

TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JUNE 15, 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.

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
 - Forest Lakes Drive – Potholes
- b. Personnel
- c. Contract Negotiations
 - Collective Bargaining

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 June 15, 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 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 Gallagher, second by Councilwoman Franco, to approve the agenda.

Councilman Roseff requested to pull Resolution 152-2021 for discussion from the consent agenda.

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

PRESENTATION – Nader Group & MJA Construction

The Nader Group & MJA (Mark Alpaugh) provided a lengthy presentation on the site plan for the proposed new municipal building. Site plan and all related documents can be found on the Byram Township Website at www.byramtwp.org under News and Noteworthy. The recording of this presentation will also be posted.

Title Sheet – The title sheet depicts the property location, site information, tax map, list of property owners within 200 feet, list of utilities, title block and zoning information.

Existing Conditions Map – will be based on the boundary and planimetric survey prepared by other as provided.

Site Layout Plan – depicts the location of the new addition, new building, parking and circulation plan. The plan will be prepared showing the layout of the site with dimensions off the main roadway, access drive, buildings, sidewalks, and other site features. Will also include a zoning summary. Will show traffic directional signs and site safety features. Grading will be shown and so will finished floor evaluations. Will partially occupy and existing impervious area and the remaining improved impervious area is less than a quarter of an acres. Will evaluate the impacts of the new stormwater management regulations to be adopted.

Site Grading Plan – will show proposed grades through the area proposed for development. Finished floor elevation for bother buildings will be shown and access grades from the parking lots to the building entrances will also be shown. Spot grades in the parking lots and along the site access will be shown to depict positive drainage flow. They will take advantage of existing drainage systems.

Utility Plan – will indicate the proposed tie-in for the utilities. They do not anticipate designing a new drainage system.

Landscape and Lighting Plan - shows proposed landscape features.

Soil Erosion and Sediment Control Plan – Shows soil erosion and sediment control notes and details specific to the site such as a silt fences, stabilized construction entrance and specifications for Sussex County.

Construction Details – Will be prepared to show detailed information regarding specific site construction items.

The mayor opened to the Township Council for comment.

Mayor Rubenstein asked about the stormwater plan near the DPW area out to lubbers run and asked if it is an existing pipe. Asked if they are able to use the existing drainage.

Mayor Rubenstein asked if they expect any issues with the DEP with the drainage. Nader said that they do not expect any issues.

Councilman Bonker did not see any significant changes from the higher-level designs from before. Asked if anything had changed. The Nader Group explained that they followed exactly what was provided. The Nader Group widened the drive and eliminated curbing.

Councilwoman Franco – Asked about the new proposed well location and if it is under the location where the trailers are now.

Councilman Gallagher is concerned about runoff into Lubbers Run. Mayor Rubenstein said that vegetative buffers are needed near the waters edge. Nader Group said all run off will go towards the drains. Nader Group explained that less would be dumping into the river.

Councilman Roseff asked what the access will be like where the current BARKS building is located today. Wassim Nader said that they are envisioning that structure will remain. The access to the back area will be available only to municipal employees.

Mr. Sabatini said that the public access is to the right of the island. They will keep the public away from the back area.

Councilman Bonker asked about the permits and if there is optimism with the Highlands. Asked if there are any other permit concerns. They did not have any concerns or suspect any issues.

Mark Alpaugh of MJA Construction presented the construction estimates. Earthwork was added to the estimate. Building costs has remained the same. Estimate projected cost is \$5,535,833.00. There is a concern with escalation. Prices are higher now but there is plenty of competition with the contractors.

Mayor Rubenstein asked what is not seen as a variable that can affect the project cost. Mr. Alpaugh explained security systems, CCTV and ADA, court room specialties, temporary office trailers are just a few unknowns.

Councilman Bonker asked about how many bidders Jefferson had as a comparison. Mr. Alpaugh there were between 5 to 10 bidders.

Councilwoman Franco asked about the line item in section 4 – Masonry. Mr. Albaugh said that it is exterior wall for \$18,144.00. Asked about the security systems and CCT systems and if they will be a discussion for public meetings.

Councilman Gallagher is concerned about material costs and availability. Councilman Roseff asked how long it takes to reach the bidding stage. Mr. Nader said it could be a few months. Asked about bidding the project in two ways. Asked if they see that as a viable approach. Mr. Nader said that a few things would have to be vetted out. Mr. Albaugh would suggest going down to the slab and not going from the ground up. Mr. Roseff does not think this is the best time to emerge in a bidding process.

Mayor Rubenstein asked when this should go before the Planning Board for courtesy review. Mr. Collins suggested doing it as soon as possible. It is customary for the Engineer to go to the Planning Board meeting with the municipal building changes. They will try to get it on the July 1st meeting for courtesy review.

Councilman Roseff would like to have the Municipal Building subcommittee to be included in that meeting. Councilwoman Franco and Mayor Rubenstein do not agree that that is the proper meeting for them to meet at.

Will discuss further at the July 6th Township Council Meeting.

Mayor Rubenstein opened to the public for comment.

Scott Yappen – 5 Catherine Terrance - asked about the stormwater planning and if the engineer was advised on this plan. Mayor Rubenstein that this will happen at the Planning Board meeting. If a detention tank is needed what would the cost be. Mr. Albaugh said it would be between \$35,000 and \$135,000.

Closed to the public.

PUBLIC HEARING TO CONSIDER A LOCAL GOVERNMENT ASSISTANCE GRANT FOR PARK DEVELOPMENT INCLUDING A DOG PARK AT C.O. JOHNSON PARK

Mayor Rubenstein explained that the Township is looking to obtain a grant or low interest loan to help pay for a dog park. A public hearing is necessary to do so.

Mr. Sabatini said that the site plan is available on the Township website. The focus will be the development of the dog park.

Mr. Sabatini said that there is no guarantee for the loan. Byram Township does not qualify for the grant.

Councilman Bonker explained that this is a proposal for and expansion of C.O. Johnson Park. Councilman Gallagher said that this needs to be made clearer to the public who does not understand.

Mr. Sabatini explained that the first two items are specific to the grant / loan and the resolution is for the council to support submitting the application for the loan.

Councilman Roseff expressed his concern regarding the cost of the park.

Alecia Henry – 5 Partridge Road – asked if extra money is received can be it be used at CO Johnson for upgrades. Mr. Sabatini said that will be a discussion they would need to have with the DEP. He is not sure that that can be done that way.

Jack Moran – 7 East Waterloo Road - asked if the resolution can be amended so that it will reflect what is trying to be done. Expressed his surprise that we do not qualify for the grant.

Councilman Bonker explained that the dog park itself is not going to cost \$343,000. The professionals told us to be conservative with the cost estimates because these loans will be competitive across the State. We are not authorizing any expenditure with this loan request. The Township is seeking a low cost 2% loan which has been done twice in the past in order to leverage the Open Space funds. The parking lot expansion included in these plans will serve not only the dog park itself, but also as a trail head parking location for the hiking trails and also for overflow parking for CO Johnson Park active recreation events. The Dog Park was one of the most requested items from the survey we conducted. This is quite literally *vox populi*, the voice of the people, and well documented. It is the lowest cost, highest value “low hanging fruit” of all the proposed CO Johnson Park improvements. The Open Space Committee endorsed this dog park, endorsed the proposal from French and Parillo for \$39,000 to engineer it, and endorsed the Green Acres loan request. We are creating another long-term improvement for the benefit of our residents.

Closed to the public.

RESOLUTION NO. 156-2021 – Green Acres Enabling Resolution

Motion by Councilman Bonker, second by Councilwoman Franco to approve Resolution No. 156-2021.

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

RESOLUTION NO. 155-2021 – Resolution Authorizing French & Parrello Associates to Provide Engineering and Landscape Architecture Services for a Dog Park in Byram Township – Not to exceed \$39,525

Councilman Roseff asked what the minimum amount that needs to be done to support the loan application. Asked how we know how much of the loan will be spent.

Councilman Bonker said there will be multiple phases in the process. Explained that we are not looking to spend the full \$39,525 but we need to spend enough so we do not get denied moving forward.

Mr. Sabatini encouraged looking at the scope of work. No work will be done without a description provided as to what they want done. That is listed in step one of the scope of work.

Councilwoman Franco explained that the estimate is to not to exceed \$39,525.00.

Councilman Bonker read aloud the statement by Greener by Design regarding the cost ranges and said that they felt that the Township should expect to spend \$50,000

Motion by Councilman Bonker, second by Councilwoman Franco to approve Resolution No. 155-2021.

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

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – FEMA has awarded the modified application.

Mayor Rubenstein – Nothing to Report.

Councilman Bonker – the last Open Space meeting was focused on the dog park and the grant/loan application. They also discussed a possible forestry timber stand improvement and trail expansion on the Cranberry Overlook by Johnson Lake. They anticipate filing for Sussex County trail grants for both that area and for the 3 new trails outlined in the French and Perillo plans for upgrading CO Johnson Park. There is a third trail leading from the new dog park toward Tamarack Road that may also become a grant request. A meeting with the state DEP will soon be scheduled to discuss the kayak launch at Riverside Park, and the brochure introducing Byram Outdoors will be getting printed soon as well. Speaking of Riverside Park, the administration has put in two grant requests for upgrading the playground equipment there as well. We also discussed some requests from the Byram Historical Society for markers and cemetery maintenance. It was a very full and productive meeting.

Councilwoman Franco – On June 7th the Haden Harris subcommittee had a meeting and Bonnie Blackwell has decided to take funds from the Go Fund Me site to establish a memorial site in Budd Lake.

Councilman Gallagher – There was Recreation meeting Monday 21st. Saturday June 19th is the Triathlon.

Councilman Roseff – Nothing to Report.

PUBLIC PARTICIPATION I

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

Jack Moran – 7 East Waterloo Road – asked for updates on Altice and BPU. Mayor Rubenstein did not have any updates.

██████████ – Asked about the plan for the rehabilitation behind the school. Mr. Sabatini express a response by the end of the week.

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

APPROVAL OF MINUTES

- 06-1-2021 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 Gallagher, second by Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 137-2021 – Resolution Authorizing the Renewal of Liquor License to Adam Todd Inc. Valid from 7/1/2021 through 6/30/2022
- B. Resolution No. 138-2021 – Chapter 159 – 2021 Clean Communities Grant \$21,335.78
- C. Resolution No. 139-2021 – Chapter 159 – Radon Awareness Program \$2,000.00
- D. Resolution No.140-2021 - Amending the Resolution of the Mayor and Council of the Township of Byram Annual Notice of the Calendar Dates of the Scheduled Meetings of the Byram Township Council and Changing the Remote Electronic Meetings to Regular In Person Meetings to be Held at the Byram Township Municipal Building, 10 Mansfield Drive
- E. Resolution No. 141-2021 – Resolution Authorizing the Renewal of Liquor License to 239 Route 206 LLC Trading as Stonewood Tavern Valid from 7/1/2021-6/30/2022
- F. Resolution No. 142-2021 – Chapter 159 – Narcan Grant, \$3,000.00
- G. Resolution No. 143-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal – Block 360 Lot 31.01, Panther Lake
- H. Resolution No. 144-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal – Block 360 Lot 31.03, Panther Lake
- I. Resolution No. 145-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal – Block 360 Lot 31.07, Panther Lake
- J. Resolution No. 146-2021- Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal – Block 360, Lot 31.08, Panther Lake
- K. Resolution No. 147-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal – Block 360 Lot 31.09, Panther Lake
- L. Resolution No. 148-2021 – Resolution Authorizing the Renewal of Liquor License to Zipload, Inc., Trading as Salt, Valid from 7/1/2021 Through 6/30/2022
- M. Resolution No. 149-2021 – Resolution Authorizing the Renewal of Liquor License to BBG Restaurant LLC, Trading as Alibi Beach Bar, Valid from 07/01/2021 Through 6/30/2022
- N. Resolution No. 151-2021 – Resolution Authorizing the Renewal of Liquor License to Plan Two LLC Valid from 07/01/2021 Through 06/30/2022
- O. Resolution No. 153-2021 – Authorization to Purchase Firefighter Clothing and Equipment under the State of New Jersey Cooperative Purchasing Program for Budget Year 2021
- P. Resolution No. 154-2021 – Chapter 159- 2021 Body-Worn Camera Grant, \$32,608.00
- Q. Resolution No. 157-2021 – Resolution of the Mayor and Council Approving Septic System Repairs in the Right of Way at 6 Mautaug Trail by the Property Owner Alan Fridkis at his Own Risk

	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. 152-2021 – Authorizing Acceptance and Drawdown of the Coronavirus State and Local Fiscal Recovery Funds Established by the American Rescue Plan Act of 2021.

Councilman Roseff would like an explanation the drawdown. Mr. Sabatini provided the explanation and said that this is an administration action that needs to be done.

Motion by Councilman Bonker, second by Councilman Gallagher to approve Resolution No. 152-2021.

	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 – June 15, 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 NO. 006-2021 - AN ORDINANCE BY THE TOWNSHIP OF BYRAM IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 240-28 OF THE BYRAM TOWNSHIP CODE ENTITLED “PROHIBITED USES”**

Purpose Statement: The purpose of this Ordinance is to prohibit all classes of cannabis uses in all zones as authorized by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

Councilman Gallagher explained that by passing this ordinance it will allow the Township extra time to look at the regulations that are being put upon them by the State.

Councilman Roseff said that the rationale for passing this ordinance is when “municipalities like Byram Township are faced with the dilemma of considering adopting an ordinance allowing and regulating cannabis uses. When the states regulation are not yet adopted by the cannabis regulatory commission and when such regulations potentially override or preempt ordinances adopted by the municipality.” Essentially, they are being asked to agree to something that they are not provided sufficient time to review nor the proper regulations. It is very important to wait until the rules come out from the state.

Councilwoman Franco feels that the rules have not been defined and they would be blindly voting otherwise. They need a better understanding of what is being presented. More information is needed prior to passing having Cannabis in our township.

Councilman Bonker explained that every town that surrounds Byram, plus most Sussex County towns, have already passed or will shortly be passing the exact same ordinance we are passing tonight. Decriminalization is one thing; state sponsored pot pushing is another. This is classic goalpost moving. Nothing we do here tonight will prohibit people from getting either medical or recreational pot delivered to their homes. I respect the work of the Planning Board volunteers, and I acknowledge they had a split vote on whether this ordinance does or does not comply with our Master Plan. The State of NJ is offering Byram a Faustian bargain here which we need to reject. Rejecting this Faustian bargain will preserve all future options and will give us a chance to see what the actual regulations in NJ will be, but those regulations will not be published until AFTER the deadline for us to make this resolution. In Byram’s long term interests I will be voting to approve the resolution.

Mayor Rubenstein said he feels that they have had plenty of time to review this and adopt an ordinance in favor of Cannabis. Mayor Rubenstein challenged the Township Council and asked them if they are ready to start engaging the professionals to craft an ordinance in favor of Cannabis cultivation and sales.

Councilwoman Franco is not in opposition of establishing a subcommittee but not until they have all the rules.

Open to the public

No Comments

Closed to the public

	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. 006-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

RESOLUTION NO. 150-2021 – Resolution of the Mayor and Council of the Township of Byram Stating its Reasons for Adopting Ordinance 006--2021 Which the Byram Township Planning Board Found was Inconsistent with the Master plan Motion by Councilman Bonker, seconded by Councilwoman Franco to approve Resolution No. 150-2021.

	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. 008-2021 - AN ORDINANCE OF THE TOWNSHIP OF BYRAM GRANTING MUNICIPAL CONSENT TO NEW JERSEY NATURAL GAS COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES**

██████████ - Asked if this is the company that will be doing the Lackawanna Portion of the Township. Mayor Rubenstein said that Lackawanna falls into their territory.

Tammy Retkwa - 44 Brookwood Drive – Asked if this is pipe work. Mayor Rubenstein said that is in fact what it was for. She is also looking for a better version of the map, as she cannot read the key.

	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. 008-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

FUTURE AGENDA ITEMS

Councilman Roseff would like to discuss modifying the zoning code to allow outdoor seating at restaurants permanently with no additional fees.

PUBLIC PARTICIPATION II

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

Jack Moran – 7 East Waterloo Road – Asked about the ARC money and asked who makes the decision as to what to use the money for. Mr. Sabatini explained the process.

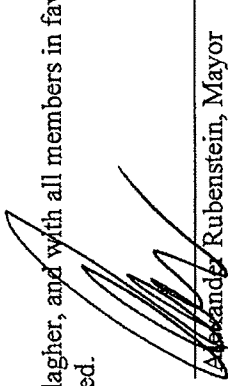
Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to public.

Mayor Rubenstein said that this will be out last virtual meeting. All future meetings will be in person.

ADJOURNMENT

On the motion of Councilman Bonker, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 11:10 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor