

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
MARCH 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.

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
 - Nader Group
 - Trails Advisory Committee Member Interviews

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 March 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 Councilman Bonker, 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 Councilman Bonker, second by Councilwoman Franco to approve the agenda.

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

MAYORAL APPOINTMENT OF ENVIRONMENTAL COMMISSION MEMBER – Andrew McElroy

COUNCIL APPOINTMENT OF CLASS IV PLANNING BOARD MEMBER – Andrew McElroy

	Councilman	Councilwoman	Councilman	Councilman	Mayor

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

RECREATION COMMITTEE PRESENTATION – Shawn Conner, Chair of the Byram Township Recreation Committee along with Danielle Conroy presented their ideas for potential recreation programs. They have been working on expanding the non-paid programs. They presented programs in the following areas:

- Fitness & Wellness
- Sport Camp / Clinics
- Artistic & Cultural
- Culinary
- Swim Lessons
- Nature Classes
- Summer Camp

The programs will be for all ages from Toddlers to Seniors.

Councilman Bonker likes the ideas presented and asked how they determined the interest in these areas. Shawn said it was based off the survey and will depend on the responses they receive on each program and how much it will cost per participant.

Mr. Sabatini said that the administration will decide on the prices of the programs.

Councilman Bonker voiced his concern on allocation of resources. They will need to work it out so there are not any conflicts. Clinics need to be held in the off seasons.

Mr. Sabatini said that they will need to be three to four months ahead in the planning.

The administration and the establishing of the programs will be part of the general operating budget. The people delivering the programs will be within the cost of the program.

The majority of the council are supportive of what was presented.

Councilman Roseff does not want to see any competition with the private providers.

Shawn and Danielle said they are looking to bring programs to Byram Township for the residents.

Mr. Sabatini will provide a preliminary budget plan to move the programs forward for 2024.

RESOLUTION NO. 069-2023 – SELF EXAMINATION OF THE BUDGET RESOLUTION

Motion by Councilman Bonker, seconded by Councilwoman Franco to adopt Resolution No. 069-2023

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

2023 BUDGET INTRODUCTION / APPROVAL

Mr. Sabatini directed everyone to the Township's Website under the 2023 Municipal Budget Information where you will find all the documentation and details supporting the 2023 Budget Plan, and the detailed 2023 Municipal Budget Message.

Mr. Sabatini thank all the department heads for their hard work at holding the line on departmental expenses, and thanked the Township's CFO, Ashleigh Frueholz for her work in helping to deliver a sound budget plan for 2023.

The following was an updated received from the Division of Local Government Services published on March 7, 2023:

- The amount of Total Energy Tax Receipts allocated to Byram Township increased \$3,978 to \$579,453. Since the budget was not introduced, it required an update of the budget to include the additional state aid prior to budget approval. The amount of additional state aid was included and the amount to be raised by taxes was reduced.

- **Property Taxes:** The budget plan now has property taxes totaling \$9,076,889, or 71.94% of the revenues. This a 2.92% or \$257,354 increase of the tax levy.
- **Tax Rate:** The 2023 municipal budget results in an increase of the tax levy. This is an estimated increase of \$74.17 for the average assessed home of \$255,764.

Mr. Sabatini announced that at tonight’s meeting the Mayor and Council are being asked to approve the budget. The Adoption of the budget is scheduled for Tuesday, April 4, 2023.

The 2023 budget challenges are primarily driven by spending demands in the areas of public health and healthcare. These are not unique to Byram Township and the New Jersey State Local Finance Board has granted additional exceptions under extraordinary circumstances that result in an unanticipated increase in expenditures for services essential to the health, safety, and welfare of the residents of New Jersey. These exceptions to the appropriations cap for 2023 include garbage collection and disposal, recycling costs, gas and diesel fuel, health insurance contributions and pensions. There are four categories of other expenses that are driving the increase of the 2023 budget and each category as a percentage increase far exceed the cost of inflation.

The 2023 municipal budget including the Capital Improvement Program and Public and Private Programs offset by Revenues totals \$12,618,168.02.

It should be noted that Uniform Construction Revenues and Expenditures were removed from the municipal budget and will be managed through the UCC Trust Account.

Summary of Revenues:

The total amount of Fund Balance committed to the 2023 budget is \$1,980,000.

- \$1,785,000: Support Operations (increase of \$155,000 from 2022)
- \$195,000: Offsets one-time appropriations to the Capital Improvement Fund.

Since 2021, there has been an increased (\$219,500) dependency on the use of fund balance to support operations. This increased use of fund balance will need to be assessed for sustainability in future budget cycles.

The budget anticipates that the State Fiscal Year 2023 budget will propose the same level of aggregate funding for Energy Tax Receipts (ETR) as 2022, or \$575,475.

Payment in lieu of taxes from the Open Space PILOT (formerly Garden State Trust) program were returned to the pre-State FY 2022 amount of \$41,920 which is a reduction of \$22,635.

In 2022, the State FY 2023 budget appropriated \$75 million for Municipal Relief Fund Aid. Byram Township was certified to receive \$30,019. Since the Township’s CY 2022 budget was adopted, instruction received was to anticipate this revenue in the CY 2023 budget. No guidance has been provided regarding the future receipt of this aid. If this aid is not continued, it will result in a reduction of \$30,019 in the 2024 municipal budget.

In 2022, the Township experienced loss of revenues for interest and costs on taxes. The anticipation of court revenues remains flat compared to 2022, and the anticipation of Interest on investments is a significant increase due to increased interest rates.

Summary of Appropriations (Expenses):

The expenditure side of the budget is assigned by department and divided within each department into “Salary and Wages” and “Other Expenses.” Also, there are categories of expenses that are not assigned to the departments. All appropriations are presented in a line-item budget format.

General Government, Public Safety, Public Works, and Community Programs include all the Salary & Wages and Operating Expenses for each of the Township’s departments. The staff has done an exceptional job for this budget plan holding the line on departmental operating expenses. Overall, the Township’s departmental budgets are only increasing \$63,011 or 1.16%. This includes all the Township’s municipal departments excluding the construction department.

Other Expenses of the Township that are not tracked by department include utilities, insurances, statutory expenses, pension expenses, garbage, debt service, deferred charges, capital improvements and the reserve for uncollected taxes.

There are four categories of other expenses that are driving the increase of the 2023 budget.

- **Garbage/Recycling:** \$225,000 increase or 29.61% including solid waste tipping fees.
- **Utilities:** Overall Net Increase of \$88,500 or 28.69% (Primarily heating oil and gasoline/diesel)
- **Group Insurance:** Overall Increase of \$118,500 or 10.46%

Pensions: DCRP Increase of \$4,100 or 28.1%; PERS Increase of \$5,090 or 2.4%; PRFS Increase of \$42,394 or 7.5%

The Budget includes a three-year capital improvement program and an aggressive 2023 Capital Budget includes proposed projects totaling \$5,011,500. The proposed capital budget does not include the municipal building.

The Capital Improvement Program is the vehicle that allows the Township to plan and prioritize large expenditures. The Capital Improvement Fund is used as a means of financing down payments for bond ordinance appropriations. Also, the Governing Body can decide to fund a capital ordinance partially or fully from the Capital Improvement Fund.

The 2023 municipal budget results in an increase of the tax levy. This is an estimated increase of \$74.17 for the average assessed home of \$255,764.

Mr. Sabatini said that the challenge with this budget is to maintain the same level of services for the Township residents while costs continue to increase, the growth of the Township's ratable base remains restricted, and revenues are remaining relatively flat which increases the reliance on property taxes.

The Township continues to hold the line on departmental operating expenses with the objective of preserving services in accordance with the expectations of the Township's residents.

Councilman Bonker – read aloud the following statement:

This may not be the optimal budget we all would wish for, but I believe it is the optimal budget given the constraints within which we must operate. We do not control double-digit increases in pensions, healthcare, or garbage contracts, but we must deal with them. We do not control inflation running about 7% on average over the past year, but we must deal with it. Despite all of these headwinds, we have produced a budget with a 2.92% tax increase, averaging \$74 per home per year. We did use some fund balance to make this budget more palatable for our taxpayers, and we know that we cannot always rely on that, but the "rainy day" fund should be used when it rains, and this budget started out as very bad weather indeed. On a positive note, we made very conservative estimates for interest received in this budget year, and given the Federal Reserve's "higher for longer" actions, along with the inversion of the yield curve, we might be pleasantly surprised at this time next year with the amount of interest received. This might help us to re-build the rainy day fund.

This budget may not be a cause for celebration, but it IS the result of intense management of every line item, and for that I am thankful to the entire administration and staff. While the garbage contract may be unique, the double digit increases in healthcare and pensions are not. We have seen this tragic movie before, and it is not pleasant viewing. I believe the only reasonable approach for this Council is to control what we can control, and avoid as much as possible the broken systems that routinely inflict double digit pain upon our taxpayers. How can we do that? Innovation, efficiency, productivity, automation, outsourcing, shared services, part-time vs. full-time employees, labor contracts, grants: all of these things are options at least partially within our control, but there are no magic bullets either. As an example, we signed a 5 year labor contract at 2%, and given this particular budget, I am very happy with that contract. We outsourced animal control and thereby reduced a part-time headcount, and given this budget I am very happy about that. Over the years we have outsourced 911 and municipal court and fire inspections and other services, and given this budget I am very happy about that. We bought better hardware for DPW workers, additional software for the construction department, we are moving our digital infrastructure to the cloud: all of these items initially cost money, but in the long run they increase efficiency and drive down costs, and as a Council we need to recognize those opportunities as they are presented, even if they might require some up-front costs. I am also happy that we secured grants from our shadow government the Highlands Council for both our Lake Management Plan and for the engineering costs associated with the re-development of CO Johnson Park, along with the grants for Riverside Park, Sussex County trails grants, and all of the other grants listed within the budget documents over the past several years. All of these efforts help to keep our operating budget reasonable. Finally, we may not be celebrating this budget, but it does include one-time additional expenses for the Byram 225th events, and that is worthy of celebration.

So, within this longer-term perspective, and given the uncontrollable headwinds we are facing, I support this budget as presented. This is our operating budget. We have continuous work to do on our capital budget and on our debt management, and those decisions will drive future operating budgets as well.

Councilwoman Franco - thanked the staff and department heads for all their hard work.

Councilman Gallagher - thanked the department heads for doing a great job.

Councilman Roseff – No Comments.

Mayor Rubenstein – Noted that Byram Township is not immune to inflation, and Byram did a great job keeping the budget down. Mr. Sabatini did a great job working with the departments on the budget.

Motion by Councilman Bonker, Second by Councilwoman Franco to introduce the budget.

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

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The budget adoption and public hearing will be held on April 4th. The Sussex County Commissioners will be making a recommendation on the Wastewater Management Plan tomorrow. The DEP Stormwater requirements will have some significant impacts for a Tier A municipality. There will be a meeting on the funding and on the MS4 maps this Friday. Mr. Sabatini will provide more information at the next meeting.

Mayor Rubenstein – Brian Lancy from Save our Bridge said they are making progress with the DEP. They are looking for the council to produce a letter of support. Met with Tom Kean regarding the waterline installation, and the clean up process.

Councilman Bonker –

Open Space: The Council recently received a letter from the Director of the Sussex County Commissioners Chris Carney, introducing himself as the liaison to the Commissioners. Councilman Bonker said he will be drafting a letter for the mayor to sign on behalf of the Council to help in raising the Sussex County Trails Program maximum grant to at least \$15,000 in time for this year’s grant round.

Grand Opening: announced that the Mayor, Administrator, and himself will be attending the Grand Opening of Grace Nails Salon on Route 206 this Saturday morning, March 11th.

Councilwoman Franco – There was one residential application, a boat storage application, and a drafted EPA letter for Veolia all presented at the last Planning Board meeting. Reported on the loss of a member of the Byram Schools, Roma Gupta from a plane crash that took place over the weekend. There is a go fund me page in her honor.

<https://www.gofundme.com/f/support-for-the-family-of-reeva-and-roma-gupta>

Councilman Gallagher – The Recreation Committee will be holding a Family Game Night at Byram School on Friday March 17th at 6:30pm. March 18th is a hike at Cranberry Lake. The fire department beef steak is coming up in April and they are looking for volunteers.

Councilman Roseff – Byram Township Historical Society will be holding a Founders Day event on April 2nd at Waterloo Village catering hall. There will be additional events coming this June.

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

February 21, 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. Approval of Raffle License & 50/50 for the Byram Township Volunteer Fire Department – April 22, 2023
- B. Resolution No. 066-2023 – Resolution Amending the Drug and Alcohol Policy of the Employee Handbook Version 6.0
- C. Resolution No. 067-2023 – Resolution to Amend the 2023 Temporary Budget
- D. Resolution No. 068-2023 – “Amendment” to Resolution No. 050-2023 – Authorization to Execute Change Order No. 1 for Proposed Improvements to Riverside Park for a Net Decrease of \$4,491.08 – Playground Border Supply & Installation – Ben Shaffer Recreation Inc.

E. Resolution No. 070-2023 - Cancellation of Grant Receivable and Reserve – 2022 NJ DEP Radon Awareness \$1,245.50

	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 – March 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 – Introduction/First Reading

ORDINANCE AUTHORIZING THE APPROVAL OF EASEMENTS TO VEOLIA WATER NEW JERSEY, INC. OF A PORTION OF RIGHT-OF-WAY OF TROUT BROOK ROAD AND A PORTION OF RIGHT-OF-WAY OF MOUNTAIN AVENUE FOR THE CONSTRUCTION AND MAINTENANCE OF CERTAIN WATER SYSTEM IMPROVEMENTS LOCATED IN THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN FRONT OF LOT 1, BLOCK 58.01 (TROUT BROOK ROAD) AND LOT 206.02, BLOCK 43 (MOUNTAIN AVENUE)

Purpose Statement: The purpose of this Ordinance is to convey easements of part of a rights-of-way in front of Block 58.01, Lot 1 and Block 43, Lot 206.02 to Veolia Water New Jersey, Inc., for the construction and maintenance of certain water system improvements (water piping) in the right-of-way of Trout Brook Road and construction and maintenance of certain water system improvements (fence, fence gate, landscaping and water piping) in the right of way of Mountain Avenue.

Motion by Councilman Gallagher, second by Councilwoman Franco to introduce Ordinance.

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

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on March 21, 2023 at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard.

ITEMS FOR DISCUSSION –

Byram Fest 225 – There was a group of individuals made up of members of the Byram Township Historical Society, Recreation Committee an Byram Administration that met to discuss the general plan for Byram Fest. There was a discussion on the possibility of holding a Beef Steak the night before Byram Fest at CO Johnson Park.

The majority of the council were in support of the Beef Steak to be held the night before Byram Fest.

There was a further discussion of the Byram Township Historical Society having a Beer Garden held during Byram Fest.

The majority of the council were not in support of having a Beer Garden at Byram Fest.

FUTURE AGENDA ITEMS –

Mayor Rubenstein announced that they will be testing Hybrid at the next meeting. Joe recommends not posting video on the website, and just posting recordings as it is currently done.

Councilman Roseff asked if a notice will go out to the residents for the new Soil Importation Ordinance. Mr. Sabatini said that it is in works.

There was a discussion on the Lead Paint Ordinance. There will be more updates on the ordinance to come.

PUBLIC PARTICIPATION II

Motion by Councilman Bonker, Second by Councilman Gallagher to open to the public.

No Comments

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

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

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

- a. Attorney Client Privilege Communication
 - Nader Group
 - Trails Advisory Committee Member Interviews

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:

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on March 7, 2023.

Cynthia Church, Municipal Clerk

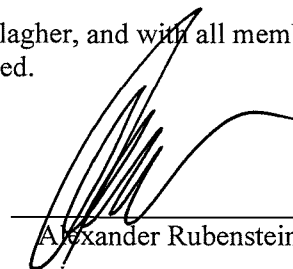
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

RETURN TO OPEN SESSION - Motion by Councilman Bonker, second by Councilwoman Franco to return to open session at 10:00 p.m. All members were in favor. Motion Carried.

ADJOURNMENT

On the motion of Councilman Bonker, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 10:00 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor