

**BYRAM TOWNSHIP COUNCIL MEETING - JULY 16, 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, absent; 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
  - Shared Services
  - General
  - Stag Pond
- 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	x
No					
Abstain					
Absent	x				

Certification: I certify that the Byram Township Council adopted the above resolution on July 16, 2019.  
 Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION (7:43 p.m.)**

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

**MAYORAL APPOINTMENT OF AN ENVIRONMENTAL COMMISSION MEMBER – DANA FLYNN** – Mayor Alex Rubenstein confirmed the appointment of Dana Flynn.

**5G & LED ORDINANCE REVIEW** – Township Planner Paul Gleitz

**LED** – Paul did research to gather information to draft the LED ordinance.

- Alex stated that in Maryland there was an exterior sign switch for malfunction on the LED signs. Paul stated that he hasn’t seen this, but it could be a good idea and he will look into it.
- Tom asked if Billboards will still be prohibited. Paul stated that they would be.
- Harvey Roseff asked if Paul could provide the nits of signs locally so that the Council can get a sense of the brightness.
- The reason why there are specifics about length of messages, types of messages, etc. is for safety. It could be distractive to drivers. Harvey Roseff questioned the regulation of the signage and did not feel we needed to have so many restrictions.
- Harvey asked why we have to regulate the message signs that are only serving their customers and not seen on Route 206. Paul explained that the ordinance gives flexibility, and presently these types of signs are prohibited.
- Alex commented on 240-47.2 L (4) and asked for clarity on this section.
- Alex commented on Message Duration – Alex thought 5 minutes was too long. Alex suggested 2 minutes and the Council agreed.
- Traffic safety and overall aesthetics are the concerns

- Joe thought the definitions were a bit vague.
- After discussion, it was suggested to change it from limiting the amount of messages to regulating the minimum of time for a message – 2 minutes.
- There was a discussion on enforcement. Paul will ask around to other towns to find out about enforcement.
- Alex stated that the ordinance did not state the times the signs could be in operation.
- Paul explained when the zoning officer can issue a sign permit and when it needs to go for site plan approval.
- Paul will make the changes discussed and we will forward a draft to the Planning Board.

Alex asked the public if there are any questions. Larry Rotter, 80 Tamarack Road, stated that he finds the Liquor Factory sign distracting. He stated that he felt that the Byram Car Wash signs were tasteful.

## 5G

- Paul stated that the 5G is much smaller antennas, increases internet speed, designed to be on lamp posts, and there would be many of them (every 200-500 feet). He reviewed the Cranford ordinance that was sent to him, and Paul thought this was put together quite well.
- Paul proposes changes to 2 sections of the code – one in 240 in addition to Chapter 188, adding 188-6
- Paul review his recommendations for Chapter 188 – Public poles and underground facilities
- Paul outlined an Administrative Review Team, which would be the Township Manager, Township Engineer and Zoning Officer
- Paul addressed agreements in the ordinance which would be drawn up by the attorneys. Agreements would outline additional items—Paul listed out 8 terms in the agreement but expects there to be many more in the agreement.
- Harvey feels this technology will require a great number of antennas. He pointed out that this ordinance is not regulating the spacing between antennas. This ordinance sets general guidelines – he doesn't think companies will over engineer. Alex and Scott agreed with Paul's comments.
- Regulated size, distanced from the curb line and outlined guidelines of aesthetics
- There was a lengthy discussion regarding pole ownership and certification. Paul will move this section under agreement section and require more information.
- Joe suggested looking into hiring special counsel who is familiar with telecommunications to review this ordinance.
- Council discussed the escrow fee and suggested it be increased to \$5000.
- Scott asked if there is anything to protect someone from putting cameras on these installations
- Paul reviewed his recommendations for Chapter 240 to address regulation of 5G telecommunications equipment on private property. Paul will add mandatory site plan approval. Joe questioned whether there would need to be an agreement in place.
- Harvey asked if Paul had any background info for any objections that were made when he did his research.
- We would need to identify special counsel before we go any further with this.

Alex opened to the public. Roslyn Steinberg, 8 Colby Drive, asked if anyone has done any testing regarding radiation coming off these types of antennas. She also asked if there is a timeline as to when 5G is coming into town. Alex stated that there isn't a timeline but we are preparing an ordinance so we are ready. Alex stated that it is regulated by the FCC and the Township is barred from setting higher standards than the government. Decisions can't be based on health effects. Larry Rotter, 80 Tamarack Road, asked how much the 5G weighs. Paul said they vary from a bar refrigerator size to a full size refrigerator. He asked if this is for cell phones. Alex told him it was told it was for all telecommunications. Jack Moran, East Waterloo Road, asked if the Fire Department would need to know anything special about 5G if it is installed. Paul is going to make some edits in accordance with comments made at the meeting. Joe stated that we should contact a town, such as Cranford, who already had a 5G ordinance and find out what attorney they use.

## **MANAGER AND COUNCIL REPORTS**

### **Manager's Report:**

#### **Council Meetings:**

- Summer Schedule: One meeting in August, Tuesday August 13
- Next Meeting – Tuesday, September 3

#### **Joint Meeting of the Building Subcommittee and Mayor and Council:**

- The Mayor and Council are scheduling a Joint Meeting of the Subcommittee and the Mayor and Council for Tuesday, August 13 at 6:30.
- At this meeting, it is expected the Nader Group will be completed with Phase 1A.
- The Nader Group will present their report and a decision can be recommended authorizing the next phase of their proposal.

#### **East Brookwood Park Trail Cleanup (Saturday, July 13):**

- The Township would like to thank all the volunteers that participated in the cleanup of Brookwood Park and Trail.
- This is a very short loop trail that starts off Brookwood Road (near community well). The trail leads you to Lubbers Run which is a small tributary to the Musconetcong River. Along Lubbers Run there are benches and tables that provide the opportunity to appreciate the views and sounds of the river.
- The trail cleanup was sponsored by the Township's Environmental Commission. Members of the Environmental Commission, Recreation Committee, Open Space Committee and members of the public

participated in the cleanup. The cleanup included removing overgrowth, raking the trail, clearing small branches and limbs, and reblazing the trail.

- A special thank you to the following participants that worked very hard for about two and half hours.
  - Katie Baron
  - Eric Duch
  - Gerald Murphy
  - James Myers
  - Scott Olson
  - Patrick Parrish
  - Joe Sabatini
  - Roxanne Sabatini
  - March Schneider
  - Lisa Shimamoto
  - Anyone that may have been missed.
- If you are interested in participating in a trail cleanup in the future, please contact:
  - Donna Fett -Environmental Commission Secretary
  - Monday-Friday 8:30am to 1:30pm
  - 973-347-2500 x138 or [dfett@byramtwp.org](mailto:dfett@byramtwp.org)

**Mayor Rubenstein**

- Attended the 7/15 Recreation Committee meeting. Byram Day was discussed and details will be coming out soon.
- On 7/18 the Planning Board will hear 2 residential variances and a commercial application for Elite Automotive.
- 8/3 – Mayor’s Hike 9-1 pm at Tamarack Park Trail

**Harvey Roseff** – no report

**Councilman Olson**

- 7/13 - Participated in the clean up of Brookwood Park with a great group of people. It is a small trail, and we accomplished a lot.
- Would like to discuss having the guard rail in the front of the park removed. It’s an eyesore.
- Warren Historical Scenic Byway – Scott will forward information to us to be discussed at a future meeting.
- EPA meeting set for July 23. Looking for public input on the recommendations presented by the EPA.

**PUBLIC PARTICIPATION I**

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

John Stracker. 7 Cranberry Ledge Road, stated that he doesn’t know how we are going to pay for this municipal building. He said 3 homes around him are in poor shape and valued very low. One home is for sale for \$39,000. He doesn’t feel the residents can afford it. John stated that he doesn’t see the Council representatives except for Harvey Roseff at a Seniors meeting. Alex stated that he thought their meetings were for only members, but since it is open to others, he will come to a meeting.

Jack Moran, 7 East Waterloo Road, asked if there were any updates on Wawa, and the Mayor stated that there weren’t any. He asked about the energy aggregation, and Alex stated that he hopes to have this on an agenda in September. He asked about the alternative entrance to East Brookwood. Alex stated that we have a proposal from our engineer for \$15,000 to do a study, and the Council will need to decide if they want to move forward. Jack asked about the ISO study. Harvey stated that it hasn’t moved forward. Jack asked when the EPA will be discussing accessing water. Scott stated that they are still in negotiations.

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

**APPROVAL OF MINUTES**

- July 2, 2019 –Regular & Closed 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
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.

- A. Resolution No. 159-2019 – Resolution Authorizing the Execution of a Contract for Electricity Generation through Energy Market Exchange (EMEX)
- B. Resolution No. 160-2019 – Resolution Extending Grace Period for Payment of 2019 Third Quarter Taxes

- C. Resolution No. 161-2019 – Canceling Outstanding Checks
- D. Resolution No. 162-2019 – Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2019-20 Hunting Season
- E. Resolution No. 163-2019 - Authorization to Purchase 2020 Chevy Malibu LS #1ZC69 under the Educational Services Commission of New Jersey Cooperative Pricing System for Budget Year 2019 – Not to exceed \$20,683.75
- F. Resolution No. 164-2019 – Resolution of the Mayor and Council of the Township of Byram Authorizing the Use of the Public Rights-Of-Way by Planet Networks, Inc.
- G. Resolution No. 165-2019 - Refund County Tax Appeal 2019 – Block 337 Lot 58, 17 Stonehedge Lane
- H. Resolution No. 166-2019 – Resolution of Acceptance of a Donation from Michael Hanifan, Boy Scout Troop 81 to the Township of Byram to Build a 10’X10’ Well Head Pump Shed at Tamarack Park

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

**JULY 16, 2019 BILL LIST**

Motion by Councilman Olson, second by Councilwoman Kash 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 INTRODUCTION / 1<sup>ST</sup> READING**

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

Ordinance No. 10-2019 - 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

**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 consider this ordinance for adoption. Mayor Rubenstein opened to the public. No comments were made. Mayor Rubenstein closed to the public.

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 10-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

Ordinance No. 11-2019 - 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.

Motion by Councilman Olson, second by Councilwoman Kash to consider this ordinance and open to the public to begin the public hearing and continue the hearing on August 13, 2019. Mayor Rubenstein opened to the public.

Councilman Roseff asked the Mayor for clarification. Alex stated that we will open to the public this evening and additional comments will be taken at the next meeting which is August 13, at which time we will take a vote.

- Harvey Roseff stated that he was glad to hear that we are waiting until the next meeting to take a vote. He feels it is important that we get the feedback from the Nader Group for the first phase, prior to moving forward.
- Scott Olson stated that this was a lot of comments go back and forth that there wasn't any budget set, etc. Scott stated that there has been a very detailed process over the past several meetings of the steps to move forward. The original proposal from the Nader Group was reviewed and revised, and an outline of costs to go through the phases was approved. The bond ordinance was putting financing in place as the Council made decisions to go forward. The bond ordinance itself doesn't spend money. The building subcommittee was in support of the Council moving forward.
- Harvey reiterated that we already entered into a \$50,000 contract with the Nader Group and part of the contract was to do testing of the mortar building, among other things. Until we get this information back, he doesn't feel that a budget is worthy of discussion. He feels once we get this information, we can properly evaluate and take the next step.
- Cris Franco, co-chair of building subcommittee wanted to pass comments from members who were not able to attend this meeting. Chris read an email that Eric Serilli sent to her because he wasn't able to attend the meeting. He stated that it should be clear that the existing building should be replaced, and he urged the Council to adopt the bond ordinance so that the process could move forward. Cris agreed with Eric's comments and feels they are working for the community. Cris wants to see the process move forward.
- Harvey stated that Scott Yappen made comments, and Harvey asked Cris if she asked Scott for his comments. Cris stated that Eric and John Morytko reached out to her and asked Cris to read their comments because they were unable to attend tonight's meeting. Harvey stated that other people's opinion should be represented. Harvey said there has been a very vocal part of the subcommittee that have wanted to address the budget for the municipal building.
- Alex stated that everyone had the opportunity to come to this meeting and voice their opinions. There will time for additional comment on August 13.
- Elaine McDougall, 491 Stanhope Road, agreed with Cris that costs are going up and we should not delay. She was against the previous plans because it was too high in cost. She wants to know what we have been doing and what other information we need. Elaine would like to know what the Council feels is appropriate for the taxpayers to pay. Alex explained that the subcommittee was formed last April to address the ongoing cost of a municipal building, and he explained what has happen up to this point.
- Scott explained in detail what The Nader Group has done to this point along with the subcommittee. Many things were looked at that hadn't been looked at previously.
- Rosyln Steinberg, 8 Colby Drive, asked that once we have the information, would it go on public ballot so that the people can vote on it. Alex could not answer that. Alex stated that in August we will be presented with Nader's report on the 1<sup>st</sup> phase. Hopefully, the ordinance will be adopted at the next meeting. We can't authorize additional spending until 20 days after adoption. He feels it will take 3-4 months to get plans that we would be able to go out to bid.
- Harvey Roseff stated that there is nothing stopping the Township from putting it to a public vote. He stated that twice the people have petitioned previous bond ordinances and feels the residents deserve to have this on the ballot.
- Jack Moran, 7 E. Waterloo Road, asked about the timeline in which we would receive Nader's study. He asked what will take place at the July 30<sup>th</sup> meeting of the subcommittee. Joe stated that he thought the committee would review independent estimator proposals and possibly look at preliminary information if available on the stability of the mortar building. The Nader report will be circulated the week before August 13.
- Bela Jaros, 460 Stanhope Road, asked what the bond ordinance does. Alex stated the bond ordinance is like a line of credit. We can't spend any money without authorization of the majority of the Council. The bond ordinance would be used for the soft costs of the architect allowing him to move forward and complete the next phase once authorized.
- Joanne Smith, 57 Lake Drive, explained the frustration of the public and she feels that the Council should put a budget on the project. If it comes out too much, we should do it in phases.

Mayor Rubenstein asked the clerk to call the vote to carry this hearing to August 13, 2019 and notice it accordingly in the newspaper.

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

**ITEMS FOR DISCUSSION**

2020 Municipal Budget Goals & Objectives – Joe stated that he will be receiving the budget requests from the department heads by August 21. Alex asked when Joe would like to have a public meeting on the budget. Joe asked what the Council’s priorities are and if there were any specific goals. The Recreation Committee expressed that they still would like a full-time recreation director. If the Council wants to do something that affects operations, Joe would need to know. The Council could send Joe input by August 1, and Joe will compile it and present it at the August 13 meeting.

Soil Importation – Joe would like to look into this further and have a discussion with Tom Collins. The Council should send their comments to Joe. Harvey said that Environmental Commission would like to be involved in the process. Doris will forward the draft ordinance to the EC and ask for input.

**PUBLIC PARTICIPATION II**

Motion by Councilman Olson, second by Councilwoman Kash, to open to the public. Mandy Coriston of the Township Journal stated that she would email the Clerk tomorrow to confirm dates for the upcoming meetings.

Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

**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

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**BYRAM TOWNSHIP COUNCIL**

	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 July 16, 2019.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION**

**ADJOURNMENT** – Motion by Councilman Olson, second by Councilman Roseff to adjourn at 11:27 p.m. All members in favor. Motion carried.

\_\_\_\_\_  
Doris J. Flynn, Municipal Clerk

\_\_\_\_\_  
Alexander Rubenstein, Mayor