

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
FEBRUARY 6, 2024
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.byramtwp.org/index.php/town_hall/township_council, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL –Councilwoman Franco, here; Councilman Gallagher, here; Councilman Proctor, 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 Councilwoman Franco, second by Councilman Proctor, 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) Personnel
- c) Litigation

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 6, 2024.

Cynthia Church, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilman Proctor, second by Councilwoman Franco to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Proctor to approve the agenda pulling Resolution 042-2023 as a separate item for discussion under 11.5.

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

- **PROCLAMATION – IN RECOGNITION OF KEN BURKE AS BYRAM TOWNSHIP CHIEF OF POLICE** – Mayor Rubenstein read aloud the resolution and presented Mr. Burke with a plaque for appreciation for this time served to Byram Township as Chief of Police.

Mr. Sabatini read aloud a statement and thanked him for his dedication to Byram Township for 30 years and congratulated him on his retirement.

• SWEARING IN OF DANIEL DEWALD – CHIEF OF POLICE

Mr. Sabatini read aloud a statement: *One of the most important responsibilities of a local municipal manager is the selection and appointment of a Chief of Police. The selection of the Chief of Police differs significantly from the selection of other department heads. This is mainly related to the fact that the Chief of Police has a prominence in the community that in most cases exceeds that of the elected officials and the manager. Dan started his law enforcement career with his appointment as a patrolman to the police department in 2001. He was promoted to Sergeant in 2016 and attained the rank of Lieutenant in 2022. “A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others”. I believe that Dan has the attributes and character to be a true leader. I would like to affirm my appointment of Dan DeWald as Byram Township’s 6th Chief of Police. I want to offer my person congratulations and look forward to working with Dan to serve the residents of Byram Township.*

Mayor Rubenstein swore in Daniel Dewald as Chief of Police with Paige DeWald holding the bible.

• SWEARING IN OF GUY MARIANI – LIEUTENANT

Mayor Rubenstein read aloud the following statement: *Guy was hired by the Byram Township Police Department in 2002, graduated from Morris County Public Safety Training Academy – 56th Basic Police Class in December 2000, was a member of the Sussex County Prosecutor’s office Narcotics Task Force from July 2002-January 2003. In June 2005 he was promoted to Patrol Sergeant. He is a certified Crisis Negotiator, Firearms Instructor, and a Certified Fraud Examiner. He holds a master’s degree in criminal justice from the American Military University, he was an Adjunct Instructor for the Sociology Department at Centenary University (2013-2019), and a Criminal Justice Adjunct Instructor at Sussex County Community College (2020 – Present). Guy lives in Byram Township with his wife, Jennifer and their son Michael.*

Mayor Rubenstein swore in Guy Mariani as Lieutenant with his son and wife holding the bible.

• SWEARING IN OF KEVIN PERRY – SERGEANT

Mayor Rubenstein read aloud the following statement *Kevin Perry has worked in law enforcement for 11 years. He holds an associate degree from the County College of Morris. Kevin graduated from the Morris County Public Safety Training Academy in 2013. He began his career with the Morris County Sheriff’s Office. In 2016, Kevin transferred to Byram Township Police Department. Officer Perry is responsible for handling assignments that involve arson investigations, and community outreach. Kevin resides in Byram Township with his wife, Sharron and their two children.*

Mayor Rubenstein swore in Kevin Perry as Sergeant with his wife and kids holding the bible.

• SWEARING IN OF KEVIN DISHINGER AS EMERGENCY MANAGEMENT COORDINATOR

Mayor Rubenstein swore in Kevin Dishinger as Emergency Management Coordinator with his wife holding the bible.

RESOLUTION NO. 042-2024 – RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE WILLIAM UNDERWOOD SETTLEMENT AGREEMENT

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

RENEWAL OF LICENSE – 2024 QUARRY LICENSE

Mr. Steven O’Reilly was present and explained the quarry business operations.

Mr. Cory Stoner reviewed the 2024 Quarry License Application for the above referenced properties.

Based on a review of this application, following comments were offered:

1. *The documents submitted as part of this application were included in a binder that was entitled “Byram Township, Quarry License Application, Year 2024, submitted by: Tilcon Engineering Department, 9 Entin Rd., Parsippany, NJ 07054”.*
2. *All items required by §189-4 and §189-5 of the Byram Township Code for a quarry license application were submitted in the Applicant’s license application, except as noted below:*
 - *As per 189-4E, please provide the registered agent and address for a New Jersey or foreign corporation.*

- As per 189-4F, please provide the name and address of persons or entities who own 10% or greater of the shares of the limited liability company.

3. Comments Regarding Conditions of 2023 Resolution:

- a. Condition No. 3 – Wetlands: Activity at the quarry during the past year has once again been very limited. As stated in previous years, I do not feel that a new wetland investigation is needed until Tilcon plans to expand the operations in the quarry. The condition of it being Tilcon’s obligation to comply with the regulations and requirements of the NJDEP should be continued in 2024.
- b. Condition No. 4 – Noise: No complaints are known to be filed regarding noise emanating from the quarry. If any complaints are made in 2024, Tilcon will be responsible for taking any mitigation measures that may be warranted.
- c. Condition No. 5 – Performance Bond: The amount of the performance bond for the restoration of the 40 acre quarry was adjusted as follows for 2017:

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	Borrow Material - 18" Thick Overburden	C.Y.	97,000	\$9.00	\$873,000.00
2	Topsoiling, 4" Thick, Seeding, Mulching	Acre	40	\$5,000	\$200,000.00
TOTAL					\$1,073,000.00

Total Performance Bond Amount = \$1,073,000 x 120% = **\$1,287,600.00** A copy of the current bond in the amount of \$1,287,600.00, dated July 18, 2023, has been provided to the Township.

While a few years have passed since the last estimate was prepared, the area of restoration was conservatively sized and I believe that the bond amount would be sufficient for the restoration of the quarry property now that the “lower” tract of the original quarry is no longer part of this application. It is, therefore, my recommendation that the amount of this bond be held for the 2024 renewal.

- d. Condition No. 6 – NJPDES Permit: The 2020 application included a letter from Tilcon, dated October 05, 2018, which stated that the Byram Quarry NJPDES permit #NJ-G0164283 & Program Interest ID #286606 which authorized discharge of stormwater and mine dewatering is still in full force and effect, however it is currently under review by the State. This is still the case today and the new permit has been approved as per NJDEP email dated March 01, 2022. The condition of providing information regarding the status of the NJPDES permit should be continued in 2024.

It should be noted that the NJDEP Water C&E Program conducted a Water Quality compliance inspection on June 30, 2022 and found the facility (PI ID #286606) in compliance with applicable Department regulations and/or permit conditions.

- e. Condition No. 7 – Storage of Solvents Prohibited: The quarry site was inactive for most of the year, other than some minor blasting during the year and the removal of loads of stone from crushed stone piles. No evidence that industrial solvents were being stored on the quarry property was noted during our inspections. If the Quarry becomes active again in 2024, Tilcon should take the proper steps to ensure that industrial solvents are not stored on the site and that the handling of oil and fuel is done so in a proper manner.
- f. Condition No. 8 – Equipment Auctions: No equipment auctions occurred within the past year. No auctions shall occur on the site unless proper permits are obtained from the Township.
- g. Condition No. 9 – Soil Erosion Permit: The Soil Erosion & Sediment Control plan for the quarry was recertified effective May 11, 2021 and will be good through November 2024. Our office has invited the Sussex County Soil Conservation District to each of the quarterly inspections but an inspector has not been available to meet with us on the inspection dates. Our office will continue to invite the District to the quarterly inspections. New Soil Erosion & Sediment Control plan should be submitted for approvals prior to expiration of current plan. Tilcon to provide our office with proof of the application and recertification.
- h. Condition No. 10 – Dust Control: As requested, Tilcon installed a pumping system in 2006 to utilize water from the on-site detention basin for dust control instead of groundwater that is obtained from site wells. While activity was minimal in 2023, Tilcon has stated that the use of this water was continued when it was needed.
- i. Condition No. 11 – Payment of Fees: The Byram Township Clerk should verify

that all fees have been paid to date.

- j. Condition No. 12 – Equipment Storage: I recommend that the condition be continued in 2024 that Tilcon or any other company that is removing stockpiles of material from the quarry shall not store any equipment that is not directly related to the quarry operation.
- k. Condition No. 13 – Water & Wetlands: A report on the monitoring well readings for 2023 have been submitted by WSP USA (formerly providing services as Leggette, Brashears & Graham, Inc.) and is dated October 12, 2023. Based on a review of this report, no major changes have occurred. While no major changes have occurred, the submittal of this report should be a requirement that continues in 2024 and forward to make sure that no changes occur in the future, since minor blasting and quarrying operations continue.
- l. Condition No. 14 - Driveway: The driveway between Lackawanna Drive and the old weigh station/sales office was last resurfaced and striped in the Fall of 2019. The driveway is still in satisfactory condition but should be monitored for repairs in 2024.
- m. Condition No. 15 – Access Road: The access road was maintained in an acceptable manner in 2023. Tilcon should continue in 2024 to keep this roadway free of ruts and potholes, and minimize dust and noise that are created by vehicles traveling up and down the main access road.
- n. Condition No. 16 – Fencing & Security: The orange construction fencing which was installed along the perimeter of the quarry was replaced a few years ago with a chain link fence to keep ATV riders out of the quarry. Tilcon repaired the fence in various locations in 2023, however there are additional damaged sections they need to repair prior to Spring 2024 inspection. It is recommended that the condition of fencing be maintained to remain a requirement of the 2024 quarry approval.
- o. Condition No. 17 – Haybale Protection of Wetlands: During inspections in 2023, it was noted that the silt fence and hay bales that are in place around the wetlands on the site were repaired and are in satisfactory condition. The condition to protect these wetlands should continue in 2024. Access road maintenance, weed control, etc. to be maintained to facilitate access for our inspector during future inspections.
- p. Condition No. 18 – Stone Check Dams: The stone check dams were in satisfactory condition at the time of the last inspection. The condition that these stone check dams remain in place and free of silt be should be continued in 2024.
- q. Condition No. 19 – Asphalt Berms for Paved Equipment Parking: While not much in the way of quarry equipment is still on the site, the asphalt berms appear to be in working order. These berms should be monitored during 2024 and replaced as needed once operations resume in the quarry.
- r. Condition No. 20 - Aerial Photograph Exhibit: A photo of the quarry dated 2023 has been provided. Based on a review of this photograph versus NJDEP GIS imagery, it is easy to see that quarry has not grown in size in a number of years.
- s. Condition No. 21 – Inspections: As required per Chapter 189 of the Byram Code, the Township Engineer shall make periodic inspections to evaluate the Applicant's performance with respect to the conditions of the license. The dates of these inspections and the individuals in attendance during these inspections are as follows:

1st Quarter– Performed on April 04, 2023 with Ralph Courtright (HPA) & Steve O'Reilly (Tilcon) in attendance.

2nd Quarter– Performed on June 22, 2023 with Ralph Courtright (HPA) & Steve O'Reilly (Tilcon) in attendance.

3rd Quarter – Performed on September 12, 2023 with Ralph Courtright (HPA) & Steve O'Reilly (Tilcon) in attendance.

4th Quarter – Performed on December 19, 2023 with Ralph Courtright (HPA) & Steve O'Reilly (Tilcon) in attendance.

No inspectors from the Sussex County Soil Conservation District were present during the quarterly inspections, however they were notified of the inspection dates and times. The operations were inspected during these visits to evaluate the Applicant's performance with respect to the conditions of the license. Based on the visits, it was found that the operations on the site were consistent with the license. Copies of the first three quarter's reports have been included in Part 6 – Exhibit E of the Application.

- t. Condition No. 22 – Listing only the properties that have quarrying rights on New Jersey State license applications: The properties that are included in this license

are listed appropriately and include:

Block 226, Lot 8 Block 362, Lot 5
Block 357, Lot 1 Block 363, Lot 2
Block 358, Lot 1

The license application and Soil Erosion and Sediment Control Plan Certification refer to only these properties. The title block for the quarry license plans also includes only these properties.

- u. Condition No. 23 – Contaminated Soil: A condition of the 2023 approval was that no contaminated soils were to be imported onto the quarry property and if it is confirmed that contaminated soils have been imported, they must be promptly and properly removed. Based on this year's inspections, no new soil was found to be imported onto the site. The condition that no contaminated soil be imported onto the site should be continued in 2024.
 - v. Condition No. 24 – Advance Notification of Blasting: My office was notified this year prior to the blasting that took place in 2023. This condition should continue in 2024.
 - w. Condition No. 25 – Fuel Storage Tank: The fuel storage tanks on the property are not currently in use. If these tanks are again utilized, Tilcon shall clean out the secondary containment system, repair any defects in the tank and properly prepare the tank for reuse.
 - x. Condition No. 26 – Updated Plans: Tilcon provided updated plans in 2024 as required per the 2023 license renewal. No changes needed on the maps.
 - y. Condition No. 27 – Mine Registration Certificate: The Mine Registration Certificate provided is for the Oxford Quarry, not the Byram Quarry. Please provide the certificate for Byram.
 - z. Condition No. 28 – Permit To Use Explosives: The Permit to Use Explosives expires on 09/30/24. This will need to be renewed and a copy provided to the Township.
4. Additional Comments Regarding this Application:
- a. Per Steve O'Reilly (Tilcon) in early 2020, there was approximately 250,000 tons of material on the site. Nordic Construction had a contract with Tilcon to remove all of this material within two years. That would have amounted to approximately 10,000 truckloads of material to be removed. This was anticipated to be approximately 20 to 25 trucks a day during this time period. Approximately 75 percent of the material was removed by Nordic over the past three years. As per Mr. O'Reilly, it was anticipated that the remaining material would be removed by Nordic during 2023, however, material still remains on the site and it is anticipated that the material will be fully removed by the end of 2024.
 - b. Part 3, Section H, of the narrative, on page 5, states that for dust control, the existing well is being utilized, however a portable jet pump and hose is being utilized, drawing water from the pond directly into a spray truck. Please update the narrative to reflect this.
 - c. Part 3, Section VI – Reclamation Plan – Long Term, of the narrative, on page 7, the total approximate acreage owned by Tilcon should be updated per the Survey to be 683 Acres, not 708 Acres to be consistent.
 - d. Part 10, Section 10 – Page Engineering Environmental Report, on page 5, the date should be updated to 2023 operating season.
 - e. Part 10, Section 13 – State Permits. Report submitted appears to be for the Mt. Hope Quarry, not the Byram Quarry. Please provide report for the Byram Quarry.
 - f. Part 10, Section 14 – Wetland Inspection Report. Site Plan map shows approximate property boundary line, including lots no longer owned by Tilcon. Map should be updated to only show Tilcon property.

With all of the above being stated, I believe that the quarry facility has remained as it has been for the past few years and Tilcon New York has complied with the conditions of this past year's approval. It is, therefore, my recommend that the Quarry License Application for Tilcon New York be approved for 2024 subject to the above listed items and any other items that the Byram Township Council may wish to be resolved.

RENEWAL OF LICENSE – 2024 JUNK YARD - RAIMOS

Frank Nemeth was present and described the operations of Raimos.

Mr. Cory Stoner presented the following:

Raimo of Stanhope, Inc. has submitted an application for the 2024 license renewal for the operation of a junkyard in accordance with Byram Township Ordinance No. 14-2003. Based on a review of this application, a review of the 2023 Resolution conditions, and a meeting with the owners/operations of the facility, Mr. Cory Stoner offered the following comments:

1. Section 156-5(B) of the Township Code states that a license can be renewed if no changes have been made in the licensed premises, in the methods of operation or in the equipment or materials used in the business, and an affidavit to that effect is filed. If there has been any change, a complete statement of the changes made and a revised metes and bounds description and/or map shall accompany the application for renewal.

The Licensee is currently in the process of constructing buildings and site improvements that were part of the site plan approvals granted by the Planning Board a few years ago. The site operations have been moved around a bit to allow room for construction but I believe the operations are substantially the same as they have been in the past years.

2. The Resolution granting Raimo of Stanhope, Inc. a license for 2023 to operate a junkyard listed a number of conditions. The conditions and the summary of the action taken by the Licensee are as follows:

- a) Condition No. 1 – The license shall comply with all conditions and requirements of the Planning Board approval that was granted on March 18, 2021.

The Applicant has started to construct improvements in compliance with the approval granted by the Board. The condition of complying with the all conditions of the Planning Board approval should be continued in 2024.

- b) Condition No. 2 - The Licensee shall maintain a copy of the New Jersey Pollutant Discharge Elimination System (NJDEPS) permit and documents related to New Jersey Department of Environmental Protection (NJDEP) compliance on the premises and make these items available to the Township Engineer at the time of any inspection.

Based on a review of NJDEP Data Miner information, no violations noted for the subject property. The approval of the 2024 license should be conditioned on the Licensee continuing to provide inspection reports by the NJDEP and the Licensee working to install the proposed drainage improvements on the site as soon as possible.

- c) Condition No. 3 – The licensed premises are lower than Route 206 so that the wooden fence along the Route 206 frontage does not fully obstruct the view of operations. The Licensee shall keep these evergreen trees in good condition and replace any damaged evergreens in 2023 if they may become diseased or eaten by deer or other animals.

During my inspection, it was found that the trees along Route 206 were mostly still in good condition. The Licensee should continue to maintain these trees and upgraded the trees as needed to provide a proper buffer and agree with the landscaping plans approved by the Planning Board in 2021.

- d) Condition No. 4 – Netcong Avenue (50' ROW) divides the licensed premises (Block 37, Lots 26 & 27 are to the north of Netcong Avenue and Block 35, Lots 36 & 37 are to the south). At present, Netcong Avenue is 40'-50' wide at the entrance from Route 206 and has a gravel travel way. Licensee may store a maximum of three (3) vehicles, consisting of trailers and/or tandems, on the north side of Netcong Avenue 100' in length starting 50' from the Route 206 right-of-way. Once work on improvements to Netcong Avenue is started, no parking will be permitted along Netcong Avenue. All other equipment and piles of materials related to the operation of the facility must be located within the fenced premises.

The Netcong Avenue improvements approved by the Planning Board are partially constructed and during my visits to the property, no vehicles were found parking along Netcong Avenue. Adherence to this condition should continue in 2024 so that Netcong Avenue remains open to vehicular traffic at all times.

- e) Condition No. 5 – When Netcong Avenue were to be improved, the Licensee will remove or relocated any fencing approved by the Planning Board from the right-of-way at its own cost.

The right-of-way along Netcong Avenue is being modified as part of the Planning Board approval and the fencing will need to be moved to the final locations once construction activities are completed. This condition should continue in 2024.

- f) Condition No. 6 – Licensee shall make a good faith effort to keep roll-off containers and other equipment and materials within the fenced area of Block 37, Lot 26 and Block 35, Lot 36. Block 35, Lot 35 is not part of the licensed premises. No roll-off containers or flatbed trailers shall be stored outside of the licensed premises. If the Licensee attempts to keep any roll-off containers, flatbed trucks or similar equipment on the non-licensed premises, then Licensee shall remove them until and unless the Licensee obtains a use variance and site plan approval from the Byram Township Planning Board for expansion of the operation.

During the visit to the site, I noted that no vehicles, trailer or roll-off containers were located outside the fenced-in area. The Licensee should keep the Block 35 Lot 35 property free of vehicles, trailers and roll-off containers in 2024.

- g) Condition No. 7 – It is recognized that the existing concrete pad encroaches on the Millstream Lane right-of-way as a pre-existing condition. Licensee shall keep the right-of-way clear of debris and maintain in good condition the surveyor located property corner stakes.

Based on my inspection, I observed that the Licensee has continued to keep the right-of-way clean of debris in 2023. The 2024 license should be conditioned on keeping the right-of-way free of debris and maintaining the property corners in good shape.

- h) Condition No. 8 – The Licensee shall keep Block 31, Lots 29 and 30 and any other non-license property free of materials and ensure that these properties do not become a second deposit area for roll-off containers and flatbed trailers.

No additional comment. This condition should continue in 2024.

- i) Condition No. 9 – Records regarding pest control will be maintained on the premises and available for review by the Township Engineer during any inspection.

The records regarding pest control maintained were reviewed during my visit.

- j) Condition No. 10 – Records regarding Licensee's environmental consultant shall be maintained on the premises and available for review by the Township Engineer during any inspection.

Records from the Applicant's environmental consultant were on site and reviewed during my visit.

- k) Condition No. 11 – Records regarding fire safety service shall be maintained on the premises and available for review by the Township Engineer during any inspection. Following receipt, Licensee shall provide a copy of the DCA Certificate to the Township Engineer.

Records regarding fire protection service were on site and reviewed during my visit.

- l) Condition No. 12 – With regard to the requirements of Section 156-6(L), higher stacks/piles of materials shall continue to be kept in the middle of the licensed premises.

Piles of scrap metal adjacent to residential properties shall be kept to a minimum with Licensee continuing to work to keep the site organized and minimize the view of stacked material from adjacent properties. The Licensee should continue to clean up the Block 35 lot 36 property and remove all remaining items from the site in 2023.

Construction activities are currently occurring on this property and there are a number of items on this property related to the construction work that is occurring on this side of Netcong Avenue and on the north side of Netcong Avenue. These items include construction equipment, materials for building construction, and various pieces of equipment. This condition should continue in 2024 with the addition of language that the property should be utilized in a manner consistent with the 2021 Planning Board approval.

- m) Condition No. 13 – Vehicles shall not be parked between the fence on Block 35, Lot 37 and Route 206.

No vehicles were parked in this area during my inspection. This condition, however, should continue in 2024.

- n) Condition No. 14 – Licensee shall continue in 2023 to keep box trailers/containers off Block 31, Lots 29 and 30, which are not part of the licensed premises.

No trailers or containers were found to be located on these properties during my inspection. This condition should continue in 2024.

- o) Condition No. 15 – The fence gate for Lot 36 must be closed each night. The fences and gates around the license properties shall be maintained and any breaks shall be repaired as needed to discourage thefts and vandalism.

It was noted that breaks in the fence existed in several locations on the side and rear portions of this property. These fences are to be repaired as part of the approval that was granted by the Planning Board. It is recommended that this condition be continued in 2024 with the Applicant replacing the fence as required by the Planning Board approval.

- p) Condition No. 16 – Netcong Avenue must be kept in a suitable condition acceptable to the Township Engineer and the Township Road Department Supervisor in 2023 and shall be paved as offered by the Licensee in accordance with the requirements of the Township Engineer and as approved by the Township Council. As offered by the Licensee, Netcong Avenue shall be maintained and paved as needed by the Licensee and not by the Township because the majority of the use of Netcong Avenue is by visitors to the licensed site and Licensee's heavy equipment.

The condition of Netcong Avenue has been kept in suitable condition during the past year should continue in 2024.

- q) Condition No. 17 – The stacking of vehicles on the licensed property shall be prohibited. Any vehicles or portion of vehicles that are stacked on the property shall be removed

from the property or property stored. There shall be no storage of vehicles on Netcong Avenue.

Stacking of vehicles or parts of vehicles was not observed within the fenced area of Block 35 Lot 36 during my inspection. This condition however should continue in 2024.

- r) *Condition No. 18 – The NJPDES permit for the facility has expired but has been extended administratively until a new permit is issued by the NJDEP. Copies of the new permit for the facility shall be provided to the Township when received from the NJDEP. Copies of the existing and new permit along with copies of the facilities Drainage Control Plan shall be maintained on the premises and available for review by the Township Engineer during any inspection.*

The NJDEP has still not issued any new NJPDES permits for salvage yard operations and all expired permits have been administratively extended until action is taken by the NJDEP. The 2024 license should be conditioned on the Licensee providing an update on the status of the permit and provide a copy of the NJPDES permit for the facility when it is renewed.

- s) *Condition No. 19 – The Licensee shall provide the Township with copies of quarterly water quality testing that is performed to assure the discharge of stormwater from the site meets NJDEP guidelines.*

Copies of the reports for 2023 need to be provided. Copies of the 2023 reports need to be provided and the condition that these reports be continued to be provided should be included in the 2024 license.

As stated above, the Licensee is in the process of constructing the site improvements approved by the Planning Board and the operations of the site are in substantial compliance with the conditions of last year's license. It is my recommendation that the license for 2024 be renewed with the above conditions remaining in place and that the Licensee continue to be meet all conditions of the Planning Board approval for these properties.

ITEMS FOR DISCUSSION

- Model tree removal- replacement ordinance – Mr. Sabatini explained that this is part of the requirements for the stormwater regulations imposed upon the township by the State of NJ. This pertains to a tree removal and replacement ordinance. Mr. Sabatini will be working with Mr. Stoner on the ordinance and an application, application process and enforcement. He will work on the ordinance to meet the requirements at a minimum. The ordinance needs to be adopted by May 1st.
- Local Recreation Grant– Tennis Court – Cory prepared a memo that was shared with the council. Two options: 1. Reconstruction in same location with same size in the same footprint. This option can be completed without DEP Wetlands transition permitting. 2. Enlarged with the same impervious coverage, would be closer to the driveway and the road. The current court does not meet the current tennis association safety criteria. If it is reconstructed with two courts, it would need to meet the new standards. Cory recommends reconstructing in total. The total cost is approximately \$300,000.00 without too much variation between the two options.

The majority of the Township Council authorized Mr. Sabatini to move forward with option 2, to include one tennis court and one pickleball court.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – On January 22, 2024, Mr. Sabatini and staff met with French and Parello, and is expecting a preliminary design and estimate. After reviewing the AFS, he does not recommend changes to the plan as presented. Is looking for confirmation from the council this evening. The budget is planned to be introduced at the March 5 meeting. If there is a need to discuss the budget further, a special meeting will be needed to prepare for introduction. Mr. Roseff asked how it is planned to build up the budget on roads. Mr. Sabatini said it will be up to the council on how they want to approach it. They need to take into consideration the installation of gas lines throughout the township. Mr. Roseff suggests pushing out vehicle purchases to fund roads. The majority of the council agreed there is no need for an additional meeting. There will be a capital budget discussion at some point later in the year, Mr. Sabatini suggested doing it during the second meeting in March.

Councilwoman Franco – The next recreation meeting will take place on February 13th at 8pm. Crochet sessions will begin on February 26th. Recreation has a new program called “Community Pass” listing all the new classes that can be taken through the recreation department. A notice was sent out to the community through Nixel.

Councilman Gallagher – Attended the January 17th Board of Education meeting along with Councilman Roseff and Mayor Rubenstein. The Board of Education swore in a new Board of Education member. The Board of Education did a presentation of the budget for next year. They had their achievement awards, and the 8th grade student introduced the projects they had been working on. Attended a meeting with French and Parello on January 22nd, they will be preparing a budget for field 8 for next meeting. On January 23rd attended the republican committee meeting at the county with Councilman Roseff. The next Board of Education meeting is scheduled for February 14, 2024.

Councilman Proctor – On February 1st the Planning Board had a meeting, the sight plan subcommittee appointments were made. Three residential resolutions were passed, a residential application was carried to February 15th, three

residential applications were approved, there was an approval for an addition to a home and approved an extension to a single-family dwelling on Carpenter Road.

Councilman Roseff – Nothing to report.

Mayor Rubenstein – On January 26th he attended Chief Burk’s last call. There was a special meeting on January 30th regarding the CIP playground. Received hundreds of letters of support for the project. The grant is due tomorrow.

Tom Collins – There is a form letter urging the governor and legislator to not adopt the ordinance. Upon a motion by Councilman Roseff, and a Second by Councilwoman Franco, the Township Clerk was asked to prepare a letter on the township letter head for the mayor’s signature.

PUBLIC PARTICIPATION I

Motion by Councilwoman Franco second by Councilman Gallagher to open to the public. All members were in favor.

John Cavanagh – 51 Winding Way – Has lived in Forest Lakes for 12 years and is having a drainage issue. The stormwater runs into a basin that is damaged and runs under his driveway. Because the pipe is damaged and is causing the driveway to collapse he asked if an easement be created. Mayor Rubenstein is not prepared to discuss this. He will investigate this and get back to him.

Motion by Councilwoman Franco, second by Councilman Proctor to close to the public. All members were in favor.

APPROVAL OF MINUTES

January 16, 2024, Regular & Closed Session Meeting Minutes - Motion by Councilwoman Franco, seconded by Councilman Proctor to approve the minutes.

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

January 30, 2024, Special Public Hearing Meeting Minutes - Motion by Councilwoman Franco, seconded by Councilman Proctor to approve the minutes.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			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 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 Councilwoman Franco, second by Councilman Proctor to approve the consent agenda as presented.

- A. Resolution No. 039-2024 – 2024 Temporary Capital Budget Resolution
- B. Resolution No. 040-2024 – Resolution to Authorize Participation in the 2024 Radon Awareness Program
- C. Resolution No. 041-2024 - A Resolution of the Township Council of the Township of Byram Authorizing the Disposal of Out-of-Date Byram Township Fire Department Turnout Gear
- D. Resolution No. 043-2024 – Resolution of the Township of Byram, County of Sussex, Opposing Assembly Bill No. 4/Senate Bill No. 50, which Proposes to Overhaul the Fair Housing Act (“FHA”) in a way that Imposes Unrealistic Obligations with Unrealistic Deadlines based upon Onerous Standards.

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

RESOLUTION NO. 038-2024 – Enabling Resolution for Green Acres Application – CIP

Motion by Councilwoman Franco, second by Councilman Proctor to approve the resolution.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x	x	x	x	x

No					
Abstain					
Absent					

BILL LIST – February 6, 2024 – Motion by Councilwoman Franco, second by Councilman Gallagher to approve the bill list.

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

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE 001-2024 - 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 Councilwoman Franco, second by Councilman Proctor to adopt the ordinance.

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

BE IT RESOLVED that Ordinance No. 001-2024 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

- **ORDINANCE 002-2024 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN PORTIONS OF THE STREET AND ROADWAY KNOWN AS NETCONG AVENUE AND MILLSTREAM LANE PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21 AND ACCEPTING DEDICATIONS OF REPLACEMENT PORTIONS OF NETCONG AVENUE AND MILLSTREAM LANE**

Purpose Statement: The purpose of this Ordinance is to vacate a portion of the streets known as Netcong Avenue and Millstream Lane and identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

This Ordinance has been carried to be re-introduced at a future meeting.

ORDINANCE – 1st Reading / Introduction

- **ORDINANCE NO. 003-2024 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF NEW EQUIPMENT FOR USE BY THE DEPARTMENT OF PUBLIC WORKS OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$301,000.00**

Purpose Statement: Acquisition of new equipment for use by the Department of Public Works of the Township.

Motion by Councilwoman Franco, second by Councilman Proctor to introduce the ordinance.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			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 20, 2024, 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.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

No Comments

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Franco, second by Councilman Proctor, 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) Personnel
- c) Litigation

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 6, 2024.

Cynthia Church, Municipal Clerk

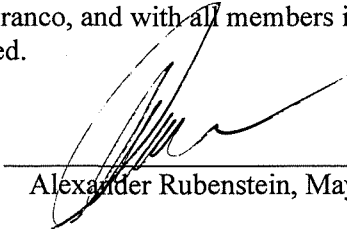
	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Gallagher to return to open session at 11:23 p.m. All members were in favor. Motion Carried.

ADJOURNMENT

On the motion of Councilman Proctor, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 11:23 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor