

**BYRAM TOWNSHIP COUNCIL MEETING - OCTOBER 2, 2018**

**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**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.

**ROLL CALL**

Councilman Gray, here; Councilwoman Kash, absent; Councilman Olson, late (6:45 p.m.); Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini 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. Contract Negotiations – PBA / DPW
- b. Attorney Client Privilege Communication
  - General
  - North Shore Water Association
  - Stag Pond Road
  - LES
- c. Personnel – Shared Services

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**

Motion by Councilman Gray second by Councilman Roseff to go into closed session and adopt the above resolution.

	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 October 2, 2018.  
Doris Flynn, Municipal Clerk

**CALL COUNCIL MEETING BACK TO ORDER** – 7:30 p.m.

**FLAG SALUTE AND MOMENT OF SILENCE**

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

**APPOINTMENT OF RECREATION COMMITTEE MEMBER** - Jennifer Kerr-Alternate I – term 12/31/2020  
Motion by Councilman Olson, second by Councilman Gray to appoint Jen Kerr to the Recreation Committee. All members in favor. Motion carried.

**SWEARING IN OF NEW FIRE DEPARTMENT MEMBER** – Nicholas Hand - Nick was not available to come to the meeting tonight. The Council reviewed his application and confirmed with Chief Rudloff that all paperwork was in order. Nick will come into the Clerk's office to get sworn in. Motion by Councilman Olson, second by Councilman Gray to approve Nicholas Hand as a Byram Township Firefighter. All members in favor. Motion carried.

**PROCLAMATION – FIRE PREVENTION WEEK** – Mayor Rubenstein read the proclamation. Motion by Councilman Gray, second by Councilman Olson, to authorize the Mayor to sign the proclamation. All members in favor.

**FIRE DEPARTMENT PRESENTATION BY CHIEF TODD RUDLOFF**

Todd stated that he started this discussion over one year ago. Per NJSA 40A:14-34, \$150,750 is the annual limit of municipal funding for volunteer fire departments, adjusted for inflation per LFN 2017-6R. Not less than 50% of the funds received shall be used to purchase fire equipment, material and supplies. Green Township, Budd Lake and Andover Township gives a donation to their Fire Departments rather than having a line item in the Township's budget. Todd explained that John Hebble is the FD Treasurer, and he would keep a separate set of books for the donation.

At least 50% of the funds received from the municipality must be used for firematic purposes.

- Items covered under this: (Everything under the Budget)
  - Apparatus Maintenance
  - Mandatory Compliance - Annual testing, flow tests, hose, pump, ladder testing etc.
  - Gear and equipment purchase
  - Uniforms
  - Training

This account will be set up through the treasurer of the fire department (John Hebble) with the Chief. The donation will be separate from any association money and accounts.

**Apparatus Maintenance** – There was discussion regarding the Township doing repairs vs. outsourcing all the repairs.

- Quicker Turnaround on apparatus repairs
- Getting the jobs done without having to stop when more work is found – causing for 3 quotes
- The FD would work with a Vendor to build a relationship and come up with a true maintenance plan. This would allow the FD to get detailed reports and keep records as well as provide them to the town to ensure proper maintenance is taking place.

**Gear and Equipment:**

This will allow the fire department to take advantage of demo equipment saving significant amounts of money. When items break and need to be replaced or they do not have a specific size of gear for a new member, it allows the FD to order it without having to write a justification letter explaining why they need to relocate funding.

Todd stated that the overall request will save the town money. Currently the finance department spends countless hours painstakingly going through line by line verifying the co-operative contract pricing to make

sure this is correct. This solution will help to free up time and allow these crucial employees to focus on what is needed in the townhall.

### **Accountability**

At least once per year, the FD would provide a breakdown of all funding and expenditures showing how they meet the 50% on firematic purchases. This will be a report from our treasurer. If the town feels it is needed, they can request a third-party audit on firematic funds.

### **Command Vehicles:**

This will also allow for the FD to turn over the fleet in a timely manner. The other towns surrounding us purchase their vehicles using these donations, they insure them, maintain them, the town pays the fuel.

**Capital Projects** - All new apparatus is purchased, insured and registered to the Township. The FD does not contribute to vehicle purchases, however they would handle all maintenance costs out of the donation.

Scott asked about radios. Todd stated that radio repairs would be taken care of through the Township's donation. If there was a need to purchase additional radios, Todd stated it would be a capital discussion. Alex stated that truck repair could have a financial impact on the FD because they only pay for parts, not labor. Todd stated that he didn't feel it would be a big impact because any firematic repairs had to be sent out to be done.

Alex discussed accountability. The FD is asking the Council to trust them doing their own books. Scott asked if they would have to follow the Local Public Contracts Law. Todd said no, and he could save money by buying something used or a demo model. The CFO spends a great deal of time going through all the invoices and verifying items on State or County contracts.

Andover and Allamuchy does 3<sup>rd</sup> party billing for motor vehicle accidents and Alex asked if Todd would look to do that. He said that he hasn't had enough time to evaluate it, but knows it is ton of paperwork.

Scott said the FD would pay for insurance. Todd stated that they already have their own insurance to cover equipment on township purchases.

Todd suggested that there could be an Emergency Services Liaison who could work closely with the Chief and bring back updates to the Council. Scott asked about the financial condition of the building. Todd stated that they spent \$250,000 on the renovation and \$26,000 on the roof. There are always a lot of repairs to do but they keep it up.

The Council will discuss it in Executive Session. Scott suggested that we have a subcommittee look at the FD.

### **COUNCIL REPORTS**

Township Manager – Joe stated that was a new version of the bill list in the Council packets, which shows more detail, department by department.

Mayor Rubenstein

- 10/20 – Bldg. subcommittee met with Fred Braun to give us information about the roof and shell that was built around the trailers.
- 10/26 – Participated in a tour of the open space area of the school with several members of the building subcommittee.
- 9/26 - Recreation Committee meeting – This meeting was held at 8 pm. At COJohnson Fieldhouse. We had a download session on Byram Day, discussion on the fields and budget requests for next year.
- 10/1 – Met with our Open Space consultant Ben Spinelli, Open Space Chair Ray Bonker, Scott Olson, Joe Sabatini and Doris Flynn regarding our Open Space and Recreation Plan and future work that is needed to be done.

- Alex informed the Council that he received a letter from the league asking for resolutions that the Municipality would like the league to consider at its conference.
- Alex spoke to a Netcong police officer who let him know how Netcong handles the process of getting automotive insurance carriers to pay for losses incurred by the town; i.e. man power and damages to the town.

Councilman Olson

- 9/26 - EC meeting – discussed the outcome of Byram Day and reviewed a few applications that are coming before the Planning Board.
- 10/1 – Scott attending the Open Space informal meeting. There was discussion about an update that is required to the open space and recreation inventory which is a masterplan element by January 1, 2020 in order to be in compliance with Green Acres and enable us to continue to get planning incentive funding.
- 10/9 - Next Open Space meeting

Councilman Gray

- Heard positive feedback about the Mayor bagging groceries.
- 10/2 – Met with Andover Township and Andover Borough regarding a request from Lakeland Emergency Squad to amend the agreement between the towns to allow several paid employees

Councilman Roseff

- Attended the subcommittee meeting where Fred Braun provided the history of the roof and shell around the building, which he built.
- A group of towns in Warren County have been working with CenturyLink and they allowed Harvey to monitor their meeting. They met with Mr. Bailey and at the end of the conversation he did say he still needed to follow up arranging a meeting with Byram.

**PUBLIC PARTICIPATION I**

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

Robin Gallagher, 78 Birch Parkway, which is located on the edge of Byram and Sparta. Since she has moved there almost 3 years ago, she has noticed that people use the road as cut through. People are traveling at a high rate of speed on East Shore Trail and Birch Parkway is off of East Shore Trail. She talked to Mohawk County Club about putting a speed bump but they told her it is not their jurisdiction. David Gray asked what the speed limit was on East Shore. She said its 35 mph. Birch Parkway is 25 mph but she feels that 25 is too high, although there is not a speed limit sign posted on the road. She would like to see the speed limit lowered or increased signage, such as child at play or a speed limit sign. Scott asked about striping the road which could make people slow down. Joe will ask the DPW superintendent to make a site visit and see what signage we could add. Robin said the summer time is the worst.

Skip Danielson, 18 Hunter Lane, talked about a past Mayor whose house was both in Byram and Sparta. He commented that the presentation by the Fire Department was very good. Skip stated that they finally got a court date on Friday. Nothing really happened at it. They have another court date at the end of November. He asked if the Council would consider supporting the resolution and also bringing up this discussion at the League. Skip also talked about the clogged drain that is in Stanhope by Gyro Bob's and stated that the NJDOT has been working on it. He also expressed concerns about the increased plant life on Johnson Lake.

Wendy Burascano, 353 Amity Road, stated that the Township paved the road last year and since then there is a water problem. She is requesting that the Township put in a storm drain. There is an existing drain up the road but the water doesn't reach it. Alex explained that the Township is not considering doing any work on the storm drain system, since it would be a large capital project. Joe stated that the Zoning Officer sent a notice of

violation sent to the neighbor and they will be filling in the potholes by October 15. Alex stated that the Township will monitor the situation.

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

**APPROVAL OF MINUTES**

- September 17, 2018 – Regular and 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 agenda.

- A. Resolution No. 167-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 228 Lot 306, 125 Lackawanna Drive
- B. Resolution No. 168-2018 – Confirming the Redemption of TTL #08-00016 – Block 228 Lot 306, 125 Lackawanna Drive
- C. Resolution No. 169-2018 – Resolution Authorizing the Renewal of Liquor License to Venture Two LLC Valid from 7/1/17 through 6/30/18
- D. Resolution No. 170-2018 – Resolution Authorizing the Renewal of Liquor License to Venture Two LLC Valid from 7/1/18 through 6/30/19
- E. Resolution No. 171-2018 – Transfer of Liquor License from CBK Restaurant LLC to BBG Restaurant LLC
- F. Resolution No. 172-2018 – Final Acceptance of Proposed Tamarack Park Irrigation System
- G. Resolution No. 173-2018 – Resolution to Cancel of Record a Neighborhood Preservation Housing Rehabilitation Program Mortgage on Block 153, Lot 231
- H. Resolution No. 174-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing A Refund for Duplicate Payment 3<sup>rd</sup> Quarter 2018”
- I. Resolution No. 175-2018 – Chapter 159 – \$2,698 – Statewide Insurance Fund
- J. Resolution No. 176-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 275, Lot 732 – 8 Old Stage Coach Road
- K. Resolution No. 177-2018 – 2018 Tax Refund – Block 344 Lot 10 – 610 Stanhope Road - \$180.66
- L. Resolution No. 178-2018 – Resolution Authorizing Harold Pellow & Associates to Provide Engineering Services for Preparation of the Highlands Region Stormwater Management Plan – Not to Exceed \$15,000

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

**OCTOBER 2, 2018 BILL LIST**

Motion by Councilman Gray, 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 – 1<sup>st</sup> Reading / Introduction**

- BE IT RESOLVED that Ordinance entitled “**ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS SALARY AND WAGES FOR THE YEAR 2018-2021**” be read by title on first reading.

Motion by Councilman Olson, second by Councilman Gray to introduce this ordinance.

	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 October 16th 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.

- BE IT RESOLVED that Ordinance entitled “**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM REPEALING SECTION 195 ENTITLED “SALES, SEASONAL” OF THE CODE OF THE TOWNSHIP OF BYRAM AND AMENDING SECTION 240-48 ENTITLED “TEMPORARY SIGNS IN NON-RESIDENTIAL DISTRICTS” AND AMENDING SECTION 240-63 ENTITLED “CONDITIONAL USES IN VILLAGE BUSINESS AND NEIGHBORHOOD COMMERCIAL ZONES” TO MODIFY SUBPARAGRAPH F(1) ENTITLED “OPERATIONS”**” be read by title on first reading.

**PURPOSE STATEMENT:** The purpose of this Ordinance is to repeal Code Section 195 entitled “Sales, Seasonal” and to amend Section 240-48 entitled “Temporary Signs in Non-Residential Districts” and Section 240-63 entitled “Conditional Uses in Village Business and Neighborhood Commercial Zones” to remove the permit requirement for temporary tent sales and special events and to change the standards for tent sales, special events and sandwich board signs.

Motion by Councilman Gray, second by Councilman Olson to introduce this ordinance. It will relieve some of the restrictions with regard to special events and will make it easier for business owners. This will be sent to the Planning Board for review. Tom Collins explained the procedure.

	Councilman	Councilwoman	Councilman	Councilman	Mayor
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	Gray	Kash	Olson	Roseff	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 5th 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**

Agenda Items – Alex stated that there has been a lot of ideas from this Council this year. When a Council member would like something added as a discussion item, there won't be research done by staff until it is discussed in full by the Council to decide how to move forward. Scott said that it is helpful if the Council member adds backup to go along with the discussion.

Elder Cottage Housing Opportunity (ECHO) – David asked for this to be on the agenda. There is a state law about this. It can't be larger than 720 square feet, it must be approved by the County with regards to septic, and the person living in it must meet the criteria. It allows a homeowner to bypass the planning board process to get a unit to be put on their property if it meets setbacks. When the person no longer lives there, it must be removed. Assisted living facilities are extremely expensive and this would allow a family to care for a family member in need. David thinks this is a good idea.

Federal State and Local Tax Deduction Change – Harvey wanted to bring this up as an awareness issue. We are starting next year's budget, and we need to be sensitive about this. Harvey said we should do whatever we can do to try to hit 0 percent for the 2019 budget. Joe would like to know the goals and objectives of the Council for 2019 so that Joe gets some direction. It is a good time to get things on the table. There was a Local Finance notice just sent out about this—Joe will circulate it. The advice of the CFO State organization is to wait and see what happens, and Alex said that at the Mayor's Conference they also recommended to take a wait and see approach.

Harvey asked if we are seeing substantially increased returns on investments. Harvey stated that treasury bonds are yielding more interest than banks. Alex asked Tom if there was anything preventing the Township in investing in Treasury bills. The Council would like Ashleigh to look into this.

Municipal Building – The next subcommittee meeting is 10/2. Fred Braun gave a tour of the outside of the building and talked about the roof and outside shell that he built in the mid-1980's. When the roof and shell were done, it was anticipated that over time the trailers would be pulled out and a new building built under the roof and shell. Detailed minutes can be found on our website. Nine full service architectural firms responded to the RFP and 2 cost estimators. Doris will send out the criteria outlined in the RFP and the Council members should review the proposals which will be sent electronically tomorrow. Joe suggested having special dates for the interviews so that we can get through them and the process can move forward.

Recreation Committee Meetings Time & Location Change – The last Recreation Committee was moved to the COJ Fieldhouse. It was suggested at the meeting to move the start time to 8 p.m. and permanently hold meetings at COJ. Doris will prepare a notice for special meetings for the remainder of the year.

**PUBLIC PARTICIPATION II**

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

Todd Rudloff, there is already one at the end of Joan Drive, suggested that it get registered with the Fire Department for response. We will have the zoning officer look into this.

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

**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.

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**BYRAM TOWNSHIP COUNCIL**

Motion by Councilman Olson second by Councilman Gray to go into closed session and adopt the above resolution.

	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 2, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilman Gray to return to open session at 9:47 pm. All members were in favor. Motion Carried.

**ADJOURN**

On the motion of Councilman Olson, second by Councilman Gray and with all members in favor, the meeting was adjourned at 11:48 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor