

BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 15, 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 has been 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
 - Property Maintenance – Block 220 Lot 25 & Block 336 Lot 23
 - Municipal Building Leasing Option
 - SHBP Status
 - Energy Aggregation Procurement

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 15, 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 with the removal of Resolution No. 219-2019 for discussion. Vote. Motion carried.

MANAGER AND COUNCIL REPORTS

Manager’s Report:

- The next Council meeting is Monday, November 4. Election Day is November 5th and polls will be open from 6 a.m. to 8 p.m.
- The Manager announced the passing of Joe Ruggieri last week. Joe served in many capacities in the Township over the years and was a resident of Byram most of his life. He was a member of the Byram Township Recreation League, served as a Little League coach, Babe Ruth coach, as well as the head coach of the Andover Arrows. Mr. Ruggieri was a wrestling coach for Byram, past president of the North Jersey Midget Football League as well as an umpire for the Little League and the Women's and Men's Softball Leagues.

Mayor Rubenstein

- October 3rd Planning Board meeting – long time attorney Kurt Senesky will be retiring at the end of the year. They have started the process of interviewing attorneys.
- Hudson Charity Hike – There was a huge turn out, and it was a beautiful day for a hike. The Mayor assisted in cooking over 1000 burgers and hotdogs.
- 10/21 – Recreation meeting will be held here at town hall – brain storming effort with non-profit groups to talk about Byram Day 2020.

Harvey Roseff – no report

Councilman Olson

- PB meetings – There will be 2 more interviews with attorneys. Tomahawk Lake will be returning to the board in November.
- Scott participated in a 3-hour seminar put on by ANJEC regarding HAB, which was very informative.
- October 19 - EC has organized an invasive species program at 9 a.m. at town hall, followed by site visit to Tamarack Park to remove barberry.
- Scott provided an update on the status of the Mansfield superfund site.

Councilman Gray – There was a huge turnout for the Charity Hike--great event.

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

Larry Rotter, 80 Tamarack Road, asked if we own Johnson and Wolf Lake. Larry stated that the lakes are full of weeds and was wondering how they can get be addressed. NJ Conservation Foundation owns Johnson Lake, and Wolf Lake is owned by Cardia Company. Alex stated that Lake Lackawanna is 119 acres and they spend about \$35,000-40,000 on weed control. It is very expensive. The NJDEP controls all the water and has many restrictions on it.

Richard Schneider, 73 River Road, asked if there is any update on the leasing option for a municipal building. David explained that we are still discussing the financial aspect of leasing, which is discussed at the executive session.

Cris Franco, 4 Debbie Drive, asked if the public is going to have a say if leasing space for a municipal building is the correct route to go. David Gray said that as soon as the Council can bring it to the building committee, they will. It is David’s understanding that the decision whether to go with a lease or not would be a vote by the Council, but he feels they would take input from the public once the numbers from the leasing option becomes public. David said we are trying to move things as quickly as possible. Cris asked if there has been any update from the Nader Group. Joe stated that we haven’t gotten any update yet, but we will follow up.

Luanne Byrne, 34 Richmond Road, asked if we really want to enter into a lease for a new municipal building. She asked if we have to wait for the numbers to make a decision. David stated that he felt the numbers were important in order to move forward. He said we have a duty to explore all options.

APPROVAL OF MINUTES

- October 1, 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.

- Resolution No. 213-2019 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 282, Lot 347 for Tax Year 2019; Beginning January 1, 2019; The Cancellation of Taxes from October 1, 2019 to December 31, 2019, Cancellation of Preliminary 2020 Taxes and Refund of Taxes Paid from January 1, 2019 to September 30, 2019.
- Resolution No. 214-2019 – Cancellation of Unexpended Balance of Improvement Authorization – Sewer utility Improvements
- Resolution No. 215-2019 – Chapter 159 – Municipal Alliance Program \$11,304.00
- Resolution No. 216-2019 – Cancellation of Grant Receivables and Reserves
- Resolution No. 217-2019 – Cancellation of Reserve for Revaluation
- Resolution No. 218-2019 – Resolution Adopting the Byram Township Housing Rehabilitation Program Operating Manual
- Resolution No. 219-2019 – Resolution to Authorize Megan Ward Esq. of Kelly & Ward LLC to Assist Byram Township with a Nuisance Complaint that is Currently being Handled in Municipal Court
- Resolution No. 220-2019 – Authorization to Execute Change Order No. I Township of Byram for Proposed Resurfacing of Various Streets – Briar Lane, Joan Drive & Ross Road – Net Decrease \$3,543.41

I. Resolution No. 221 – 2019 – Resolution of the Governing Body of the Township of Byram Regarding the Rejection of Bids for Ash Tree Removal in Byram Township Parks

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

RESOLUTION NO. 219-2019 – Resolution to Authorize Megan Ward, Esq. of Kelly & Ward LLC to Assist Byram Township with all complaints against Wayne Alvarez. Motion by Councilman Olson, second by Councilman Gray to adopt this resolution. The Mayor opened to the Public. George Shivas, 361 Amity Road, wanted to report that the vagrant was removed from 367 Amity and he has not been back. The property still looks the same, which is a mess. George is dismayed that the cases are sent to other courts. David Gray explained why the cases for Wayne Alvarez were moved, which was because a threat was made against court personnel in Andover Township. The AOC made a decision to move the cases to Ogdensburg. David explained that by adopting this resolution we will be appointing Megan Ward as special prosecutor. George Shivas stated that he will come to every Council meeting until this is resolved.

David Reamer, 6 Johnson Blvd., asked if the Township was going to update the codes by adopting this resolution. Alex explained that this resolution will be appointing an attorney as special prosecutor to handle the complaints and assist us in exercising authority to get the properties cleaned up.

Joe reported that the Judge has set a trial date for the harassment cases on October 30th in Ogdensburg, and 1st appearance for the 9 summonses on 10 Johnson Blvd. on November 12.

Mayor closed to the public.

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

RESOLUTION NO. 222-2019 – Resolution Authorizing Submittal of CY2019 Best Practices Inventory Certification Form - Motion by Councilman Olson, second by Councilman Gray to adopt this resolution. Joe Sabatini stated that every year municipalities have to go through the Best Practices Survey. Based on the results of the survey, a score of 30 has to be attained in order to get the final payment of State aid. Byram scored 44.

Mayor Rubenstein opened to the public. 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			

OCTOBER 15, 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 – 1ST READING / INTRODUCTION

An Ordinance Amending and Supplementing Chapter 240 Zoning of the Township of Byram Code

Purpose Statement: The purpose of this ordinance is to modify the Byram Land Use Code as it relates to LED Message Signs.

Motion by Councilman Olson, second by Councilman Gray to Introduce the ordinance. Alex stated that it was apparent that LED signs are becoming popular, and the Council and Planning Board thought we should come up with standards. Scott Olson stated it was reviewed at the September 19th Planning Board and changes were made by our Planner. The biggest change was to allow the LED lights in the Neighborhood Commercial District. David Gray said that Cheryl White did a great job in taking minutes at the Planning Board meeting, which outlined the ordinance and the changes made that evening. Harvey asked how the ordinance affects existing LED signs, such as the Liquor Factory. Alex stated that the Liquor Factory would be grandfathered because they have their own resolution. The only LED signs this ordinance will regulate are signs on the face of the building. Interior signs are not regulated. George Shivas stated that he felt this ordinance was meant to control the signs along Route 206.

	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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on November 18th 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

Joe Sabatini stated that the Soil Importation Ordinance is not ready for the Planning Board to review. The State has put out a sample ordinance and staff is reviewing this.

Scott wanted to discuss the political flag that was carried at the Fireman’s Inspection Parade in Franklin. Alex didn’t want to discuss candidates but stated that it was inappropriate for a fire department to carry this flag in the parade. Scott and Alex were wondering if they should do some type of resolution adopting policy that no political flag is flown at the time of flying the American Flag. David Gray does not want to see a political flag flown next to the US flag. Joe stated that the Memorial Day parade is not run by the Township. Joe Sabatini stated that it may be best to wait and see what happens with the Franklin issue, because it has been in the paper and is getting a lot of attention. Joe stated that on Byram Day we allow political groups to participate in the day. There was discussion about non-profit status.

FUTURE AGENDA DISCUSSION ITEMS – No comments

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilman Roseff, to open to the public. Luann stated that LED signs should not be allowed because it is not in character with our township, and it belongs in Time Square. Luann asked if the Police Department would also move to the Plaza if the Township goes forward with the lease option. David Gray told Luann that both the police and the administration offices would be together at the Plaza if the Township opted to go with a lease. Luann stated that she felt rebuilding a municipal building at our existing location is the better option.

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 8:34 p.m. All members in favor. Motion carried.

Doris J. Flynn, Municipal Clerk

Alexander Rubenstein, Mayor