

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
April 4, 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.byramtpw.org/index.php/town\\_hall/township\\_council](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** – Councilman Bonker, here at 7:30pm; Councilwoman Franco, here; Councilman Gallagher, absent; 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
  - General
  - Nader Group
- b) Contracts
  - Hopatcong SSA Pound/Animal Control

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 4, 2023.

Cynthia Church, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilman Bonker, second by Councilwoman Franco to return to open session at 7:19 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, with the removal of Resolution 081-2023 (item F) from the consent agenda for additional anticipated information and moving the two proclamations before the budget hearing.

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

**APPOINTMENT OF TRAIL COMMITTEE MEMBERS – 3-year terms - Jack Niemynski (12/2023), Adrian Gonzalez (12/31/2023), Jacie Woznicki (12/31/2024), Brian Lauridsen (12/31/2024)**

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

**PROCLAMATIONS:**

**CHILD ABUSE PREVENTION MONTH**

Mayor Rubenstein read aloud the Child Abuse Prevention Month Proclamation.

Motion by Councilman Bonker, Second by Councilwoman Franco to sign the proclamation.

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

**AUTISM AWARENESS MONTH**

Mayor Rubenstein read aloud the Autism Awareness Month Proclamation.

Motion by Councilman Bonker, Second by Councilwoman Franco to sign the proclamation.

Councilman Bonker – Councilman Bonker commented from his personal experience of raising autistic children. He emphasized that parents and educators must not assume intelligence despite the behaviors present. Especially for mute autistic, the problem is often a neuromotor issue that is not an intellectual disability. His daughter Elizabeth has been advocating for the right to the communication device of choice in schools. This past weekend at the Phoenix Film Festival his daughter appeared in a movie called “Spellers” won best documentary in the people’s choice award. He hopes that more parents will discover this communication option because of this movie.

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

**2023 BUDGET HEARING - Please visit the link below to access the 2023 budget online:**

[Byram Township | Municipal Budget Information > 2023 Municipal Budget Information \(byramtownship.org\)](https://byramtownship.org/municipal-budget-information/2023-municipal-budget-information)

Mr. Sabatini reviewed what he presented at the introduction meeting. Auditor Ray Sarinelli and CFO Ashleigh Frueholz were present. Mr. Sabatini thanked the Department Heads and CFO for their work on the budget and summarized the budget message that was read during the March 7<sup>th</sup> meeting.

Councilman Bonker stated that the budget was a compromise. At 2.9% increase against the backdrop of high inflation, pensions, and garbage increases the average household will see a \$74.00 increase, this is all without reducing the level of services. He intends to vote yes for this budget.

Councilwoman Franco said that the township employees did a fantastic job and plans to vote yes on the budget.

Councilman Roseff asked the CFO if the money is still being invested the same as it was last year. The CFO, Ashleigh Frueholz said yes, it is.

Luanne Byrne asked what the investments are. Mayor Rubenstein said it is a savings account.

Mayor Rubenstein appreciates the time that goes into the preparation of the budget by the staff.

**RESOLUTION NO. 077 - 2023 - BUDGET ADOPTION RESOLUTION**

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				

2 <sup>nd</sup>		x			
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS**

**Township Manager** – At the April 18<sup>th</sup> meeting there will be a resolution regarding a common driveway at the end of Netcong Ave. Letters have been sent to the 4 property owners. Participated in a webinar for the USDA Community Facilities application process, a grant that Byram Township will not qualify for because the Byram Township Median household income is too high to meet the requirement. There is a possibility that the township will qualify for the loan instead with a 3.75% interest rate. Submitted the DEP grant for Stormwater. They need to finish the stormwater infrastructure map and is working with Cory Stoner on that. There will be an Ash Tree communication going out to inform residents of their obligation to remove dead ash trees from their properties. There are about 50 trees that the township will be taking down due to immediate risk to infrastructure.

**Mayor Rubenstein** – Attended a reception for Congressman Tom Kean Jr. last evening.

**Councilman Bonker** – April 10<sup>th</sup> there will be an Open Space Meeting at 7:30, where they will be discussing the handoff of items to the new trails committee along with further discussion on the CO Johnson Park improvements. The Trails committee was set up to connect every neighborhood in town and is excited to see residents stepping up to volunteer on the committee.

**Councilwoman Franco** – March 28<sup>th</sup> was a Board of Health meeting. The Rabies clinic was held on April 1<sup>st</sup> where they vaccinated 150 dogs and cats. April 2<sup>nd</sup> was Founders Day, that was a very nice event.

**Councilman Roseff** – April 2<sup>nd</sup> was the Historical Society Founders Day that brought about 65 people participating in the event. The Historical Society is looking forward to more upcoming events. Canal Day / Canal History Day will be a free event.

**PUBLIC PARTICIPATION I**

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

Joe Matthews – Sent an email about CO Johnson improvements and has questions on where the project stands and would like to discuss the basketball park as part of it.

Shawn Conner – Represent the Lenape Valley Youth Softball league. Would like the Mayor and Council to attend the opening day on April 22<sup>nd</sup> at 9:30 a.m.

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

**APPROVAL OF MINUTES**

March 21, 2023 Regular & Closed Session Minutes – Motion by Councilman Bonker, seconded by Councilwoman Franco to approve the minutes.

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

**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 Councilwoman Franco, Second by Councilman Bonker to approve the consent agenda.

- A. Approval of Raffle License for Cranberry Lake Volunteer Fire Department – December 3, 2023 7pm
- B. Resolution No. 075-2023 – Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2023
- C. Resolution No. 076-2023 – Authorization to Purchase #2 Fuel Oil (Heating Oil) under the Morris County Cooperative Pricing Council for Budget Year 2023
- D. Resolution No. 078-2023 – Resolution Authorizing Hobb Engler & Lenape Blazers to Hold 2023 Opening Day Ceremonies on April 22, 2023 at C.O. Johnson Field Starting at 9:30 a.m.
- E. Resolution No. 080-2023 – 2023 Capital Budget Amendment Resolution
- F. ~~Resolution No. 081-2023 – Resolution Supporting Participation in Borough of Hopatecong LEAP Implementation Grant (PULLED)~~
- G. Resolution No. 082-2023 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Property No Longer Needed for Public Use on an Online Auction Website.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein

Motion		x			
2nd	x				
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**RESOLUTION NO. 074-2023** – Resolution Authorizing the Hiring of a Full Time Experienced Recreation Director / Leader After June 1, 2023

Mr. Sabatini received the resignation of the Recreation Leader. This resolution would support the hiring of a full-time experienced Recreation Leader after June 1, 2023.

Councilman Bonker – feels that the consensus of the council at previous meeting was to provide the administration direction on how to proceed. It now needs to be implemented.

Councilman Roseff asked what the salary range would be. Mr. Sabatini said it would depend on the applicants. Councilman Roseff asked how this would impact the budget. Mr. Sabatini that would be refined and included in the 2024 budget. Councilman Roseff asked where the programs will be ready, Mr. Sabatini said it depends on when the new employee is hired. Mayor Rubenstein said that with the lack of a recreation leader, he does not want to lose the momentum and would like to hire someone as quickly as possible. Would trust that the administration and council that they will keep the momentum going and is in support to the resolution.

Motion by Councilwoman Franco, Second by Councilman Bonker to adopt Resolution 074-2023.

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

**RESOLUTION NO. 079-2023** – Resolution Authorizing the Nader Group Provide Architectural, Civil Engineering, Environmental/ Permitting & Construction Administration Services for the New Byram Township Municipal Building – Not to Exceed \$25,000.00

This resolution is to allow update in the plans due to updates in the UCC codes. It is critical to pass this resolution to meet the timelines.

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

**RESOLUTION NO. 083-2023** – Confirming the Redemption of TTL #2019-005 – Block 241, Lot 502, Squirrel Street

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

**RESOLUTION NO. 084-2023** – Confirming the Redemption of TTL# 2019-006 – Block 241, Lot 503, Squirrel Street

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

**BILL LIST** – April 4, 2023 – Motion by Councilman Bonker, second by Councilwoman Franco to approve the bill list.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd	x				

Yes	x	x		x	x
No					
Abstain					
Absent			x		

**ORDINANCE – Introduction/First Reading**

- **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 \$250,000.00**

**Purpose Statement:** Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Stonehedge Lane, Birch Parkway, Cranberry Lake North & Shore Areas, Forest Lakes Community, East Brookwood Drainage 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.

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

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

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 18, 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.

**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 \$74,000.00**

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

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

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

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 18, 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.

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS TO THE SANITARY SEWERAGE SYSTEM OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$50,000.00**

**Purpose Statement:** Improvements to the sanitary sewerage system.

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

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

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 18, 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.

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE INITIAL COSTS ASSOCIATED WITH THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING IN AND BY THE TOWNSHIP OF BYRAM TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$40,000.00**

**Purpose Statement:** Initial costs associated with the construction of a new municipal building.

Mr. Sabatini explained that this ordinance will cover the balance of the proposal received from the Nader Group plus the additional scope of work that is needed from the estimator in order to bring the township to the final design document, and final estimate.

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

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

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 18, 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 –**

**CO Johnson Park Improvements** – The estimate came in from the EPA. Mr. Sabatini does not want to discuss the estimate this evening, but, would like to get direction of the next steps from the council.

Mr. Sabatini and Councilman Bonker provided a background as to how they got to where it is today and the reasons, they came about on the decisions made.

Mayor Rubenstein said that there are a lot of options in the plan that would be contingent upon other areas. The only way to approach it is to make some hard decisions or not do it at all, as the plans are already coming close to \$5 million.

Councilman Roseff asked how much Tamarack Park is used. Councilman Bonker and Mr. Sabatini said that it is used every day. This plan is now more than doubled what he had envisioned. Does not think it will be aesthetically pleasing having the road and parking around the field.

Councilwoman Franco said that it is a nightmare getting in and out of the field because there is not enough parking. Additional Parking around the perimeter is necessary.

Mayor Rubenstein said that it would better utilize how the field is used now with the parking.

Councilman Bonker said a lot of items interconnect and would like the Open Space Committee see what can and cannot be pared back. He does not support a \$5-\$6 million-dollar project.

Joe Matthews agreed with what was being said by the council. He would like to keep the integrity of the natural beauty of the field, and said that there can be small updates to the field. The playground and basketball field are the smallest areas of the park and are the most used. Would like to see improvements to those areas.

Shawn Conner – asked if the document will be posted for public review. Mr. Sabatini will post it on the website.

Councilman Bonker would like to discuss this with the Open Space Committee on Monday to allow them the opportunity to provide options that can be brought back to the council.

Mr. Sabatini said they are at a hard decision point and that they need to decide on what they want to accomplish.

Councilwoman Franco recommended having a further discussion on priorities at the next council meeting.

Mr. Sabatini asked that the council provide him with their thoughts, and he will review them for similarities.

**Municipal Building Public Question / Bond Ordinance –**

At the last meeting there was a majority decision to ask the attorney to put the Municipal Building project on the November Ballot. It would be a binding referendum. This would need to be done by August 18<sup>th</sup> to get the question on the ballot. There was a consensus of the council to have the Township Manager and Township Attorney to move forward with the bond ordinance to be adopted in August to allow enough time for the Township Clerk to submit it to the County Clerk by August 18<sup>th</sup> the public question (referendum) that will go on the ballot in November.

Mr. Sabatini is looking for a firm directive that this is what the council wants to do and what will drive the schedule regarding the professionals and what needs to be done to get the bond ordinance introduced by the last meeting in July. He recommended reengaging Phoenix Advisors on financing options, and supplementary funding to be included in the introduction of the bond ordinance. They also need to look at options on how it will be marketed to the public.

Motion by Councilwoman Franco, Second by Councilman Bonker to prepare the referendum to have a question ready for the November ballot.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			

2 <sup>nd</sup>	x				
Yes	x	x		x	x
No					
Abstain					
Absent			x		

**FUTURE AGENDA ITEMS –**

CO Johnson Park  
 Veolia Building / EPA email

**PUBLIC PARTICIPATION II**

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

Luanne Byrne – asked for the amount of the bond for the municipal building. Mayor Rubenstein said that will be prepared by July. Also expressed concern about the grey look to the LED lights. The Council said they would like to see color lights.

Annelise Tartell – asked why the municipal building is going on for a vote. Councilman Bonker explained that this will avoid a petition, and timeline issued if it was.

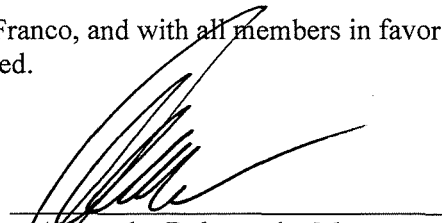
Danielle Conroy – Asked about the moving of the Police Department. It was explained that it is only moving 5 feet.

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 10:00 p.m. All members were in favor. Motion carried.

  
 Cynthia Church, RMC  
 Township Clerk

  
 Alexander Rubenstein, Mayor