

**BYRAM TOWNSHIP COUNCIL MEETING - NOVEMBER 19, 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, here; Councilman Olson, absent (excused absence); Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, 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
  - Evidence Room Status
  - Stag Pond
  - Sewer Use Permit Application
  - Council Reporting / Meetings
- b. Shared Services – Andover Twp.
- c. Contract Negotiations
  - Labor Negotiations
  - RFP’s for Architects

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 Councilwoman Kash 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 November 19, 2018.  
Doris Flynn, Municipal Clerk

**CALL COUNCIL MEETING BACK TO ORDER** – 7:35 p.m.

## **FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Gray, second by Councilwoman Kash to approve the agenda with the removal of Resolution 209-2018, 216-2018, and 222-2018 from the consent agenda in order to have discussion. All members were in favor. Motion carried.

## **COUNCIL REPORTS**

Township Manager – Next leaf pick up is week of December 10.

Mayor Rubenstein

- 11/9 - Attending first budget subcommittee meeting with the Manager, CFO, and Harvey Roseff
- 11/7 – Attended the building subcommittee meeting – updated the committee on the interviews.
- 11/8 – Two additional interviews were held with architectural firms
- 11/13-Byram Intermediate School – Holocaust presentation - The speaker was a holocaust survivor, and it was a very moving presentation.
- Estelle Johnson Campbell passed away. Visitation is at Smith McCracken funeral home on Tuesday.
- The Manager thanked the Police Department and Chief Zabita for hosting the Cram the Cruiser in Byram. Pete stated that \$10,000 in cash/gift card donations were collected between Sparta, Andover and Byram. Also, approximately 80 turkeys were donated and truck loads of groceries.

David Gray

- Attended the Veteran’s ceremony on November 11 at Town Hall. Rich Bowe led the ceremony. A nice crowd came and also stayed for refreshments in the meeting room after the ceremony.
- The next Board of Health meeting will be held on November 27 at 7:30 p.m.
- Naomi Segura, a Byram resident and student at NJIT, tragically passed away from a hit-and-run accident. David asked to keep her family in your thoughts and prayers.

Harvey Roseff

- Attended the Conference at the NJSLOM this year. Harvey went to a recreation seminar, which was excellent. A topic of discussion was a shared services program in Summit – which was founded for special needs children--13 towns have joined. Harvey will be talking to the recreation committee to see what they think about this.
- Harvey went to all the banks on the convention floor to see what they can offer Townships. Federal funds rate now is 2.5%. He thinks Byram can do better then what we are getting now.

## **PUBLIC PARTICIPATION I**

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

Skip Danielson, 18 Hunters Lane, is participating in No Shave November with Lakeland Emergency Squad because one of their members has been diagnosed with cancer. It has been 34 months since his son passed away. He asked the Council to give further thought in passing a Resolution. They will be going to trial in March.

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

## **APPROVAL OF MINUTES**

- November 5, 2018 – Regular & Closed Session Minutes – Motion by Councilwoman Kash, 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		

• October 29<sup>th</sup>, 30<sup>th</sup> & November 1st, 2018 Closed Session Meeting Minutes

	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 Gray, second by Councilwoman Kash to approve the consent agenda.

- A. Resolution No. 210-2018 – Authorizing Award of Contract for Collection of Court Fees
- B. Resolution No. 211-2018 – Resolution of the Township of Byram, County of Sussex, Sate of New Jersey “Withholding from Tax Sale Delinquent Special Assessment” – Block 277 Lot 565
- C. Resolution No. 212-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment” - Block 400 Lot 119
- D. Resolution No. 213-2018 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment” – Block 400 Lot 124
- E. Resolution No. 214-2018 – Authorization to Purchase Firefighter Protective Clothing and Equipment under the State of New Jersey Cooperative Purchasing Program for Budget Year 2018
- F. Resolution No. 215-2018 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 6 Lot 429 Refund of 2015 Homestead Benefit
- G. Resolution No. 217-2018 – Resolution Authorizing a Change Order to the Contract for Repair Under a Rehabilitation Grant to Francen Contracting for Block 111, Lot 3 in Accordance with the Byram Township Housing Rehabilitation Program – Net Increase of \$800.00
- H. Resolution No. 218-2018 – Tax Sale Premium Escheat After Fire Years / Foreclosure – Block 16 Lot 56
- I. Resolution No. 219-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes be Remitted (Cancelled) for 2018” – Block 337.11 Lot 82 / 337.01 Lot 85
- J. Resolution No. 220-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes be Remitted (Cancelled) for 2015” – Block 27 Lot 384 / Block 27 Lot 383
- K. Resolution No. 221-2018 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Parking Lot at Tamarack Park – Milling & Paving as per Morris County Co-op – Net Increase \$1,909.19
- L. Resolution No. 222-2018 – Amend Resolution No. 106-2018 and Authorize the Purchase of two (2) 2018 Ford Utility Police Interceptor Vehicles with Optional Equipment for the Township of Byram Police Department – Not to Exceed \$57,721.50
- M. Resolution No. 223-2018 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Roseville Road – Line Striping per Morris County Coop – Net Decrease \$1,366.14
- N. Resolution No. 224-2018 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Roseville Road – Raised Pavement Markers – Net Decrease \$3,913.00

- O. Resolution No. 225-2018 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Resurfacing of Various Streets (Tartan, Elizabeth Lane, Braemer Court) Proposed Paving at Byram Township DPW Garage & Proposed Resurfacing of Mansfield Drive – Line Striping per Morris County Coop – Net Decrease of \$1,207.74

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

- A. Resolution. No. 209- 2018 – Resolution of the Mayor and Council of the Township of Byram Pursuant to N.J.S.A 40:55D-26 and 62A Stating the Reasons for Adopting Ordinance # 18-2018 even if it is Inconsistent with the Master Plan. Harvey wanted to vote on this separately and bring it to the attention of the public. Harvey read the second Whereas which explained why the Council was moving forward with the public hearing on the zoning ordinance relating to signs, even though the Planning Board reviewed it and sent a report stating that it was inconsistent with the Master Plan. Harvey credited the Mayor with taking the initiative to get these changes made. Mayor Rubenstein explained the process that took place with regards to this ordinance. Mayor Rubenstein opened to the public. Skip Danielson thanked the Council for taking action. Annalise, owner of Creative KidKare, thanked the Council. She discussed the placement of her sign and Joe stated that he would look into it. Motion by Councilman Roseff, second by Councilwoman Kash.

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

- B. Resolution No. 216-2018 – Resolution to Transfer 2018 Budget Appropriations – Current Fund – Purchase of Vehicles is for DPW truck and 2 police cars – A discussion took place regarding the \$84,000 for vehicles. Mayor Danielson opened to the public. Skip Danielson, 18 Hunters Lane, commented on leasing. Motion by Councilman Gray, second by Councilwoman Kash.

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

- C. Resolution No. 222-2018 – Authorize the Purchase with 2 Police Cars (put title) NK/DG

Mayor Rubenstein opened to the public. No comments were made. Motion by Councilwoman Kash, second by Councilman Gray.

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

**NOVEMBER 19, 2018 BILL LIST**

Motion by Councilwoman Kash, 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 – 2<sup>st</sup> Reading / Public Hearing**

- **ORDINANCE NO. 18-2018 - 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”, SECTION 240-50 ENTITLED “PROHIBITED SIGNS” AND SECTION 240-63 ENTITLED “CONDITIONAL USES IN VILLAGE BUSINESS AND NEIGHBORHOOD COMMERCIAL ZONES” TO MODIFY SUBPARAGRAPH F(1) ENTITLED “OPERATIONS”**

**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 Councilwoman Kash, second by Councilman Gray to consider this ordinance for adoption. Harvey Roseff highlighted that by adopting this ordinance it shows that we are moving in different direction then the Planning Board. Harvey also commented that the Planning Board advertised last year for new professionals but didn’t interview any of them. The Council made decisions last year to hold interviews for the municipal professionals. Harvey would like to see the Planning Board move in the same direction as the Council. Mayor Rubenstein opened to the public for discussion on this ordinance. No comments were made. Roll call was taken by the clerk.

	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 18-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

### **ITEMS FOR DISCUSSION**

- A. Municipal Building - Mayor Rubenstein stated that we have interviewed 7 firms and the Council will now decide on 1-3 architects and give a scope of work to define the costs, risks, etc. to evaluate the options, which would be the first step.
- B. Resolution to Control Pension and Healthcare Costs – Harvey stated that we just received notice about our increases for pension costs for 2019. He feels the Council should ask the State to have better control. He is recommending that we draft a resolution. The Council members will write some important points and send to the Clerk’s office by Wednesday. The Mayor reported the increased amounts for both PERS and PFRS. Joe Sabatini alerted the Council and the public about the Path to Progress report. There is a working group that is looking into the rising pension and healthcare costs.
- C. Video Record Council meetings – As requested, Harvey spoke to SECTV regarding videotaping the Council meetings. SECTV provides the service and supplies the Township with a DVD a few days later. There is no cost for this. Harvey will go back to SECTV and have them formalize an agreement.
- D. Committee Head Meeting – The Council agreed to have this meeting on January 7, 2019 at 7 p.m.
- E. Historical Society Request – The Council was in support of using Open Space Funds to purchase a heating/air conditioning unit for the Byram School House. The Clerk will let Frank Gonzalez know that the Council was in support of this purchase and will formalize a resolution at the next meeting.

### **PUBLIC PARTICIPATION II**

Motion by Councilwoman Kash, second by Councilman Roseff to open to the public. All members in favor. Motion carried. No comments were made.

Skip Danielson, 18 Hunter Lane, thanked Joe Sabatini for his summary of the pension information.

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

### **RESOLUTION**

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BYRAM TOWNSHIP COUNCIL

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Motion					
2nd					
Yes					
No					
Abstain					
Absent			x		

Certification: I certify that the Byram Township Council adopted the above resolution on November 19, 2018.  
Doris Flynn, Municipal Clerk

**CALL COUNCIL MEETING BACK TO ORDER**

**ADJOURN**

On the motion of Councilwoman Kash, second by Councilman Roseff and with all members in favor, the meeting was adjourned at 10:55 p.m. Motion carried.

\_\_\_\_\_  
Doris Flynn, Municipal Clerk

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