

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JANUARY 17, 2023
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 Act. 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.byramtp.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 Township 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
- Roseville Tunnel Utility
- b. Contract Negotiations
- Lakeland Emergency Squad

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 January 17, 2023.

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 with the addition of appointments of Planning Board Members.

	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 MEMBER – Kevin Perry
Mayor Rubenstein swore in Kevin Perry with his wife and children holding the bible.

PLANNING BOARD APPOINTMENTS:

Appointment of Eric Serrilli to Class IV, Motion by Councilwoman Franco, Seconded by Councilman Gallagher

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

Appointment of Ricky Proctor to Alternate, Motion by Councilwoman Franco, Seconded by Councilman Gallagher

	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 – School Board Recognition Month in New Jersey – January 2023

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The Budget Workshop Meeting was held on January 10, 2023. The budget has been uploaded to the township website. The introduction of the budget will be held on March 7, 2023, with the adoption on April 4, 2023.

Councilman Bonker –

2023 Budget Planning Session: Thanked the administration for their work during the budget planning session last Tuesday. Believes that the outcome was the best it can be under the difficult circumstances. The numbers were painful, but the organization and presentation of the numbers and the options presented by the administration were very good. Would like to see more focus on the overall debt management. While we are anticipating additional debt issuance for the new municipal building and for CO Johnson Park along with other funding requirements, they should also be aware that the current outstanding debt is almost all coming due soon. The degree to which they can match new debt with expiring debt will help to prevent significant impacts to the taxpayers.

TikTok Ban on Municipal Devices: On January 9th, Governor Phil Murphy announced a cybersecurity directive to prohibit use of high-risk software on state devices. This included TikTok and several other Chinese owned applications, hardware and services.

From a risk management perspective, there is no room for the Chinese Communist Party within Byram’s municipal digital infrastructure. The township should immediately follow the lead of the Federal and State government and ban TikTok, Alibaba, WeChat and all other high-risk software and hardware from Byram’s digital infrastructure. This ban should apply to any municipally-owned phone, tablet, laptop, desktop, server or cloud service. The Council should prepare an ordinance or resolution to this end, and the administration can proactively prepare for a total ban on these security risks.

Councilwoman Franco – There was CAG meeting on January 11th to review water test results and upcoming construction of the pump station on Brookwood Road, and updates on OU2. They will continue to test the wells including the Byram Township Schools. The next CAG meeting will be held in May.

Councilman Gallagher – The Recreation Committee met on January 9th, there are some upcoming events; Senior Bingo Game on 02/11/2023, Movie Night on 2/24/2023, Family Game Night on 3/10/2023. The next Recreation Committee Meeting will be held on February 13th. There is a Board of Education meeting schedule for February 15th.

Councilman Roseff – Attended the CAG meeting on January 11th. There were four series of testing and there are still many unknowns. He would be grateful if the Planning Board would review what is being proposed by the DEP so the structure goes in the best way possible. Asked about the trees that were taken down illegally on the trail near Tamarack Park. Mr. Sabatini explained what he understands happened.

PUBLIC PARTICIPATION I

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

Mr. Yappen, 5 Catherine Drive – Asked about the Ordinance that is on the agenda regarding the municipal building. He was asked to discuss this when they open it up to the public.

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

APPROVAL OF MINUTES

January 3, 2023 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Gallagher 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					

January 10, 2023 Budget Meeting Minutes – Motion by Councilwoman Franco, seconded by Councilman Gallagher 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					

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 Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 040-2023 – Resolution of the Mayor and Council of the Township of Byram Regarding the Township’s Policy Regarding Disabled Veterans’ Tax Exemptions
- B. Resolution No. 041-2023 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 279, Lot 327 Partial Refund of Taxes Paid for 2nd and Full Refund for 3rd and 4th Quarters in 2022 and 1st Quarter 2023 – 28 Crescent Drive South
- C. Resolution No. 042-2023 – Resolution for 100% Exempt Veteran Owner of Block 279 Lot 327 Partial Cancellation of Taxes for 2022 and the First Half of 2023 “Authorizing Taxes Be Remitted (Cancelled) for 2022/2023” – 28 Crescent Drive South
- D. Resolution No. 043-2023 – 2023 Temporary Capital Budget Amendment Resolution
- E. Resolution No. 044-2023 – Resolution Authorizing the Submission of Annual Report for 2020-2024 Community Forestry Management Plan

	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 – January 17, 2023 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list.

	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 001-2023 - AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS – SALARY AND WAGES – FOR THE YEAR 2021-2026

Motion by Councilman Bonker, second by Councilwoman Franco to Adopt Ordinance No. 001-2023

	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. 001-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 002-2023 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE INITIAL COSTS ASSOCIATED WITH THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING IN AND BY THE TOWNSHIP OF BYRAM TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$25,000.00
Purpose Statement: Initial costs associated with the construction of a new municipal building.

Motion by Councilman Bonker, second by Councilwoman Franco to Adopt Ordinance No. 002-2023

Scott Yappen, 5 Catherine Drive - Asked what the \$25,000 is for. Councilman Bonker explained that is for the fire suppression system, and the updates for the new codes and analysis.

Councilman Roseff said he was disappointed in the quality of work that was presented in September, and is still waiting on the final design criteria, as they still do not have finished documents.

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

BE IT RESOLVED that Ordinance No. 002-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

- **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 2.5% 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 Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x		x
No				x	
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 February 7, 2023 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.

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE REPAIR OF THE SALT DOME IN AND BY THE TOWNSHIP OF BYRAM TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$130,000.00**
Purpose Statement: To repair Byram Township’s Salt Dome including materials, equipment, site work and engineering costs necessary therefor or incidental thereto.

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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on February 7, 2023 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 –

CO Johnson Park Redevelopment – Councilman Bonker and Mayor Rubenstein provided a presentation. The last time this was spoke of was back in August when French and Parillo were in attendance. Since then, there has been a second round with the sporting organizations. This time they are expanding on what they want to see in phase I.

The memo below was presented:
A series of meetings with the sports organizations currently using CO Johnson Park were held throughout December 2022. These meetings were attended by the Mayor, the Administrator, the Deputy Mayor, and a member of the Recreation Committee, along with the club presidents of Lacrosse, Basketball, Baseball/Softball, Football and Soccer. The starting point for these conversations centered on the preliminary re-design for CO Johnson Park as presented to the Council by French and Parillo in August of 2022. Each sporting group was asked to provide their input for the redesign and was

furthermore asked to differentiate between requirements and requests. After gathering all this information, a slightly enhanced version of the original F&P Phase 1 plan began to emerge.

Phase I would focus on the southern end of CO Johnson. Incorporating most of the requests by the sporting organizations, with some compromises, the following elements would be included in Phase 1:

1. Fix the CO8 drainage issues with a renovated grass field including irrigation, lighting, and a press box.
2. Move CO7 to become a full companion grass field parallel to CO8 sited over the detention basin with irrigation and lighting
3. Redevelop CO4 to become the game field for both baseball and softball with irrigation and lights.
4. Build the dog park as previously designed with a smaller parking lot
5. Build additional parking along the southern end of the park with the transferred impervious surface allowance from the dog park side of the park.
6. Extend a one-way paved surface counter-clockwise around the entire park.
7. Repave and extend the walking paths throughout the park.
8. Build a pavilion/snack stand with power (but no water) near CO#7 with limited vehicular access.
9. Build new storage sheds for sporting groups and improve the parking lot above the skate park area.

In addition, the following assumptions for the areas outside the scope of Phase 1 were also refined:

1. The basketball court will remain at the current location.
2. The skate park will remain at the current location.
3. The playground may or may not move to the current football field, which will remain an open area that can be used as practice space.
4. Additional field house parking at the site of the current playground may or may not occur
5. The additional parking for the tennis court would not be pursued

It is important to note that the items not explicitly included in Phase 1 could still move forward independently, but they would not be included in the Phase 1 cost estimate nor in the DEP permit. In particular, options for grants to fix the basketball court or to move and/or renovate the playground exist and could be pursued in parallel with the Phase 1 work. The next step for the Council is to review the list of included items in Phase 1. If a consensus is reached, F&P would need to modify their last proposal to include the elements added, primarily the CO4 redevelopment and lighting along with the pavilion. A new cost estimate for this revised Phase 1 would also be requested that would be delivered with the Statement of Work.

Tonight, the Township Council is looking to arrive at a consensus and agreement of what Phase I will look like.

Shawn Conner, 20 Birch Trail – Thanked the Mayor, council, and manager for their work on this project. Would like to see restrooms at the facility. Would like to see this still considered in phase I of the project. Mayor Rubenstein explained that it is a balance. He is not against the bathrooms; however, it also comes with a labor component. Councilman Bonker said this is part of the decision-making process as they need to decide on what can be afforded. It would be nice to have water in the pavilion, however, no one wants to bear the cost involved. Mayor Rubenstein believes it should be included in the plan even if they don't implement it.

Mr. Conner said that many of the groups believe that in the current plan does not include enough practice space.

The majority of the council agreed in the above nine points with including water as an option on #8, and to present it to French and Parello.

Councilman Roseff would like to see budgets assigned to French & Parello that can yield a 0% tax increase. Would like to see phase I and phase II done within a budget.

Todd Rudloff – said that Green Township only keeps the bathroom open 5 days per week and uses new technology to lock it down on off hours.

Scott Yappen, 5 Catherine Terrace – feels that a budget is needed.

FUTURE AGENDA ITEMS –

Harvey would like to discuss federal ARP funding received. Mayor Rubenstein would like it on for the next meeting.

PUBLIC PARTICIPATION II

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

No Comments.

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

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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- Roseville Tunnel Utility
- b. Contract Negotiations
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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 January 17, 2023.

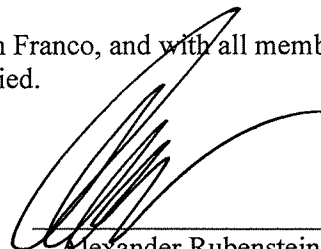
Cynthia Church, Municipal Clerk

	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 Councilman Bonker, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 9:35 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor