

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
FEBRUARY 7, 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.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 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.

Councilman Roseff also asked for a discussion on the Nader Group Resolution No. 49-2023 to also be discussed in executive session.

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
 - Committee Appointments
- 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 February 7, 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 7:36 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Gallagher to approve the agenda and to pull Resolution 049-2023 from the agenda.

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

RENEWAL OF LICENSE – 2023 QUARRY LICENSE

Township Engineer, Cory Stoner presented the following for the 2023 Quarry License Application for Tilcon New York:

1. Comments Regarding Conditions of 2022 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 2023.
- b. Condition No. 4 – Noise: No complaints are known to be filed regarding noise emanating from the quarry. If any complaints are made in 2023, 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 15, 2022, 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 2023 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 no new permit has been approved. The condition of providing information regarding the status of the NJPDES permit should be continued in 2023.

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 an 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 2023, 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.
- 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 2022, 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 2023 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 2022 has been submitted by WSP USA (formerly providing services as Leggette, Brashears & Graham, Inc.) and is dated September 13, 2022. 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 2023 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 2023.
- m. Condition No. 15 – Access Road: The access road was maintained in an acceptable manner in 2022. Tilcon should continue in 2023 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 2022 as were needed. It is recommended that the condition of fencing be maintained to remain a requirement of the 2023 quarry approval.
- b. Condition No. 17 – Haybale Protection of Wetlands: During inspections in 2022, 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 2023. Access road maintenance, weed control, etc. to be maintained to facilitate access for our inspector during future inspections.
- c. 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 2023.
- d. 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 2023 and replaced as needed once operations resume in the quarry.
- e. Condition No. 20 - Aerial Photograph Exhibit: A photo of the quarry dated October 11, 2017 had been provided, previously. Since not much activity has occurred within the quarry in 2022, I believe the photo is still acceptable. 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.
- f. 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 February 23, 2022 with Ralph Courtright (HPA) & Steve O'Reilly (Tilcon) in attendance.

3rd Quarter – Performed on July 22, 2022 - Ralph Courtright (HPA) & Steve O'Reilly (Tilcon).

4th Quarter – Performed on October 25, 2022 - Ralph Courtright (HPA) & Steve O'Reilly (Tilcon).

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 reports have been included in Part 6 – Exhibit E of the Application.

- o. 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, Soil Erosion and Sediment Control Plan Certification and the Mine Registration Certification all refer to only these properties. The title block for the quarry license plans also includes only these properties.

- p. Condition No. 23 – Contaminated Soil: A condition of the 2022 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 2023.

- q. Condition No. 24 – Advance Notification of Blasting: My office was notified this year prior to the blasting that took place in 2022. This condition should continue in 2023.
- r. 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.
- s. Condition No. 26 – Updated Plans: Tilcon provided updated plans in 2022 as required per the 2022 license renewal. During the review of the 2023 license application, it has been noted that the various Maps need to be updated again as detailed under Item #4 later in this memorandum. These maps should be updated within 60 days of the approval of this license.
- t. Condition No. 27 – Mine Registration Certificate: The Mine Registration Certificate expires on 03/31/23. This will need to be renewed and a copy provided to the Township.
- u. Condition No. 28 – Permit To Use Explosives: The Permit to Use Explosives expires on 09/30/23. This will need to be renewed and a copy provided to the Township.

2. Additional Comments Regarding this Application:

- a. The following needs to be added/revise on the submitted mapping:
 - Property Owners within 200' Listing needs to be updated (Sht. 1 of 4 – Tract Map), specifically Block 226, Lots 14, 16, 18 & 24.
- b. Per Steve O'Reilly (Tilcon) in early 2020, there was approximately 250,000 tons of material on the site. Nordic Construction has a contract with Tilcon to remove all of this material within two years. That will amount to approximately 10,000 truckloads of material to be removed. This will be approximately 20 to 25 trucks a day during this time period. Approximately 70 percent of the material was removed by Nordic during 2021. As per Mr. O'Reilly, it was anticipated that the remaining material would be removed by Nordic during 2022, however, there remains material on site and should be fully removed by the end of 2023.
- c. 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.
- d. 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.

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 2023 subject to the above listed items and any other items that the Byram Township Council may wish to be resolved.

Mr. Stoner had no objections to the suggestions made by the Environmental Commission.

RENEWAL OF LICENSES – 2023 JUNK YARD

Township Engineer, Cory Stoner presented the following 2023 Junkyard License Renewal Application for North Jersey Auto Wreckers, Inc.

North Jersey Auto Wreckers, Inc. located at 287 Lackawanna Drive (a.k.a. County Route 607) has submitted an application for the 2023 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 2022 Resolution conditions, and a visit to the property in question, I offer the following comments:

1. Section 156-5(B) 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.

Based on my visit to the property today, it was observed that no substantial changes in the operations within the facility have occurred.

2. The Resolution granting North Jersey Auto Wreckers, Inc. a license for 2022 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 Licensee shall maintain all chain link fences around the perimeter of the premises to

continue to limit unauthorized access.

A few damaged sections of the fence exist but the fence surrounding the perimeter of the site was in working condition. The condition that the chain link fences be maintained shall be continued in 2023.

- b) Condition No. 2 – Licensee shall continue to maintain the existing trees along Lackawanna Drive. Any dead or diseased trees that exist shall be removed in 2022.

No new comment. This condition should continue in 2023.

- c) Condition No. 3 – Vehicles waiting to be brought into the yard for processing will not be parked outside of the fenced premises and the Licensee shall continue to move the vehicles within the fenced premises as soon as they are deliverable to the site. At no time shall the parking of vehicles block any part of the access drive that runs parallel to the property.

During my visit, approximately 25 vehicles were parked outside of the fence. These cars were parked in an orderly manner and were not blocking any portion of the adjacent private access driveway. This situation has existed for many years and is not excessive. The Licensee should keep up the good work in minimizing the number of vehicles outside of the fenced areas in 2023 and assure that no portion of the access drive is ever blocked.

- d) Condition No. 4 – Records regarding fire protection service [in accordance with Section 156-6(H)] will be maintained on the premises and available for review by the Township Engineer during any inspection.

The records regarding fire protection service were inspected during my visit to the site and it was found that the facility was inspected on 10/6/22 by the Sparta Township Fire Marshal. During that visit, several maintenance violations were noted. These violations included 1) providing additional fire extinguishers in the main building, submission of an updated permit application, and the installation of additional signage. These items were to be addressed by November 26, 2022. Proof that these items have been addressed needs to be provided. The condition of requiring fire protection service records should continue in 2023.

- e) Condition No. 5 – No additional tires will be added to the existing stockpile. Licensee will continue the ongoing reduction of the tire stockpile during the license period and continue to provide the Township with receipts. A minimum of 500 tires shall be removed each year until the pile is fully removed. A final completion date for the removal of the tire pile being set at December 31, 2024.

Receipts for the removal of approximately 2500 used tires from the old tire pile were provided as proof of the removal of tires from this pile. Based on my inspection of this pile, it is clear that the Licensee is taking efforts to remove this pile from the property. The Licensee stated during my visit, that he has all intentions of having this pile fully removed from the property in 2023. That being stated, the condition of continuing to reduce the size of this tire stockpile should continue in 2023 and onward until all tires are removed from the site.

- f) Condition No. 6 – Licensee will continue to cooperate with the Sussex County Mosquito Control Commission and keep those records on premises and available to the Township Engineer for review at the time of any inspection. The SCMCC shall be contacted by the Licensee in 2022 and asked to inspect and spray, if appropriate. The gravel areas within the site shall be maintained in a manner to prevent ponding of water and prevent the creation of habitat for mosquitos. The gravel and earth area on the site shall be graded periodically to assure that water ponding does not occur.

The Sussex County Office of Mosquito Control office visited the site in May and September of 2022. A report regarding their September 21, 2022 follow up inspection is attached. This report stated that mosquito larvae were found in the tire pile area and the recommendation that the tire pile be removed would be the best way of addressing the mosquito growing condition. Removal of the tire pile as stated under Condition No. 5 is the key to fully addressing this problem.

Also, it was noted that some large puddles existed on the property within the gravel access driveway areas around the site. These gravel areas need to be regraded in the Spring. The Licensee shall continue to regrade the gravel access driveway areas as needed in 2023 to minimize the amount of ponding of water. The condition of keeping the gravel areas graded in order to minimize ponding of water should be continued in 2023.

- g) Condition No. 7 – Vehicles and/or stacks/piles of materials processed or awaiting processing shall not be higher than the level of the perimeter fence. The partial waiver previously granted is continued. Licensee will continue to minimize the stacking height of vehicles.

During the visit to the site, it was found that the operation has continued to minimize the stacking height of vehicles. Trailer bodies are located within the site that are higher than the level of the perimeter fence but these trailer bodies are used to keep vehicle parts under roof and out of the elements. The conditions on the site have not changed and they are as they have been for years. I have no objection to these items being higher than the perimeter fence and recommend that this waiver be continued in 2023.

- h) Condition No. 8 – Despite Licensee’s efforts to discourage it, materials are sometimes left outside of the designated junkyard by others. Licensee will continue to promptly and appropriately dispose of all such materials.

The Licensee stated that this was not a major issue in 2022. While this was not an issue during this past year, I still recommend that that this condition be continued in 2023.

- i) Condition No. 9 – With the access roadway leading to the facility consisting of gravel and mud, debris is sometimes tracked onto Lackawanna Drive. The Licensee must clean up any debris that may be tracked onto Lackawanna Drive from this facility and take preventative measures to assure that this does not become an ongoing problem.

I did not note any excessive tracking of gravel and mud onto Lackawanna Drive during my visit. While there were no major issues on the day of my inspection, the need to keep maintaining the gravel access road will need to continue as a condition of the 2023 license.

- j) Condition No. 10 – The New Jersey Pollutant Discharge Elimination System (NJPDES) permit and documents related to the New Jersey Department of Environmental Protection (NJDEP) compliance will be maintained on the premises by the Licensee and available to the Township Engineer at the time of any inspection.

Copies of the NJDEP Compliance Evaluations and Assistance Inspection report for a partial inspection on March 10, 2022 was obtained. The report illustrated that the site was in compliance with all items under the facilities permit except for the storage of tires. The report stated that the cleanup of old scrap tires is still on going and no violations were issued. This was the same comment made during the 2021 inspection.

- k) Condition No. 11 – Trailer bodies intended to replace existing storage trailers on the facility property shall only be stored inside the perimeter fence along the access roadway

All trailer bodies were located inside the perimeter fence. This condition should be continued in 2023.

With the above being stated, I believe that the operations at North Jersey Auto Wreckers are essentially the same as they have been during the past few years and the Licensee is making continued progress on the removal of tires from the property. That being stated, is my recommendation that the license for 2023 be approved with the conditions discussed above.

Mr. Sabatini asked if Mr. Stoner if he received follow-up on the violations issued from Sparta Fire. Mr. Stoner said he has not, but will follow up. Mr. Sabatini said it should be a condition of approval.

Township Engineer, Cory Stoner presented the following 2023 Junkyard License Renewal Application for **Raimo of Stanhope, Inc.**

Frank Nemeth was also present and explained the status of work that is being done on the property. Hoping to be done with the first phase by the end of 2023, including the road way not including the pavement.

Mr. Sabatini questioned the completion of phase II. It should be completed by the summer of 2024. There is a meeting scheduled with the Engineer, Zoning Officer, and Planning Board Secretary to discuss this further.

Raimo of Stanhope, Inc. has submitted an application for the 2023 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 2022 Resolution conditions, and a meeting with the owners/operations of the facility, I would like to offer 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.*

Based on my visit to the property in question, it was observed that no substantial changes in the operations within the facility have occurred. The Licensee has moved some of the operations around on the site in preparation of the upcoming site improvements they have planned and has begun to grade the site in the areas where new buildings will be constructed but no major operational changes have occurred within the facility.

2. *The Resolution granting Raimo of Stanhope, Inc. a license for 2022 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 2023.

- 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, an inspection by the NJDEP occurred on September 14, 2022. During this inspection, one out of compliance comment was made regarding stormwater runoff from the site. No violations, however, were issued. It should be noted that the improvements proposed on the site as approved by the Planning Board will serve to address the comments made regarding stormwater runoff. The approval of the 2023 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 2022 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 but a few trees had died and needed to be replaced. The Licensee should replace those trees in the Spring. The continued maintenance of these trees and the replacement of trees of needed due to disease or deer should continue to be a Condition in 2023.

- 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.

During my visit to the property, no vehicles were found parking along Netcong Avenue and that the Licensee was in compliant with this Condition. Adherence to this condition should continue in 2023 so that Netcong Avenue remains open to vehicular traffic at all times. The condition that no parking will be permitted once construction activities begin along Netcong Avenue should also be continued in 2023.

- 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.

This condition should continue in 2023.

- 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 2023.

- 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 2022. The 2023 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 2023.

- 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 2022.

The Licensee has continued to clean up the property in question in 2022. Today, there are a number of items still on this property related to the operations or the construction work that is beginning on the north side of Netcong Avenue. These items include construction equipment, concrete wall forms, materials for the new building to be constructed, and various pieces of equipment that will be placed on the main property. Roll-off containers were also located on this property to make room for construction activities. I do not object to these items being left on this property until time for the movement onto the main property.

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

No vehicles were parked in this area during my inspection. This condition, however, should continue in 2023.

- n) Condition No. 14 – Licensee shall continue in 2022 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 2023.

- 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 2023 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 2022 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. This condition should continue in 2023.

- 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 2023.

- 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 2023 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 2022 were provided. These reports showed slight exceedances of NJDEP permit design criteria for Chemical Oxygen Demand, aluminum, iron and lead. The NJDEP inspection reports, however, do not list any out of compliance items regarding stormwater discharge testing results. During a past conversation that I had with Kenneth Woodruff, he confirmed that the design criteria are goals established as part of the NJPDES permit and are not necessarily pollutant limitations. This means that the facility is not in a violation condition but the test results will be monitored for trends or large exceedance of the agreed to design criteria. The Licensee needs to provide these reports for 2023 and this condition will need to be continued in 2023.

With the above being stated, I believe that the Licensee is moving their site improvements forward and it is my recommendation that the license be renewed with the condition that progress in meeting all conditions of the Planning Board approval be continued in 2023.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The budget Introduction will be held at the March 7th meeting with adoption at the April 4th meeting. The annual report was posted to the website and sent out by Nixle. A memo was sent out to the staff regarding the governors cyber security directive. There was a notification on Open Space Stewardship – Glenside Woods Forest Stand Improvement will be happening this week. Working on the lead paint Ordinance with Tom Collins. Updating the employee handbook to update the drug testing as it pertains to the new Marijuana laws.

Councilman Bonker – Read the Annual Report and thought it was very comprehensive. The next Open Space meeting is scheduled for February 13, 2023.

Councilwoman Franco – Nothing to Report.

Councilman Gallagher – Senior Bingo February 11, 2023, Board of Education meeting February 15, 2023, Polar Plunge February 19, 2023, Recreation Meeting February 13, 2023

Councilman Roseff – The Environmental Commission is going to document the tree cutting on Tamarack Trail. They have some concerns about safety of trees that are still standing and should be dropped. They want to explore the overall picture of the Environmental Commission and the Trails Committee. April 2nd the Historical Society will have “Founders Day”.

PUBLIC PARTICIPATION I

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.

APPROVAL OF MINUTES

January 17, 2023 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco 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. 045-2023 – Resolution Authorizing the Execution of a Treatment Works Approval Permit Application for Panther Lake Campground
- B. Resolution No. 046-2023 – Resolution to Authorize Participation in the 2023 Radon Awareness Program
- C. Resolution No. 047-2023 – Resolution Authorizing the Continuation of the 2022/2023 Byram Ski Program Headed by Ski Club Advisors and Volunteers
- D. Resolution No. 048-2023 – Resolution Authorizing the Execution of a Program Loan Including the Client Contractor Agreement, Mortgage, Note and Deferred Loan Agreement for Block 287 Lot 96 in Accordance with the Byram Township Housing Rehabilitation Program – Not to Exceed \$17,000.00 and \$3,300.00
- E. Resolution No. 050-2023 – Authorization to Execute Change Order No 1 for Proposed Improvements to Riverside Park for a Net Decrease of \$2,087.96 – Playground Border Supply & Installation – Ben Shaffer Recreation, Inc.
- F. Resolution No. 052-2023 – Resolution Authorizing the Execution of a Program Loan Including the Client Contractor Agreement, Mortgage, Note and Deferred Loan Agreement for Block 91, Lot 307 in Accordance with the Byram Township Housing Rehabilitation Program - Not to Exceed \$17,000.00 and \$3,300.00
- G. Resolution No. 053-2023 – Resolution to Authorize utilization of FEMA Monies for the Upfitting of New DPW Vehicle – Not to exceed \$3,640.00
- H. Resolution No. 054-2023 – Authorization to Purchase Rock Salt Under the Sussex County Cooperative Pricing System for Budget Year 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					

RESOLUTION NO. 051-2023 – Resolution Authorizing French & Parello Associates to Provide Engineering and Landscape Architecture Services for C.O. Johnson Park Improvements – Not to exceed \$5,000
 Motion by Councilman Bonker, second by Councilwoman Franco to adopt resolution 051-2023.

Councilman Bonker explained that this is to cover additional work that was requested including lighting and gazebo in the estimates and estimate of work.

Councilman Roseff asked if we can obtain their boilerplate to start planning for grants.

Councilman Bonker feels that it would be premature to pursue grant opportunities.

Councilman Roseff would look at the list personally or possibly the Recreation Committee.

Mr. Sabatini said that the list is already available. Mr. Sabatini will ask F&P if there are any leads that they can provide.

	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 – February 7, 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 NO. 003-2023 - 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 Ordinance No. 003-2023

	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. 003-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE NO. 004-2023 - 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 Councilwoman Franco, second by Councilman Gallagher to Adopt Ordinance No. 004-2023

	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. 004-2023 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 –

ARP Funding – Councilman Roseff would like the money dedicated to something special for the residents as it is found money. Councilman Roseff would prefer it being used toward CO Johnson Park or Road Construction.

Councilman Bonker would like to see 100% used toward the Municipal Building Project.

Councilwoman Franco would also like to see 100% used toward the Municipal Building Project.

Councilman Gallagher did not agree with using it toward the Municipal Building.

Mr. Sabatini said they need to encumber the funds by the end of 2024.

Mayor Rubenstein agreed that it should be used toward infrastructure such as the Municipal Building. There is no rush to come to a consensus at this time.

Hybrid Meetings – Mr. Sabatini provide the council with an extensive summary and guidance that he received with the work that he is pursuing to establish a policy on how to handle the Hybrid meetings. He would like to see the council define how the meetings should run, including public discussion. Feels that the need firm up decision on the need to post video. Mr. Sabatini went through the points that he presented to the council prior to the meeting. Mr. Sabatini would like to have Mr. Collins to elaborate more on Item #12. Mr. Sabatini would like to express the expectations of the Hybrid meetings to the public.

Mayor Rubenstein agrees with all the comments provided by Mr. Sabatini.

The majority of the council were in favor of video recording the meetings and keeping them and linking them to the website. There will be distinct periods where the public can comment, and there will be no time limits. Mr. Sabatini will update the handout and will document the policy.

FUTURE AGENDA ITEMS –

PUBLIC PARTICIPATION II

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

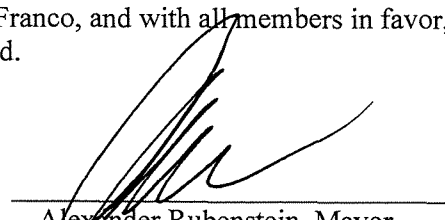
No Comments.

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

ADJOURNMENT

On the motion of Councilman Bonker, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 9:50 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor