

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
AUGUST 17, 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, 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
 - Property Maintenance Block 220 Lot 25 & Block 336 Lot 23
- b. Contract Negotiations
 - B.A.R.K.S.
- c. Personnel
 - Collective Bargaining Agreements – DPW & Clerical
- d. Shared Services
 - Building Department
 - Animal Control / Pound Services

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 August 17, 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 Councilwoman Franco, second by Councilman Bonker 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 Councilman Gallagher, to approve the agenda Councilwoman Franco would like Item J. separate for discussion

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

Absent					
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TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – The next Township Council meeting is on Sept 7, 2021.

Mayor Rubenstein – July 28 was the kick off meeting for the dog park. They met again on August 10th and proposed some changes to the layout of the dog park. The next step is for the engineering company to survey the land. On August 4th they spent 2 hours in Forest Lakes looking at the streets and roads and tree trimming. The next step is to have the forester to go around and inventory trees to be taken down.

Councilman Bonker – The Open Space meeting was held last Monday. They began a discussion which will hopefully lead to a couple of grant requests to Sussex County for 4 trails at CO Johnson, the 3 loop trails identified by French and Perello plus a Tamarack Road connector trail which will end at the dog park parking lot. There is also trail work to be done on the recently acquired Carl Johnson parcel.

Expressed the need to have electronic access to the Council meetings. The Mayor and Manager are reviewing the technology options.

Mr. Bonker expressed the need to lock in on low interest rates. There are several capital events on the horizon, the new municipal building being the most obvious of them. He also expressed the need to have a ten-year bond for \$2 million maturing in 2025 and the open space bonds are maturing in October 2024. There could also be other large capital items, like a fire truck, coming up in the next few years. There is also need to factor in the ARP money. The Township Manager and Councilman Bonker have been discussing options on how to get all of the financing done. The next step is to have a few meetings with the CFO, the auditor and bond counsel to work up a model with options that can then be brought back to the Council.

Councilwoman Franco – Nothing to report.

Councilman Gallagher – The Fire Department has been active with calls. They are still looking for volunteers. Councilman Gallagher attended an ISO meeting last week. The recreation committee meeting was held on August 16, 2021. The Recreation Committee is working towards doing another movie in the park.

Councilman Roseff – Nothing to report.

PUBLIC PARTICIPATION I

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

David Pelletier – 23 Frenches Grove Road – Spoke with Tom Dixon and put in a complaint about Block 181 Lot 29.01. Trying to come to a resolution to get the property cleaned up or taken down. Joe said there are many properties in disarray within the township. They can do an In-Rem foreclosure, but the township would take on responsibility to clean up the property. The township does not currently have a budget for that and unfortunately is not the only property in town with an issue like this. The township would have to budget for the cleanup and would have to be auctioned off. Nothing would be recovered on the expense. Cindy will forward to the mayor, Mr. Pellietier’s information to help facilitate further conversation.

Brian Lanci – 27 Meteor Trail – This property has been abandoned for 27 years. This is a hazard in the area, and is detrimental to the safety to the community.

Eduardo Jiminez – Morriston NJ – on behalf of Alesi Inc. looking to rehabilitate a property at 370 route 206. Looking for municipal support. If the grant is received the property needs to be affordable for 30 years and do a tax abatement. This property would be made available to veterans. Would like to know where the township stands. Mayor Rubenstein said they have been in communication with the DCA. They were told that municipal consent is not needed to move forward. Tax abatement is not administered by the township, it is done by the state to have a tax exemption which would come back to the township in which would then be approved.

Mark McManus – with Alesi Inc. would like to clarify that he spoke to the zoning and construction official. Mr. Sabatini said they may need variances on that property through the Planning Board to get the zoning approval. Joe said this need to be 100% affirmative marketed. Can not pick the individual that would reside at the property.

Darsi Beachuamp – with Alesi Inc. while the property is owned by Alesi Inc. they would be subject to the exemption. Need collaboration with the township to get everything moving forward. Mayor Rubenstein said that the DCA said that township approval is not needed.

Jack Moran – 7 East Waterloo Road – Asked about the status of NJ Natural Gas. Alex provided the status of the discovery demands. Asked about the Altice contract. Mayor Rubenstein said there is no movement on Altice. Asked about the Verizon towers and the installment of the towers on Amity Road.

Motion by Councilman Gallagher, Second by Councilwoman Franco Motion to close to public.

APPROVAL OF MINUTES

- 07-20-2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes 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					

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 Bonker, second by Councilwoman Franco to approve the consent agenda with the removal of J. – Res. 190-2021 for discussion.

- A. Resolution No. 181-2021 – Award a Professional Services contract to Steven Weinberg of Community Action Services to Administer Byram Township’s Housing Rehabilitation Program
- B. Resolution No. 182-2021 – Authorizing the Public Display of Fireworks at Byram Fest, October 9, 2021, or Subsequent Date in the Event of Postponement
- C. Resolution No. 183-2021 – Transfer of Liquor License from Adam Todd Inc. to 263 Route 206 Holdings LLC
- D. Resolution No. 184-2021 – A Resolution of the Township Council of the Township of Byram Authorizing the Adoption of the 2021 Sussex County, New Jersey Hazard Mitigation Plan Update
- E. Resolution No. 185-2021 – Resolution Authorizing Participation in Electronic Tax Sale
- F. Resolution No. 186-2021 – Resolution Authorizing Electronic Tax Sale Notices Fees
- G. Resolution No. 187-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 360.01 Lot 10 – 14 Hunters Lane
- H. Resolution No. 188-2021 – Chapter 159 – Highlands Plan Conformance Grant - \$9,260.00
- I. Resolution No. 189-2021 – Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2021-2022 Hunting Season

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

Resolution No. 190-2021 – Resolution Authorizing Suez Water a Temporary Solution for Public Health and Safety Purposes and to Bypass the Standard Zoning / Planning Process in East Brookwood for Well #2 Located at 6 Mountain Ave. as a Temporary PFAS Treatment Installation. Motion fails.

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

Councilwoman Franco does not believe they should be bypassing the planning board approval. Joe explained that this resolution was recommended as this was a request for a temporary shed that would be put on the property, as they are working out a permanent solution. The DEP is asking them to install this in a timely manner for public health and safety reasons. If this goes before the Planning Board this will then be extended another two to three months. Councilman Gallagher would like to see this to the Planning Board as they are looking to move a fence and put up a prefabricated wooden shed that may also include electric and fire suppression. Harvey agrees that it should be sent to the Planning Board to resolve an issues.

Jack Moran – 7 East Waterloo – Feels that that this is not a good reflection on Suez that they did not come to speak on this.

Jeannie Moran – 7 East Waterloo – Expected Suez to appear tonight. As a recipient of the water, they felt they should have been had the ability to ask questions.

Bill Barrett – lives next to this well. Would like to know how he can be informed about the well. Mayor Rubenstein said they are a private company and have the rights to be on their property. Tom Collins suggests watching the Planning Board agendas over the next few months.

Councilman Bonker – expressed to Mayor Rubenstein that filibusters need to be restrained. He does not believe Mr. Sabatini has made any mistake on this at all. This is a public health safety project, in his opinion Mr. Sabatini did exactly the right thing. If this is not approved tonight, it will be extending and delaying the water treatment being addressed.

Councilwoman Franco – disagreed with Mr. Bonkers comments. Believes the Planning Board should be asked to expedite the process considering the public health and safety issue.

Councilman Gallagher believes if Suez was here, they would have been able to address the questions being asked.

Councilman Roseff believes that this Suez is dealing with this issue poorly.

BILL LIST – August 17, 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 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ORDINANCE – Introduction/First Reading

- **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN A PORTION OF THE STREET AND ROADWAY KNOWN AS HILLCREST TRAIL PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

Purpose Statement: The purpose of this Ordinance is to vacate a portion of the street known as Hillcrest Trail and identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

Motion by Councilman Bonker, second by Councilman Gallagher 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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on September 7th 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

2022 Goals & Objectives – Mr. Sabatini is in the process of receiving budgets from department heads. He will be meeting with each of the department heads. The goal tonight is to start the discussion. Mayor Rubenstein looked through the managers goals and objectives and did not have any objections but wants to re consider the soil importation ordinance. He also agrees with the other goals and objectives received by the other council people who sent them in. Mr. Bonker does not feel that we need a separate session to discuss what they are already all agreeing with, and said the township needs to be more digital, and have greater electronic access to services via cell phones, document management, process management, cloud infrastructure, Zoom, SDL or a replacement, whatever we can be done to automate and improve service to the customers. He would like to see a two-track approach to promoting Byram. The first track is the promotion of the 2%, the Route 206 corridor the “Byram Downtown.” The second track is the promotion of the 98%, the undevelopable Highlands protection part of Byram, which is a tremendous natural resource which needs additional trail work, active and passive recreation opportunities, and integration with County and State resources and plans, “Byram Outdoors.” Mr. Roseff asked about the forecasting of revenues. Joe will have Ashleigh put a report together. Mr. Roseff also would like to put more attention into installing sedimentation traps to keep storm drainage from going into the lakes. Mayor Rubenstein expressed the same interest in his goals and objectives that he had submitted. Mr. Sabatini said that they will need to put a plan in place. Suggests allocating money to have the engineer construct a plan. Mayor Rubenstein said we should start up a reserve for stormwater. Mr. Sabatini agrees that a reserve would need to be built to develop a plan.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

Carlos Luaces asked if action was taken on the B.A.R.K.S. during executive session. Mayor Rubenstein said no action was taken.

Jack Moran asked if there are any updates on the Andover tunnel.

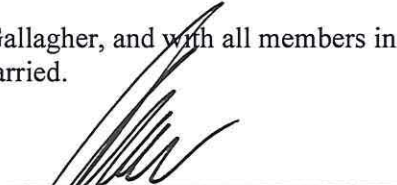
Carlos Luaces said there are grants available for stormwater issues. There is both federal and state grants through the streetscapes programs.

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 9:34 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor