

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
FEBRUARY 2, 2021  
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](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 Joe 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
  - Property Maintenance – Block 220 Lot 25 & Block 336 Lot 23
- b. Personnel
- c. Anticipated Litigation
- d. Contract Negotiations
  - B.A.R.K.S.

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 February 2, 2021.

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 Councilwoman Franco to return to open session at 7:32 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilman Gallagher, second by Councilman Bonker, to approve the agenda with the addition of the removal of Scott Olson from the Open Space Committee, and the addition of an Open Space Committee member that will replace Earl Riley. All in favor. Motion carried. Add an appointment to an OS committee member to replace Earl Riley.

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

**GOVERNMENT ENERGY AGGREGATION PRESENTATION** – Presentation by Charles De Casteja, Gary Swantner and John Berg from Good Energy. Mayor Rubenstein reported that the resolution that was approved at the last meeting may be too restrictive for anyone to bid on. Mr. DeCasteja also agreed to that and provided his reasonings. It is too much of a risk for any supplier to take. Mr. DeCasteja said that they are seeing the largest saving that they have ever seen before. He explained that there is no way to guarantee savings in every single month. The history of JCP&L rates shows that in the first year the non-summer rates will be beaten, and the summer rates will be slightly beaten. It comes down to the long-term hedge value. Councilman Bonker wanted explanation on the guarantee of savings and the possibility of not reaching future rates that JCP&L may put out. Councilman Bonker said that if we go into this it should be for economic reason only and should not enter in for any other reason. Mr. Decasteja said our price will be what is determined by the utility and no more. Mr. Berg said that the rates are set from June to June on a twelve-month basis each year. The rates demonstrate on an annual basis about 8% or better. The unknow is June 2022 to 2023 when the rates reset. The rates are stable compared to PSE&G. There is an opt out option to the consumers so they can leave the program at any point in time. The short term is much more guaranteed then the long term. They will work with the Mayor and Manager throughout the bid periods. Mr. DeCasteja said that they would like to push this to a May enrollment. Byram Townships average usage and its fees are very closely related. There are three suppliers that are interested, this is a unique opportunity. Mr. Bonker asked who determines the term. Charles said that it is Byram’s decision. Councilman Bonker asked what terms they are experiencing for the length of commitment that people are getting the savings. Mr. DeCasteja said that there is no term is less than 17 months and not more than 24 months. Councilman Gallagher asked how many programs they have with JCP&L now. Mr. DeCasteja said none at this time. Mr. DeCasteja said that they had their largest programs in New Jersey. Councilman Roseff asked what the guarantee is for the program. Mr. DeCasteja said there is no guarantee at all. The GEA law only requires to be below the current JCP&L rate. Mr. Berge said that the benefit is large, and the exposure is minimal. Councilman Bonker asked how Good Energy is paid. Mr. DeCasteja said that they are paid volumetrically. Mr. DeCasteja said that they can run numbers on the anticipated savings for the Township Council. The first year is know what the rate will be, after that it is an unknown.

Open to the public.

Jack Moran, 7 East Waterloo Road – asked a question regarding the load factor and if there is a possibility of getting a lower price if you go in with other towns. Also, asked what the period of time would be to opt out. Mr. DeCasteja said that no other towns are ready at this time to enter this program, so there is no opportunity for group buying. You can go in and out of the program as much as you want, but it does not go as quickly as you would think.

Luanne Byrne, 34 Richmond Road - asked if the lock in period is for a year, and about the flexibility of the price. Mr. DeCasteja said that the contract is entered into with the supplier, and the supplier cannot increase the price of the program unless there are regulatory changes. The relative savings would remain the same.

Closed to public.

**RESOLUTION NO. 063-2021** - Resolution Authorizing Execution of Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential Customers

Councilman Bonker would like to proceed with the resolution to provide the manager with guidance with an expected savings of 7%. Councilwoman Franco and Councilman Gallagher also agreed. Councilman Roseff agrees and requested to add a reference to “price to compare”

Add section to the resolution: Ask the Township Manager to solicit bids for Byram’s energy needs for a period between 12-24 months with an expectation of a 7 percent savings in the first twelve month as compared to the “Price to Compare”

Motion by Councilman Bonker, Second by Councilman Gallagher to approve Resolution No. 063-2021 with the addition of the following wording “Ask the Township Manager to solicit bids for Byram’s energy needs for a period between 12-24 months with an expectation of a 7 percent savings in the first twelve month as compared to the “Price to Compare”

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

**TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** – Tuesday February 9, 2021 is a special meeting with the Township Council and the Municipal Building Subcommittee with a 7:00 p.m. start. The estimates were posted on the website. The drawing of the preliminary drawings was also posted. The Introduction of the Budget is scheduled for March 2, 2021, with the Adoption on April 6, 2021. February 16, 2021 will be the Junkyard and Quarry Hearings. Mr. Sabatini expressed his appreciation for the DPW and all of Byram Township’s Emergency Services during the snow event.

**Mayor Alexander Rubenstein** – Mayor Rubenstein said that he had stopped in to the DPW to see how they are doing. It takes time for the DPW to clear the streets after a storm like what we just saw. The DPW will be back out on the roads

tomorrow to work on more cleanup. Mayor Rubenstein expressed his gratitude for their hard work for all the public safety departments.

**Councilman Bonker** – Complemented the entire town administration and staff on the annual report that was just published. Councilman Bonker reported on the committee that was created for CPL Harris. There is an Open Space meeting on February 8, 2021.

**Councilwoman Franco** – Wawa was approved at the Planning Board meeting. This Thursday the Planning Board will meet regarding the Mountainside Country Store hearing and a few residential hearings as well. The subcommittee for Haden Harris memorial has about 10 members, she has received a lot of feedback, and a go fund me that was set up.

**Councilman Gallagher** – January 28<sup>th</sup> was the Fire Department meeting. They are looking for members. Also reported that public safety departments did a fantastic job through the storm. There is a Recreation Committee meeting coming on the February 17<sup>th</sup>.

**Councilman Roseff** – the upcoming Environmental Commission meeting that will be held on April 24<sup>th</sup> will be holding an event and will giving away fee seedlings. The Environmental Commission will also be holding an invasive species event. Reported on the excellent job that was done by the Byram DPW and Emergency Departments throughout the storm.

**PUBLIC PARTICIPATION I** – Motion by Councilwoman second by Councilman Bonker to open to the public. All members were in favor. Motion Carried.

Jack Moran, 7 East Waterloo Road – asked if Councilman Gallaher has heard anything on the ISO testing. Councilman Gallagher has had no response from them.

Luanne Byrne, 34 Richmond Road – asked what the impact of COVID has been on the township. Joe said we received some grant funds to purchase PPE, and for other expenses. The biggest impact was on the loss of revenues.

Jeanne Moran, 7 East Waterloo – Thought that the Township should have put out on Nixel that the meeting was still going to be held. Jeanne asked about the dirty dirt ordinance status. Alex will look into having this being put on to discuss at a future meeting.

Motion by Councilman Bonker, second by Councilman Gallagher to close to the public. All members were in favor. Motion carried.

**APPOINTMENT OF OPEN SPACE MEMBER** – Russel Raffay

- Motion by Councilman Bonker, seconded by Councilwoman Franco to appoint Russel Raffay to the Open Space Committee.

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

**REMOVAL OF OPEN SPACE MEMBER**

- Motion by Councilman Bonker, seconded by Councilman Gallagher to remove Scott Olson from the Open Space Committee.

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

**APPROVAL OF MINUTES**

- 01-19-2021 Regular & Closed Session Minutes – 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 <sup>nd</sup>		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**CONSENT AGENDA** – All 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 Gallagher, second by Councilman Bonker to approve the consent agenda.

- Resolution No. 059-2021 – Resolution Authorizing Environmental Commission to Hold Trail Clean-Up Events
- Resolution No. 060-2021 – Resolution Authorizing the Submission of Annual Report for the 2020-2024 Community Forestry Management Plan
- Resolution No. 061-2021 – North Jersey Municipal Employee Benefits Fund Resolution to Renew
- Resolution No. 062-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing a Refund for Duplicate Payment for 4<sup>th</sup> Quarter 2020”
- Resolution No. 064-2021 – Authorizing the Township of Byram to Enter into a Shared Services Agreement for Animal Pound and Shelter Services with the Borough of Hopatcong in Accordance with the Provisions of N.J.S.A. 40A:65-1 ET SEQ. and N.J.S.A. 40A:11-10 ET SEQ.

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

**BILL LIST** – February 2, 2021 – 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 <sup>nd</sup>		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**ORDINANCE – 2<sup>nd</sup> Reading / Public Hearing**

**Ordinance 001-2021 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**Purpose Statement:** The purpose of this ordinance is to exceed the State mandated COLA percentage of 1.0% and increase to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

Motion by Councilman Bonker, second by Councilwoman Franco to adopt ordinance 001-2021.

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

Be It Resolved that Ordinance 001-2021 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**

**FUTURE DISCUSSION ITEMS**

Dirty Dirt will be discussed a future meeting after Alex gets more information as to where it was left off.

**PUBLIC PARTICIPATION II** – Motion by Councilman Bonker, second by Councilwoman Franco to open to the public. All members were in favor. Motion Carried.

Vera Olinski – asked for more detail as to why Scott Olson was removed from the Open Space Committee. Councilman Bonker responded that Scott has made a significant contribution and value over the years but feels that it is in the best interest of the Township to replace him with a new volunteer.

Donna Griff – asked why Scott Olson was removed from the Open Space committee, as she is very disappointed in the decision, and questioned why this was not on the agenda. Councilman Bonker said that it was a very difficult decision but feels that it was in the best interest of Byram Township to replace him with another volunteer.


Jeanne Moran – feels that there was a lack of transparency on the removal of Scott Olson from the Open Space Committee. Councilman Bonker said that people serve on advisory committee's serve at the pleasure of the council. His duty as a Councilman is to serve at the best interest of Byram Township.

Motion by Councilwoman Franco, second by Councilman Gallagher to close to the public. All members were in favor. Motion carried.

**ADJOURNMENT**

On the motion of Councilman Bonker, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 9:51 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor