

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
FEBRUARY 1, 2022  
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 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
  - Recreation Committee
- b. Personnel
  - Amending Section 48-2

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 1, 2022.

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 7:36 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**MASTER PLAN RE-EXAM DISCUSSION – TOWNSHIP PLANNER**

The purpose behind this discussion is to determine what kind of a reexam is needed, and the cost associated with it.

The Township is due for a Master Plan Re-exam. The last one was completed in 2012, which included the recommendation of the Byram Township Highlands Preservation and Planning Area Land Use Ordinance to be approved by the Highlands as part of the Township's Petition for Plan Conformance and be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Preservation & Planning Area Master Plan Element of the Master Plan.

Mr. Sabatini explained that the budget presented includes the funds that will cover the re-exam. If they are not looking to make major changes to the zoning or the vision of the township then they can stay on the path of a re-exam. If they are looking to make significant changes to the ordinances and the vision, then more may be needed then just a re-exam.

Any major update of the Township's Land Use Ordinance will require approval of the Highlands Council as they are required to approve since Byram is a conforming town. If there is a major revision of the land use ordinances, they will be required to include the state's climate change requirements. Mr. Gleitz mentioned the Highland's Council is working on guidance documents as it relates to the climate change requirements. The Highlands Council is aware that conforming towns are due for a master plan re-exam and working on the guidance documents that may open funding from the Highlands to fund the updates to the Master Plans to include climate change requirements.

Paul explained that there are many options and pathways that can be taken and gave a background explanation of the Highlands and the Master Plan and explained that there are other entities that also have an interest in what is done. The different pathways that can be taken include a reexam, a reexam plus, a land use plan amendment, sustainable economic development plan, housing plan or do a whole new master plan. In 2002 they did the vision plan which is where the village plan came from. In 2003 they did the lake plan and in 2004 they combined both elements when creating the master plan.

Mr. Sabatini explained the reduction in the township's housing obligations due to being in the Highlands. They went from an obligation of 182 units to 1 unit because 98% of the township is in the preservation area.

Councilman Bonker asked how much change is just enough to get it done as part of the re-exam rather than doing a whole new Master Plan. How can they encourage development along route 206 without removing the last 20 years of work in the current master plan, and how to make the prohibited uses allowable. Mr. Gleitz said that can be done through a reexamination plus, or through a land use plan amendment. Mr. Gleitz said to do that they would need to do a reexamination of the economic development plan.

Mr. Glietz explained that planning and zoning is a long game. In planning and zoning, there is the vision and there is reality, and it is up to the Planning Board through its variance process and site approval process that helps bridge those two things together.

Councilman Roseff questioned the reasoning for doing a reexam or a reexam plus. Feels that the Master Plan should be rubber stamped and let the Planning Board do their thing with variances.

Mr. Sabatini said the question is whether the Township Council wants to make changes to the chapter 240, and if there is a need to budget extra money for the re-examination or for other changes to the Master Plan.

Mr. Gleitz said that he recommends doing the planning homework first before making ordinance changes.

Mayor Rubenstein does not see a reason for making any changes to the Master Plan. The Planning Board does a great job at taking on applications and figuring them out to allow them to work.

Mr. Shivas of the Byram Township Planning Board said that there have been numerous approvals along route 206. There were plans that were approved along Route 206 due to developer financial constraints. The Planning Board holds to their rules and can give variances and waivers.

Paul recommended holding off on the re-exam until September to allow the Highlands to come up with their new model plan and what can be applied for and funding that can be used.

Donna Griff- Said that the Planning Board has done an amazing job. Years ago, they took pride in the work that they did with getting the VC zone approved. They took many sessions to get to the decision that was made.

Jack Moran – Feels that the Township should lower the COAH obligations in the VC zone.

The consensus of the Township Council is to move forward with the re-exam of the Master Plan with what is currently budgeted.

**APPROVAL OF AGENDA – Motion by Councilman Bonker, second by Councilwoman Franco, to approve the agenda.**

	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** – The budget introduction is scheduled for March 1<sup>st</sup> with the Adoption the first meeting in April. The Annual Financial Statement will be available next week. The 2021 Annual Report has been posted to the Township website. There will be a special virtual meeting with the Highlands on Monday, February 7, 2022.

**Mayor Rubenstein** – Council discussed the future of the Recreation Committee during tonight's executive session, the ordinance will be introduced on March 1<sup>st</sup>. There will be a joint Recreation / Council meeting on February 23<sup>rd</sup>. Planet network has started installing infrastructure in the Forest Lakes area and will move throughout the rest of the Township.

**Councilman Bonker** – The Open Space Committee will hold a meeting on Monday February 14<sup>th</sup> to review the results of the Open Space consultant interviews. Councilman Bonker complimented the administration for publishing the 2021 annual report. The report highlights many of the achievements of 2021 during the pandemic and offers a lot of data on the daily operations.

**Councilwoman Franco** – Attended a meeting with Senator Orahó along with Councilman Roseff to discuss the upcoming closure of Route 206 and to ask for assistance to get their feeling heard by the DOT.

**Councilman Gallagher** – Thanked the DPW and Police for working the past weekend through the snow. Attended the Board of Education meeting. The school is doing a new web design, and are also looking for substitutes. Attended the Recreation Committee meeting. Reported that the Seniors are back at the firehouse.

**Councilman Roseff** – The Environmental Commission met last Thursday and would like to participate in the Lake Management Plan study. They are preparing for the Arbor Day seeding distribution. Met with Senator Orahó about the Route 206 closure. They would like to take the commissioner on a tour of the detour route.

**PUBLIC PARTICIPATION I**

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

██████████ - Called NJ Natural Gas and Elizabeth Town Gas. She expressed her concerns about the paving and the delay it may cause the Natural Gas coming into her area of town. Asked about the C.O. Johnson Park improvements, and if a subcommittee will be formed to discuss that.

Richard Schneider – Asked where the gas line comes down from the trade zone.

Jack Moran – Asked about the status of a few old subjects, one regarding JCP&L, asked if Altice ever signed the agreement, asked about A&T and T Mobile discussions the mayor had with them at the NJLM. Asked about the plans before the planning board regarding the electric car recharge stations and if it effects the Municipal Building projects. Asked about the ARP money usage and if the guidelines were released.

Donna Griff – Asked why the Recreation Committee was discussed in closed session. Mr. Collins responded saying that it was attorney client privileged information.

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

**APPROVAL OF MINUTES**

- January 4, 2022 Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilman Bonker 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					

- January 18, 2022 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilman Bonker 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. Motion by Councilman Bonker, Second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 052-2022 – Resolution Authorizing Byram Township Fire Department to Conduct a Bucket Drop – April 23, 2022 & April 24, 2022
- Resolution No. 053-2022 – Resolution Authorizing Byram Township Fire Department to Conduct a Bucket Drop – October 29, 2022 & October 30, 2022
- Resolution No. 054-2022 – Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2023
- Resolution No. 055-2022 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 181 Lot 2
- Resolution No. 056-2022 – Adopting the Byram Township Employee Handbook – 2022
- Resolution No. 057-2022 – Resolution Extending Expiration Date Previously Specified in Resolution 196-2020 that Approved a Temporary Special Use Permit to SALT Gastropub for Relief from Township Ordinances Due to Limitations on Business Operations During the Covid-19 Pandemic from January 1, 2022 to November 30, 2022

- Resolution No. 058-2022 – Resolution Extending Expiration Date Previously Specified in Resolution 197-2020 that Approved a Temporary Special Use Permit to Stonewood Tavern for Relief from Township Ordinances Due to Limitation on Business Operations During the Covid-19 Pandemic from January 1, 2022 to November 30, 2022
- Resolution No. 059-2022 – Establishing Salaries for Non-Union Employees for Calendar Year 2022

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

**BILL LIST** – February 1, 2022 – 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		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**ORDINANCE – 2<sup>nd</sup> Reading / Public Hearing**  
**ORDINANCE NO. 01-2022 - 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 Adopt the Ordinance

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

BE IT RESOLVED that Ordinance No. 001-2022 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**

**Solid Waste / Recycling 2023** – Mr. Sabatini provided the Mayor and Council with a memo dated January 26, 2022 to receive direction of expectations regarding the upcoming expirations of the Solid Waste and Recycling Collection contract that will be expiring January 31, 2023. Mr. Sabatini proposed the following options for solid waste and recycling collection:

- Subscription Services – Residents would contract on their own. Cost to residents would more than double what they pay now.
- Contract of Service – Public Bid
- Municipal Provided Services (utility service) - considered workers compensation insurance. Assessed the increase of salary and wages, suggests this would cost more to the average homeowner.

Mr. Sabatini has started to research options for Solid Waste and Recycling Collections. Currently he anticipates a very large increase in price due to increases in recycling tipping fees.

Mr. Sabatini suggests going out for public bid and is looking for guidance from the council.

The consensus of the council is to move forward with the public bid process.

**Special Election Funding** – The estimated cost of a special election is about \$24,000. Can also be done as a deferred charge.

**FUTURE AGENDA ITEMS**

**PUBLIC PARTICIPATION II**

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


Richard Schneider – Looking for information as to what is considered recyclable.

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 10:15 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor