

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
MARCH 1, 2022
EXECUTIVE SESSION – 6:30 P.M.
REGULAR SESSION - 7:30 P.M.**

CALL MEETING TO ORDER – Mayor Rubenstein called the meeting to order.

OPEN PUBLIC MEETING STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Both adequate and electronic notice of the meeting has been provided, specifying the time, place. In addition, a copy of this notice is available to the public and is on file in the office of the Municipal Clerk, posted on the main door, the bulletin board of the Municipal Building, on the Township website at: https://www.byramtwp.org/index.php/town_hall/township_council, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL – Councilman Bonker here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joseph Sabatini, Attorney Tom Collins and Municipal Clerk Cynthia Church

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

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.

- a. Attorney Client Privilege Communication
 - General
 - Fire Department Donation
 - Billboard Location Lease
- b. Contract Negotiations
 - E911 – Shared Service Agreement

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:

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

Certification: I certify that the Byram Township Council adopted the above resolution on March 1, 2022.

Cynthia Church, Municipal Clerk

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Bonker, second by Councilman Gallagher to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilman Bonker, second by Councilwoman Franco, to approve the agenda with the addition of a proclamation for heroic acts.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

SWEARING IN OF NEW FIRE DEPARTMENT MEMBERS – Shawn O’Grady & Hannah Steger

Both Shawn O’Grady & Hannah Steger were sworn as new members of the Fire Department by Mayor Rubenstein

PROCLAMATION – IN RECOGNITION OF AN ACT OF SELFLESS HEROISM – Mayor Rubenstein read aloud the proclamation. Mr. Pastore who came to the scene of a crash that took place on Rt. 80 saving a motorist from a vehicle that was engulfed in flames. Mr. Pastore read aloud a statement he had prepared. Motion by Councilwoman Franco Second by Councilman Gallagher to sign the resolution.

2022 BUDGET INTRODUCTION/ APPROVAL - Motion by Councilman Bonker, second by Councilwoman Franco to introduce the budget.

Mr. Sabatini prepared and read aloud the message below:

I would like to start by directing everyone to the Township's Website under the 2022 Municipal Budget Information you will find all the documentation and details supporting the 2022 Budget Plan. Located under this link you will find my detailed 2022 Municipal Budget Message. I plan to present an abbreviated summary of this message.

Before I start, I would like to thank all my department heads for their hard work to hold the line on departmental expenses. Secondly, I would like to offer a special thank you to the Township's CFO, Ashleigh Frueholz. Her work has helped deliver a sound budget plan for 2022 with significant consideration to the future economics of the Township.

Tonight, the Mayor and Council will be asked to approve the budget. Adoption of the budget is scheduled for Tuesday, April 5th.

Through the adoption of the budget the Mayor & Council are establishing the municipal policy for 2022 and beyond. They must ensure the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township.

The 2022 budget challenges are a combination of increased expenditures and a reduction of anticipated revenues.

The continued impact of the COVID-19 emergency has contributed to the amount of revenues that can be anticipated in the 2022 budget.

In accordance with Local Finance Notice 2021-24, this budget plan uses a three-year average for calculation of affected revenues for both court and interest & cost on taxes. This softens the impact but if they do not recover in 2022 the loss revenue will have a lingering impact on successive budgets.

The 2022 municipal budget including the Capital Improvement Program and Public and Private Programs offset by Revenues totals \$12,549,070.73.

Summary of Revenues:

The total amount of Fund Balance committed to the 2022 budget is \$1,930,000.

\$1,600,000: Support Operations (increase of \$64,500 from 2021)

\$330,000: Offsets one-time appropriations to the Capital Improvement Fund (\$300,000), and DPW for demo of structures on abandon properties (\$30,000).

Budget Anticipates the same amount of State Aid received in 2021, however we received notification in 2021 that the Township's Open Space PILOT (formerly Garden State Trust) is increasing \$22,635. This amount has been anticipated in the 2022 budget.

In 2021, the Township continued to experience losses of court revenue and interest on investments. These are reducing \$10,000 and \$15,000 respectively. There is still the possibility of an additional liability totaling \$40,000 for both if they don't recover by 2023.

This budget plan includes an additional increased anticipation of Uniform Construction fees of 18% or \$30,000. In 2021, we increased the anticipation of these revenues 26.92% or \$35,000.

Summary of Appropriations (Expenses):

Overall, this budget plan is presenting an increase in appropriations totaling \$329,424 after excluding Public and Private Programs which are offset by Revenues.

General Government, Public Safety, Public Works, and Community Programs include all the Salary & Wages and Operating Expenses for each of the Township's departments. These categories of expenses resulted in a \$91,485 increase.

Other Expenses of the Township that are not tracked by department include utilities, insurances, statutory expenses, pension expenses, garbage, debt service, deferred charges, capital improvements and the reserve for uncollected taxes.

Significant dollar increase occurring in the following areas:

- Primary Election Expenses*
- Vehicle Purchase*

- Garbage and Recycling - which is expected to increase \$100,00 in 2023
- Work Compensation and General Liability Insurance
- Pensions
- Group Insurance

The Budget includes a three-year capital improvement program and an aggressive Capital Budget for 2022 totaling \$3,963,300. The total appropriation to the Capital Improvement Fund for 2022 is \$753,633 which includes a \$300,000 one-time funding to the Capital Improvement Fund which is offset by an increase in Fund Balance. Without this the amount of funding allocated to Capital Improvement Fund is continuing to decrease.

Also, this budget includes the approval of the Open Space Tax. Again for 2022, this budget anticipates raising \$110,430.

In conclusion, this budget plan has property taxes totaling \$8,819,535.00, or 70.28% of revenues. This is a 1.35% or \$117,289.00 increase of the tax levy. This is an estimated increase of \$34.89 for the average assessed home of \$255,354.

As mentioned, the 2022 budget plan is impacted by increased expenditures and a reduction of anticipated revenues. It should be noted there are liabilities that are being shifted to future budget years. Finally, again, I would like to thank all my department heads for their creativity holding the line on departmental expenses and help preserving the services the residents of Byram have come to expect.

Mayor Rubenstein said that they have done the best to hold the line while still maintaining services and expanding where they can.

Motion by Councilman Bonker, Second by Councilwoman Franco to introduce the budget.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Councilman Bonker – the pension line item is going up 16.4% this year. At some point the pension system has to have some kind of revision as they can not keep sticking townships with this kind of increase year after year and still have a 2% cap. This is an example of a systemic failure. Other than that, he is happy with the 1.35% increase to the budget. The township is delivering a very reasonable budget.

Councilwoman Franco – Ashely and Joe did an excellent job on preparing and presenting the budget.

Councilman Gallagher – Thinks the budget came in well considering the conditions and increases in costs across the board.

Councilman Roseff – No Comments

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – The budget adoption is scheduled for April 5, 2022. On Thursday March 3rd at 7:00 p.m. there will be a virtual town hall meeting being conducted by Elizabeth Town Gas, they will be discussing their expansion project throughout the northern part of Byram Township. The information and link have been posted on the township website.

Mayor Rubenstein – Reported on the passing of Daniel Conklin who served on the Lakeland Emergency Squad for 50 years. He was the EMS Chief, an active member of the water recovery team as well as rescue and emergency air.

Councilman Bonker – Nothing to report

Councilwoman Franco – Nothing to report

Councilman Gallagher – Attended a Board of Education meeting on February 16th. Reported that there are four new members on the Byram Volunteer Fire Department.

Councilman Roseff – Noting to Report

PUBLIC PARTICIPATION I

Motion by Councilman Bonker, Second by Councilwoman Franco to open to the public.

Jack Moran – 7 East Waterloo – Asked for status on cell services, OSHA, updates of closure of the Andover Route 206 tunnel, plans to have NJNG come in to present themselves before the council, on Hybrid Virtual Meetings. Community Aggregation on Natural Gas, on water utilization reports by the highlands, Highlands providing grants for historical items, and on the ARP money.

Luanne Byrne – Read the report from September on the Municipal Building, asked if they will be holding off on the project until inflation comes down.

Motion by Councilman Bonker, Second by Councilwoman Franco to close to the public.

APPROVAL OF MINUTES

- February 15, 2022 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Bonker to approve the minutes.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 nd				x	
Yes	x			x	x
No					
Abstain		x	x		
Absent					

- February 23, 2022– Special Joint Township Council / Recreation Meeting - Motion by Councilman gallagher, seconded by Councilwoman Franco to approve the minutes.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

PROCLAMATION – READ ACROSS AMERICA – Mayor Rubenstein read aloud the proclamation. Motion by Councilwoman Franco Second by Councilman Gallagher to sign the resolution.

CONSENT AGENDA – All are considered to be routine by the Members of the Township Council and will be enacted on by one motion. Motion by Councilman Bonker, Second by Councilman Gallagher to approve the consent agenda.

- Approval to Release the 2021 Closed Session Township Council Minutes
- Resolution No. 078-2022 – Resolution to Authorize Participation in the 2022 Radon Awareness Program
- Resolution No. 079-2022 – Resolution Authorizing 100% Disabled Veteran Block 307, Lot 1853 Refund of Taxes Paid for 1st Quarter – Block 307, Lot 1853
- Resolution No. 080-2022 – Authorization of Three-Year Average for Covid-19 Affected Revenues in 2022 Municipal Budget- Court Revenue
- Resolution No. 081-2022 – Authorization of Three-Year Average for Covid-19 Affected Revenues in 2022 Municipal Budget – Taxes Revenue
- Resolution No. 082-2022 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes Be Remitted (Cancelled) for 2022” – Block 360, Lot 21.07
- Resolution No. 083-2022 – Resolution to Amend the 2022 Temporary Budget
- Resolution No. 084-2022 – Approval of Quarry License for Year 2022 for Tilcon New Jersey, a Division of Tilcon New York, Inc.
- Resolution No. 085-2022 – Resolution Granting a License for 2022 to Raimo of Stanhope, Inc. to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Resolution No. 086-2022 – Resolution Granting North Jersey Auto Wreckers, Inc. a License for 2022 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BILL LIST – March 1, 2022 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ORDINANCE – 2nd Reading / Public Hearing

ORDINANCE NO. 002-2022 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BYRAM: SECTION 48-2, POLICE DEPARTMENT, RULES AND REGULATIONS AND SECTION 60-3, RESIDENCY PREFERENCES, SPECIFIC POSITIONS OR EMPLOYMENTS

Councilman Gallagher would like to see resident preference considered first.

Mr. Sabatini explained the three processes of hiring (1) would be through a civil service examination list, (2) through an intergovernmental transfer or (3) alternate route which means that someone can be hired if they already have their police certificate.

Councilman Bonker is in favor as this gives the Chief of Police more flexibility to hire a better candidate.

Councilman Roseff said that a limit of two years can be placed on the ordinance to see how it is working.

Councilman Franco believes this gives the best opportunity to obtaining the best candidate.

Mayor Rubenstein said this allows for more options for hiring.

Luanne Byrne - 34 Richmond Road- asked if they will still require them to take the civil service exam.

Richard Snyder - 6 Lake View Drive - Asked further about the alternate route, and if they would still need the civil service examination. He agrees the larger the pool of candidates the better.

Motion by Councilman Bonker, second by Councilwoman Franco to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

BE IT RESOLVED that Ordinance No. 002-2022 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

Lake Management Plan Next Steps:

Councilman Bonker feels that this is a very similar process as hiring our professionals. The highlands are providing all the money, and it is up to the Township to decide to do this, and with what vendor. Feels they should use the current vendor that has been doing this.

Councilwoman Franco is ready to move forward.

Councilman Gallagher asked if it would be best to provide the opportunity to a vendor that is more local.

Councilman Roseff said that this is a professional service agreement and thinks they should interview vendors. If there is a local vendor that can provide the service, they may receive better service.

John Garrity – 13 North Shore Trail West - reached out to Princeton Hydro after extensive research. He has been involved in lake management programs previously. Looking to obtain data to move forward. Urged the Township Council to vote to move this forward using Princeton Hydro.

Cathleen Parish – 5 Ross Road – a member of the Byram Environmental Commission and would be interested to be involved with the scope of work. Agrees that the council should investigate a few options and to fast track the options. Would be interested in the process moving forward and would like the environmental commission to be involved.

Jack Moran – 7 East Waterloo Road - Should give the opportunity to the stake holders to provide input.

Mayor Rubenstein spoke with Princeton Hydro, and three municipalities who used Princeton Hydro. Rockaway Township, West Milford, and Ringwood Township. They all had worked with Princeton Hydro historically, they all highly recommended Princeton Hydro and agreed that there was no other game in town with the same expertise. They all felt this was the company to use, they were happy with the scope of work and felt they were easy to work with. Mayor Rubenstein said they are clearly responsible and have the expertise.

Councilman Bonker said it's the expertise they bring and is ready to move forward with Princeton Hydro.

The consensus of the Township Mayor and Council was to move forward with Princeton Hydro.

Requesting that Mr. Sabatini place the resolution on the agenda for an upcoming meeting and ask Princeton Hydro to attend the meeting to give a presentation.

FUTURE AGENDA ITEMS

- Recreation Topics
- Municipal Building plans

PUBLIC PARTICIPATION II

Motion by Councilman Bonker, Second by Councilwoman Franco to open to the public.

Jack Moran – 7 East Waterloo Road – questioned the process with the highlands with the lake management plan. Asked who will be paying for the hard costs.

Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to public.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

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

Certification: I certify that the Byram Township Council adopted the above resolution on March 1, 2022.

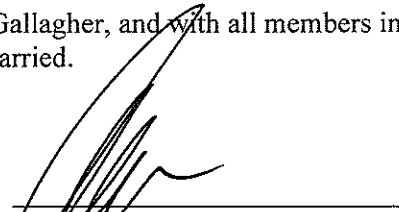
Cynthia Church, Municipal Clerk

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 9:50 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor