

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
SEPTEMBER 7, 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
- b. Contract Negotiations
 - B.A.R.K.S.
- c. Personnel
 - Collective Bargaining Agreements
- d. Shared Services
 - Building Department

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 7:31 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilman Gallagher, second by Councilwoman Franco, to approve the agenda

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

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – Working with department heads on completing the municipal budget. Has kicked off the initial planning meeting with the Township Engineer and have identified a preliminary list of streets and roads for improvements for next year. The Engineer is working on a memo that will be shared with the Mayor and Council soon. Reported on the State Health Care benefits report with the recommended plan for premium changes for 2022. What was presented for active employees was a 2.3% increase in the premium rates, for early retirees was a 32% increase in the premium rates, and for Medicare retirees there was a 7% proposed increase. There has been a preliminary calculation based on the 2021 census, and they are estimating about \$100,000 increase compared to last year's census.

Mayor Rubenstein – Reported that Adam Todd will be demolished next week. August 19th was a Planning Board hearing; it was a hearing on a shed that was built after the fact and had to come to the Planning Board after the work was completed to get approval. On August 30th Mayor Rubenstein officiated a wedding at the Byram School House. Last week the township was affected by Hurricane Ida. Mayor Rubenstein thanked the Fire Department, Police Department and Lakeland EMT for doing an excellent job. September 2nd was another Planning Board meeting for another shed that had to be memorialized after the fact. On September 16th the Planning Board will meet on two residential applications. New Jersey Natural Gas is working on a deployment plan to bring natural gas to the southwestern corner of Byram (Brookwood's). There is another meeting with them scheduled for September 22nd. The cannabis regulatory commission released their guidelines. There has been some noise about a large quantity of dirt that was brought into town on two residential lots off Hemlock Trail in Forest Lakes. The DEP was made aware of what was going on and came out and took soil samples and found there was contamination in the soil. Mayor Rubenstein reminded the council that if the soil ordinance was considered it would have provided a chance to prevent something like this to happen.

Councilman Bonker – Reported that there will be an ad hoc finance meeting at 9 a.m. September 8th with the Mayor, CFO and Manager to start preparing financing options for the municipal building and other capital projects. The Open Space has received another iteration of the dog park design from French and Parello, and have received a lay out where the large, small dogs and gates will go. Hoping to put in a proposal with Sussex County for three to four trail grants that would be around C.O. Johnson Park.

Councilwoman Franco – Nothing to Report.

Councilman Gallagher – The next Recreation meeting is scheduled for Monday September 20th. The Fire Department has the following events coming up including the Sussex County Parade, a coin toss and the Hudson Gild walk.

Councilman Roseff – The Environmental Commission met last week, one of the items on tonight's agenda regarding the girl scout silver award project came because of that meeting. Elizabethtown Gas has had 100 residents come on board as customers in the Lake Mohawk area of town. They are hoping to take care of most of these customers before winter.

PUBLIC PARTICIPATION I

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

Lynn Apolinaro – 66 Ash Street – Upset at the new gas station that went in in Stanhope. Ash Way is constantly being blocked by landscaping trucks. Wanted to know if this is the emergency plan every time. Snow plowing is another issue with the gas station as well. Wanted to see if Byram Township can help. Alex said that the detour was through the neighborhood because international drive was closed due to paving. Litter, noise and lights are also an issue as well. Mayor Rubenstein will reach out to the Mayor of Stanhope.

Barbara Kostiuk – 40 River Road - West Brookwood Homeowners Association – Supports Ms. Apolinaro and the residents of West Brookwood. Thanked the Mayor for his willingness to speak with the Stanhope Mayor. Ms. Kostiuk asked if there are any other avenues they can take. Mayor Rubenstein explained that it is an issue of enforcement that must be done through Stanhope Borough.

David Pelletier - 23 Frenches Grove Road – Asking for update on Block 181 Lot 29.01. Mr. Sabatini said they did an inspection of the property. The Township will be boarding up the structure at minimum.

Todd Rudloff – 9 Whitehall Hill Road - Thanked the Mayor for being out during the storm. Thanked the Township Council for authoring the raincoats.

Luanne Byrne – 34 Richmond – advised that in Lack Lackawanna across from the beach is a telephone wire hanging down, some debris, and a storm drain completely covered.

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

APPROVAL OF MINUTES

- 08-17-2021 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.

- Resolution No. 190-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing a Refund for Duplicate Payment for 2nd and 3rd Quarter 2021”
- Resolution No. 191-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Various Streets (Jans Way, Rosemarie Lane, Maple Road, Birth Road, Willor Drive, Drexel Drive, Louis Drive, Francis Terrace, Hi Glen Drive, Pierson Drive, Ridge Place, Johnson Blvd, & Jones Lane) – Net Increase of \$4,035.28
- Resolution No. 192-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Forest Lake Roadways (Crescent Drive North & Winding Way) – Net Increase of \$2,099.82
- Resolution No. 193-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Deer Hill Run (North & South) – Net Increase of \$1,440.80
- Resolution No. 194-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Cranberry Lake Roadways – Net Decrease of \$4,847.78
- Resolution No. 195-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Fieldstone Trail – Net Increase of \$27,595.12
- Resolution No. 196-2021 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 282 Lot 347 Refund of Homestead Rebate Paid in 2nd Quarter
- Resolution No. 197-2021 – Authorization for the Acquisition of New Aerator Shaft for the Daily Operations of the Township of Byram Department of Public Works
- Resolution No. 198-2021 – Authorize Payments in Lieu of Health Benefits for Calendar Year 2022
- Resolution No. 199-2021 - Resolution of Acceptance of Donation from Lila Wojnicki & Delia Lohan, of Cadette Troop 10211 to the Township of Byram to Provide Hiking Related YouTube Videos of Fire Trails, and Informational Pamphlets with QR Codes to Post at Hiking Sites
- Resolution No. 200-2021 - Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Various Streets (Jans Way, Rosemarie Lane, Maple Road, Birth Road, Willor Drive, Drexel Drive, Louis Drive, Francis Terrace, Hi Glen Drive, Pierson Drive, Ridge Place, Johnson Blvd, & Jones Lane)- Line Striping – Net Increase of \$399.90
- Resolution No. 201-2021 - Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Forest Lake Roadways (Crescent Drive North & Winding Way)- Line Striping – Net Decrease of \$10.32

	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 – September 7, 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 – 2nd Reading / Public Hearing

- **ORDINANCE 009-2021 - 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 Councilwoman Franco to Introduce the Ordinance

Councilman Roseff asked to make a motion to table the current motion to refer it to the Planning Board for their opinion. No one seconded. Motion died.

Greg Smith – Crescent Drive South – Feels that this is a simple ordinance that does not need to go to the Planning Board.

	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. 009-2021 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

- A. **Hybrid Council Meetings** – The Township Council received a memo from Mayor Rubenstein regarding discussions he had with three different businesses that outfit council rooms with A/V equipment and P/A systems. After talking to all three Mayor Rubenstein feels that one of them is worth having a discussion with to discuss further. Mayor Rubenstein said that this is going to cost about \$22K to \$24K. There are non-technical aspects of this as well. For example who will operate the meeting and as well as the workload need to be considered. There are questions on how will this affect other boards or committees. There may be a money and staffing issue with doing this. Mr. Rubenstein expressed that this will affect the Planning Board which will also need to be considered. Councilman Bonker said that the technical issue is not an issue and is fine as presented. The gear can be moved to another building if needed. The policy perspective he thinks should be as electronic as possible. It will be better in the long run for the volunteer groups. Mr. Collins said that both the Planning Board and Board of Health determines themselves as to how they will operate their meetings. This cannot be directed to them through the Township Council. Councilman Bonker, said that the council can provide the physical and electronic infrastructure, and let each committee make the decision. Mr. Sabatini believes the council should steer the policy and required participation. Mayor Rubenstein polled the counsel to see who would be in favor of allowing the three advisory committees to go completely virtual if they choose to do so: Councilman Bonker, yes, Councilwoman Franco, yes, but does not think it is cut and dry, Councilman Gallagher, no, would prefer in person, Councilman Roseff, yes. Mayor Rubenstein asked if everyone was in support of the expenditure – Councilman Bonker, yes Councilman Roseff, yes. Mayor Rubenstein will bring this before the planning board for their opinion. Mr. Sabatini asked about funding and the time frame on when this would take place. Will require a resolution of the governing body. It was determined that it may be best to start this in 2022. Mr. Sabatini will talk with the CFO to make sure the quote received is under state contract and that there are no issues.
- B. **Fire Hydrants – Snow Removal** – Mr. Sabatini said this was a discussion that took place in the spring. Joe provided a memo prepared with the help of the Township intern. Mr. Sabatini is looking for guidance from the council on their expectations. After a lengthy discussion whether to remove, or paint the non-working hydrants black Councilman Roseff suggested that before establishing a hydrant snow removal policy Byram should determine what hydrants are working. In response, it was stated that the town does not know the operational status of the hydrants and cisterns. The determination was made to simply send out an annual Nixel to remind residents to clear out the hydrants near their homes.
- C. **ISO** – Mr. Sabatini provided an update as to where they are at. There is another meeting tomorrow to get more information. ISO is still in need of data from the Fire Department. They are planning on doing flow testing of hydrants. After all data is completed, they will complete their review (approximately a 6 month window). Fire Department Chief Todd Rudloff was present and said that he will be meeting with a representative from ISO on September 8th.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

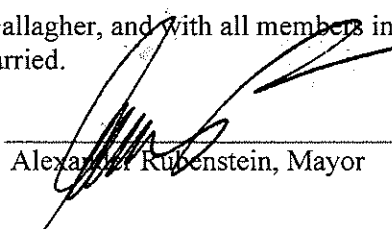
Jack Moran agrees with what was discussed about the hydrants, they should be cleared of snow. Asked if there were updates on Service Electric. Mayor Rubenstein said there are no updates.

Motion by Councilman Bonker, 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 9:55 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor