mayor Rubenstein asked a few questions on the quantity of dirt allowed before requiring a permit. Mr. Roseff asked if this will give them more legal control. Mr. Sabatini said that it would through fines and municipal court and can be enforced through the Police Department and/or the Zoning Officer. It’s a tool at a local level. Mayor Rubenstein would like educational material to go out to the Township residents. Mayor Rubenstein asked if it is worth having stronger permitting if you are near a lake or stream. Mayor Rubenstein is in favor of this ordinance. Council Bonker is also in favor but would like to get an understanding of the permit requirements. Councilman Roseff said that the DEP is failing to follow through on their own ordinances. The consensus of the council was to move forward with the ordinance. Mr. Sabatini asked for the council to provide him with suggested changes to the ordinance by the end of July.

**FUTURE AGENDA ITEMS -**

Appointment to Environmental Commission Members  
Delaware Water Gap Park

**PUBLIC PARTICIPATION II**

Motion by Councilman Bonker, Second by Councilwoman Franco to open to the public.

No Comments

Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to public.

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

**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.

- c. Attorney Client Privilege Communication
  - General
  - Engineer Interviews – CO Johnson Park Improvements
  - Elizabeth Town Gas
  - COAH/Consortium
- d. Contract Negotiations
  - Solid Waste Recycling Contract

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:

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**

Certification: I certify that the Byram Township Council adopted the above resolution on July 5, 2022.

Cynthia Church, Municipal Clerk

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 10:42 p.m. All members were in favor. Motion carried.

  
 Cynthia Church, RMC  
 Township Clerk

  
 Alexander Rubenstein, Mayor Deputy  
