

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 1, 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 advertised in accordance with the OPMA law and posted on the bulletin board in the Municipal Building. 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, here; 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
 - General
 - Employee Contracts
 - SHBP Status
 - Municipal Building Lease Option

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 October 1, 2019.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION – 7:30 p.m.

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

RESIGNATION OF RECREATION COMMITTEE MEMBER – Mayor Rubenstein announced Mary Schneider’s resignation. She has accepted a new job and her schedule doesn’t allow her to attend Recreation meetings. The Council thanked Mary for her service to the Recreation and Byram Day Committees. Motion by Councilman Olson, second by Councilman Gray to accept the resignation. All members in favor. Motion carried.

MANAGER AND COUNCIL REPORTS

Manager’s Report: Byram Fest was held on September 27 and was successful. The Manager thanked all the volunteers and employees who helped. Joe passed on condolences to the family of John Papalardo, who passed away on September 27. John served on the Recreation Committee for over 40 years. Services will be Friday, October 4 at Blessed Kateri.

Mayor Rubenstein – On September 21st resident Russ Raffay was recognized for having his 100th soccer victory at Mendham High School. He has had a great career with Mendham soccer. The Mayor was impressed with the turnout of Byram Fest. Phil Crosson was a great asset in getting everything put together. Alex is looking forward to the next recreation meeting on 10/21 at town hall and hope that all non-profits attend. The Mayor reported on a meeting that was held with SECTV representatives to start discussions about the renewal application.

Harvey Roseff – no report

Councilman Olson – The Planning Board met on October 3 and approved a few residential applications. The next meeting is October 17. The Open Space Committee will meet October 7. Scott spoke about John Pappalardo and expressed his appreciation for everything he did for Byram Township for the last 50 years.

Councilman Gray – Applauded all our employees and volunteers who worked together to make Byram Fest a success.

PUBLIC PARTICIPATION I - Motion by Councilman Gray, second by Councilman Olson to open to the public.

George Shivas, 361 Amity Road, thanked the Byram Police Department for removing the vagrant who was on 367 Amity Road. George came tonight to ask for an update. Joe stated that summonses were issued, and it has to go through the court system. George asked if they can be alerted when this will be in court. Joe said that Tom can let him know. Joe stated that he has no control over the court system.

Tony Gilbert, 365 Amity Road, he stated that if nothing is going to happen he will have a real problem. He had a realtor in to appraise his house, and it will be devalued because of 367 Amity Road. He stated that Alvarez ignores the court and writing summonses doesn't work. Joe stated that he is as frustrated as the neighbors.

Tony commented on SECTV. He stated that SECTV charges are significantly higher than any other broadband company.

Bryan Antinak, 369 Amity Road, stated that he has went to a court hearing, and he doesn't think the court is going to help. He feels that someone else has to get involved. Brian asked if he should file his own complaint. Alex stated that Brian has the right to do that.

Carlos Luaces, 7 Johnson Blvd., stated that has been calling the Board of Health twice a day and they are not answering his phone calls. He has a picture of a rat that was killed by a dog in the back of the property. John Pappalardo was Santa's helper at the Fireman's yearly Christmas party, and he will be missed.

David Mert, 6 Johnson Blvd., asked if the Township is doing anything to increase our authority at this time. Alex stated that we are not planning on changing our ordinances right now. Joe stated that we have ordinances that deal with this problem and we are following the process. Joe explained what our staff, township attorneys, and the police department have been dealing with.

Tony Gilbert, 369 Amity Road, stated that he has lived on Amity Road for 41 years. Wayne has lived next to him for the last 12, and it has been a problem since the start. David explained that we have had ongoing conversations with management and with our attorneys to try many ways of trying to get a resolution to the problem. We want the problem fixed, and we will continue to work on it.

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

APPROVAL OF MINUTES

- September 17, 2019 –Regular & 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 Councilman Gray to approve the consent agenda.

- Approval of Bingo License – Junior Women's Club of Sparta – Cranberry Fire House – November 15, 2019
- Approval of 50/50 License – Junior Women's Club of Sparta – Cranberry Fire House – November 15, 2019
- Resolution No. 205-2019 – Resolution Outlining a Military Leave Policy for Employees of Byram Township

- D. Resolution No. 206-2019 – Authorization to Purchase Tires, Tubes & Services under the State of New Jersey Cooperative Purchasing Program for Budget Year 2019
- E. Resolution No. 207-2019 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment” – Block 280 Lot 505, 18 The Rotunda
- F. Resolution No. 208-2019 – Final Acceptance of Proposed Tennis Court Repairs & Recoating at Carl O. Johnson Park
- G. Resolution No. 209-2019 – Resolution of Acceptance of Donation from B.A.R.K.S. to the Township of Byram to Install a 7’X7’ Plastic Shed at the Byram Township Pound
- H. Resolution No. 210–2019 – Resolution Authorizing 100% Disabled Veteran Block 365.04 Lot 3 Refund of Taxes Paid from July 1, 2019 Thru September 30, 2019 (3rd Quarter 2019)
- I. Resolution No. 211-2019 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 6, Lot 429 Refund of 2016 Homestead Benefit. – 6 Beech Street
- J. Resolution No. 212-2019 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Cape Sealing of Various Streets – Net Decrease \$1,428.20

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

OCTOBER 1, 2019 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	x
No					
Abstain					
Absent		x			

ORDINANCE – 2ND READING / PUBLIC HEARING

Ordinance No. 14-2019 Bond Ordinance Providing for the Acquisition of New and Additional Equipment by the Township of Byram, in the County of Sussex, New Jersey, Appropriating \$186,800 Therefor and Authorizing the Issuance of \$176,000 Bonds or Notes of the Township for Financing such Appropriation

Motion by Councilman Olson, second by Councilman Gray to adopt the ordinance. Mayor Rubenstein opened to the public on this ordinance. No comments were made.

	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 14-2019 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ITEMS FOR DISCUSSION

Energy Aggregation – Mayor Rubenstein stated that this was on the agenda at the last meeting. It was discussed and the vote was 2 to 2 when a straw vote was taken to see if we wanted to move forward. It was tabled to have further discussion with Councilman Gray. David Gray stated that he is a favor of this. We had two very good presentations, and he feels this will be something that will help our residents. Concord was the first one to reach out to us, and he would be in favor of going with Concord. Harvey stated that he would like to see what costs would be offered. He thought that Gable showed a lot of experience and would opt to go with them. Harvey doesn’t feel we should opt in unless it is significant. Scott had a problem with government telling us who we are getting electric from. He would be in favor of an opt in option but has a problem with people having to opt out. He feels that if we want to go forward, it should go to referendum. He doesn’t want to make decisions for the public. If the majority wanted to move forward, he would pick Gable. One point that David liked was that we were giving the residents the option of a third party provider than has protection unlike doing this on your own. It is guaranteed that it is JCPL rates or lower—never higher. Scott stated that we have to agree to do this before we get the numbers, which is what he doesn’t like. Alex feels the benefit outweighs the negative. He feels that we are paving a much easier way for residents to go to a third party and have protection. We do have the option to reject it if we feel it is not enough of a savings. Alex would

be in favor to move forward with Gable. We can invite them in to a future meeting to outline the procedure moving forward and answer any questions.

FUTURE AGENDA DISCUSSION ITEMS – No comments

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilman Gray, to open to the public.

Cris Franco, 4 Debbie Drive, asked if there was any movement on the building status. David stated that we are meeting in the 2nd executive session to discuss the financial aspects of the leasing option. She asked about the process of making the decision between a lease or building and rehabbing this building. Cris asked when will the Building Committee be brought back into discussions.

John D’Onfrio, 9 Red Oak Trail, agreed with Scott Olson that we should be able to opt in and not have to have people opt out. We have a lot of senior citizens who don’t have access to computers.

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

EXECUTIVE SESSION - Motion by Councilman Olson, second by Councilman Gray to go into closed session. Mayor Rubenstein recused.

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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	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 October 1, 2019.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION

ADJOURNMENT – Motion by Councilman Olson, second by Councilman Roseff to adjourn at 9:07 p.m. All members in favor. Motion carried.

Doris J. Flynn, Municipal Clerk

Alexander Rubenstein, Mayor