

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
APRIL 2, 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.byramtpw.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

Also present was Township Auditor Ray Sarinelli and CMFO Ashleigh Frueholz

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
 - Morris Habitat

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 April 2, 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 Proctor 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 with the removal of the tree ordinance discussion.

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

PROCLAMATIONS:

CHILD ABUSE PREVENTION MONTH

Motion by Councilwoman Franco, second by Councilman Proctor to have the mayor sign the proclamation.

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

AUTISM AWARENESS MONTH

Motion by Councilwoman Franco, second by Councilman Proctor to have the mayor sign the proclamation.

Kara Velich – Byram Lakes Speech Pathologist, thanked the Mayor and Council for allowing them to decorate the meeting room for tonight’s meeting. Kara also spoke on behalf of Autism.

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

2024 BUDGET HEARING – Mr. Sabatini read aloud the following:

I would like to start by directing everyone to the Township's Website and under the 2024 Municipal Budget Information you will find all the documentation and details supporting the 2024 Budget Plan. Located under this link you will find my detailed 2024 Municipal Budget Message.

Before I start, I would like to thank all my department heads for their hard work to hold the line on departmental expenses. Secondly, I would like to offer a special thank you to the Township’s CFO, Ashleigh Frueholz. Her work has helped deliver a sound budget plan for 2024 with significant consideration to the future economics of the Township.

Tonight the Mayor and Council will be asked to adopt the budget.

Through the adoption of the budget the Mayor & Council are establishing the municipal policy for 2024 and beyond. They must insure the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township.

The 2024 municipal budget including the Capital Improvement Program and Public and Private Programs Offset by Revenues totals \$12,855,330.82.

Each year the budget plan is presented with different challenges on both the appropriations side and revenue side of the budget.

Summary of Revenues:

On the revenue side of the budget the Township is anticipating a significant increase of \$325,000.00 over last year in the anticipation of interest on investments. This is due to the increase in interest rates and temporary increased balances in various interest bearing accounts. This anticipated increase on investments is a risk to future budgets as various account balances a spent down interest rates decrease the investments will then decrease.

The total amount of Fund Balance committed to the 2024 budget is \$1,785,000.

Support Operations (increase of \$155,000 from 2022, and no change from 2023)

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 amount of Total Energy Tax Receipts allocated to Byram Township increased \$2,884 to \$582,337.

This budget presents Municipal Relief aid at \$60,025.27, as a note they are not expecting that in calendar year 2024.

This budget presents Garden State Preservation at \$51,622.

State Aid accounts for only 5.40% of the Township’s revenues.

In 2023, the Township experienced a significant increase in Municipal Court revenues. For this budget plan it was decided to increase the anticipation of court revenues \$10,000.

Summary of Appropriations (Expenses):

Appropriations are the platform that allows local government to deliver services to its residents. 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.

There were minor changes to Operating Expenses with the main increases in the Department of Road Repair and Maintenance to support the removal of Ash Trees from Township owned properties (+\$10,000) and for new CDL training requirements (+\$12,000).

Overall, the Township's departmental budgets are increasing \$131,679 or 2.41%.

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.

Again, this year on the appropriations side, the budget plan driven by spending in the areas of public health (garbage), healthcare, workers compensation insurance and general liability insurance costs.

The following other expenses are the main contributors to the increase of the 2024 budget and each category as a percentage increase exceeds the COLA (2.5%) for calendar year 2024.

Garbage/Recycling (Increase of \$40,000/4.06%):

- Annual Garbage/Recycling Contract increase of \$12,000.
- Tipping fees for solid waste are separate and SCUMA has approved a rate increase from \$96 to \$107 per ton. Total increase of \$28,000.

Workers Compensation/General Liability: 2024 assessments increased (6.5%) for 2024 resulting in a combined increase of \$18,473.

Group Insurance:

- Group Health Insurance was updated for changes of census and State Health Benefits rate increases (Active Employees 7.3%, Early Retirees 7.3%, and Medicare Eligible Retirees 8.8%) as well as changes for Medicare reimbursements, waivers and employee life changes.
- Overall Increase of \$117,600 or 9.4%

Summary of Capital Budget and Capital Improvement Program:

The Budget includes a three-year capital improvement program and an aggressive 2024 Capital Budget includes proposed projects totaling \$4,923,000. The proposed capital budget does not include necessary improvements to 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 total appropriation to the Capital Improvement Fund for 2024 is \$634,223 which is a reduction of \$8,350 compared to 2023.
- Includes \$25,000 that is raised annually to fund the Capital Improvement Fund.

As in recent years, this budget plan continues to support the shifting of funds between line items to increase the amount of spending for capital improvements. Please review the Capital Budget and three-year Capital Program to understand the varying capital projects that are being considered.

The 2024 budget results in an Increase of tax levy 1.19% to the average assessed home at \$256,000 at an increase of \$38.11 per year.

Open Space:

The Township's Open Space Dedicated Trust Fund is funded through the dedication of an Open Space Tax that is not to exceed \$0.02 per \$100 of assessed valuation of each annual tax levy. For 2023, the Township again anticipates raising \$110,430 or approximately \$.011 for each \$100 of assessed valuation.

In summary, the proposed budget plan adequately satisfies the needs of the community and serves the best interests of the Township. This is a responsible budget plan and I very much appreciate the hard work of all the Township's department heads and staff for holding the line on departmental operating expenses.

Mr. Sarinelli added that he feels the budget is statutorily compliant.

RESOLUTION NO. 060 - 2024 - BUDGET ADOPTION RESOLUTION

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

Abstain					
Absent					

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – Expecting the assessment order soon. The County Tax Assessors office will sponsor a breakfast on April 12th. At the next meeting there will be a draft of the tree ordinance to be introduced. Mr. Sabatini is expecting Cory Stoner to provide a draft version of the revised ordinance to be presented to us by the end of the day on Friday, April 5. It will need to be reviewed and the draft finalized and put in the form of an ordinance the following week for introduction at the April 17 meeting. Cory Stoner is expected to attend the April 17th Meeting to present the ordinance to the council for introduction. At the next meeting there will be a resolution for the bond anticipation notes.

Mayor Rubenstein – Went to county tax board meeting and had a conversation with a board member about the order they are going to receive and approached the subject about an extension. They believe it is not something that needs to address until 2025. He reached out to the DOT; they have a new representative. They will be meeting up next week to go over any open items regarding the Route 206 tunnel in Andover. Attended Fire truck committee meeting who agreed unanimously to move forward with the new truck being recommended.

Councilwoman Franco – On 3/26 attended the Meet the Recreation Director meet and greet. There are many good programs coming forward. Community Pass is a new program being used to sign up for programs. The spring and summer brochure is out. There will be a rabies clinic being held from 1-4pm on April 13th. Radon test kits will be available.

Councilman Gallagher – The Board of Education Election is on April 16, 2024, and a meeting on April 17, 2024.

Councilman Proctor – March 23, 2024 attended a budget review seminar, was nice to see Byram implementing many of the techniques.

Councilman Roseff – Tree ordinance, there was no true regulatory process to develop the ordinance that pushed us in a direction that may not have been taken on their own. We need to be careful with DEP leadership. At the BOE meeting it was announced that one of the monitoring wells tested positive for TCE.

PUBLIC PARTICIPATION I

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

Scott Olson – said he has not heard of anything new in the test wells for TCE.

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

APPROVAL OF MINUTES

March 19, 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					

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. 057-2024 – Resolution Authorizing the Execution of a Mutual Aid and Assistance Agreement with the County of Sussex
- B. Resolution No. 058-2024 – Establishing Salaries for Non-Union Employees for Calendar Year 2024
- C. Resolution No. 059-2024 – Resolution to Cancel of Record a Neighborhood Preservation Housing Rehabilitation Program Mortgage on Block 276, Lot 533 – 1 Old Stagecoach Road
- D. Resolution No. 061-2024 – Authorization for the Purchase of a 72” Turf Tiger II Zero Turn Mower for the daily operations of the Township of Byram Department of Public Works
- E. Resolution No. 062-2024 – Chapter 159, \$15,585.65 2024 - Recycling Tonnage Grant
- F. Resolution No. 063-2024 – A Resolution of the Township Council of the Township of Byram Authorizing the Disposal of Out of Date Byram Township Fire Department SCBA Bottles

	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 – April 2, 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 NO. 004-2024 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM ADOPTING THE MODEL NOISE ORDINANCE OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (“NJDEP”) AND REPLACING THE EXISTING CODE CHAPTER 171 ENTITLED “NOISE”

Purpose Statement: The purpose of this ordinance is to repeal the existing noise control ordinance in Code Section 171 and replace it with the current model noise ordinance of the New Jersey Department of Environmental Protection (“NJDEP”)

Andy Swartz – Thanked the council for being expeditious in passing this ordinance.

Scott Olson – Asked if this is mandated by the DEP. Mayor Rubenstein explained how the adoption of the ordinance came about as the previous ordinance was not compliant with the state model. Feels that this needs more enforcement place withing it.

	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 Ordinance No. 004-2024 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

ORDINANCE NO. 005-2024 - AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS SALARY AND WAGES FOR THE YEAR 2021-2026

	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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 17, 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.

ORDINANCE 006-2024 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$100,000.00

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Stonehedge Lane, Manor Drive, Birch Parkway, Mayfair Lane, Bridge Lane, Sandra Lane, Catalina Drive, & Camelot Drive and other streets and roads in the Township to be determined including reconstruction of culverts and headwalls and all curbing, drainage facilities/inlets, landscaping, reclamation, milling, structures, roadway surfaces including milling and paving, oil and stone, cape sealing or similar application, materials, equipment, site work and engineering costs.

	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 April 17, 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.

ITEMS FOR DISCUSSION

JCP&L Energize NJ – JCP&L is looking for a resolution to support a rate increase. The council is not supportive of the request. Councilman Roseff would like to update the 2020 resolution to be adopted at a future agenda.

FUTURE AGENDA ITEMS

Nuisance / Qualitative Noise Ordinance
 Fire Truck Next Steps

PUBLIC PARTICIPATION II

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

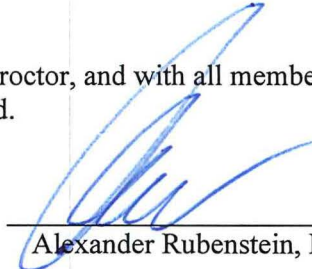
No Comments

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 8:36 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor