

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
APRIL 5, 2022  
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 Law. 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](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 Municipal 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
- b. Contract Negotiations
  - Habitat for Humanity Donation

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 5, 2022.

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 7:36 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 with addition of 13.5 appointment of recreation committee members

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

**2022 BUDGET HEARING** - Mr. Sabatini Provided a statement, and directed everyone to the Township's Website and under the [Byram Township | Municipal Budget Information > 2022 Municipal Budget Information \(byramtwp.org\)](https://www.byramtwp.org)

Mr. Sabatini reviewed what he presented at the introduction meeting.

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 2022 with significant consideration to the future economics of the Township.

Tonight, the Mayor and Council will be asked to approve the budget.

Through the adoption of the budget the Mayor & Council are establishing the municipal policy for 2022 and beyond. They must ensure the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township.

The 2022 budget challenges are a combination of increased expenditures and a reduction of anticipated revenues.

The continued impact of the COVID-19 emergency has contributed to the amount of revenues that can be anticipated in the 2022 budget.

In accordance with Local Finance Notice 2021-24, this budget plan uses a three-year average for calculation of affected revenues for both court and interest & cost on taxes. This softens the impact but if they do not recover in 2022 the loss revenue will have a lingering impact on successive budgets.

The 2022 municipal budget including the Capital Improvement Program and Public and Private Programs offset by Revenues totals \$12,549,070.73.

Summary of Revenues:

The total amount of Fund Balance committed to the 2022 budget is \$1,930,000.

\$1,600,000: Support Operations (increase of \$64,500 from 2021)

\$330,000: Offsets one-time appropriations to the Capital Improvement Fund (\$300,000), and DPW for demo of structures on abandon properties (\$30,000).

Budget Anticipates the same amount of State Aid received in 2021, however we received notification in 2021 that the Township's Open Space PILOT (formerly Garden State Trust) is increasing \$22,635. This amount has been anticipated in the 2022 budget.

In 2021, the Township continued to experience losses of court revenue and interest on investments. These are reducing \$10,000 and \$15,000 respectively. There is still the possibility of an additional liability totaling \$40,000 for both if they don't recover by 2023.

This budget plan includes an additional increased anticipation of Uniform Construction fees of 18% or \$30,000. In 2021, we increased the anticipation of these revenues 26.92% or \$35,000.

Summary of Appropriations (Expenses):

Overall, this budget plan is presenting an increase in appropriations totaling \$329,424 after excluding Public and Private Programs which are offset by Revenues.

General Government, Public Safety, Public Works, and Community Programs include all the Salary & Wages and Operating Expenses for each of the Township's departments. These categories of expenses resulted in a \$91,485 increase.

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.

Significant dollar increase occurring in the following areas:

- Primary Election Expenses
- Vehicle Purchase
- Garbage and Recycling - which is expected to increase \$100,00 in 2023
- Work Compensation and General Liability Insurance
- Pensions
- Group Insurance

The Budget includes a three-year capital improvement program and an aggressive Capital Budget for 2022 totaling \$3,963,300. The total appropriation to the Capital Improvement Fund for 2022 is \$753,633 which includes a \$300,000 one-time funding to the Capital Improvement Fund which is offset by an increase in Fund Balance. Without this the amount of funding allocated to Capital Improvement Fund is continuing to decrease.

Also, this budget includes the approval of the Open Space Tax. Again for 2022, this budget anticipates raising \$110,430.

In conclusion, this budget plan has property taxes totaling \$8,819,535.00, or 70.28% of revenues. This is a 1.35% or \$117,289.00 increase of the tax levy. This is an estimated increase of \$34.89 for the average assessed home of \$255,354.

As mentioned, the 2022 budget plan is impacted by increased expenditures and a reduction of anticipated revenues. It should be noted there are liabilities that are being shifted to future budget years. Finally, again, I would like to thank all my department heads for their creativity holding the line on departmental expenses and help preserving the services the residents of Byram have come to expect.

Councilman Bonker – This budget carries a 1.35% tax increase, the average home in Byram will see a \$35 increase. To put that in perspective, inflation is currently running around 6%. Believes this is a good budget, in spite of the fact that the State Health Benefits for Early Retirees went up 32%, the Public Employees Retirement System PERS went up 16.4% for an additional \$30,106, and all of these mandated increases must fit within a 2% cap. “This is unconscionable fiscal mismanagement by the State of NJ”.

Councilwoman Franco – Feels that the administration and staff did a great job.

Councilman Gallagher - Feels that the administration and staff did a great job, in spite of increases in prices.

Scott Yappen - asked if the Open Space Tax increased. Mayor Rubenstein replied that the rate did not go up.

Mayor Rubenstein – PERS and PFRS costs increased for this year. There are union commitments, pay raises, healthcare that the council has no control over. They are left to balance services to the residents with the increased expenses. With all of this and 6% inflation, they are looking at only a 1.35% increase, and is in support of this budget.

**RESOLUTION NO. 092-2022 – RESOLUTION TO AMEND INTRODUCED BUDGET**

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

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

**BUDGET HEARING TO AMEND INTRODUCED BUDGET**

Mr. Sabatini explained the reason for the amendment.

Jacqueline Richards – said that the BOE was going to come to the Township Council to increase their budget.

**RESOLUTION NO. 100 - 2022 - BUDGET ADOPTION RESOLUTION**

Motion by Councilman Bonker, second by Councilwoman Franco to adopt the 2022 Budget Resolution.

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

**PROCLAMATION – Child Abuse Prevention Month – Mayor Rubenstein read aloud the proclamation.**

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

**PROCLAMATION – Autism Awareness Month - Mayor Rubenstein read aloud the proclamation.**

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

Councilman Bonker – *“In this resolution we say “it is well-documented that if an individual with autism receives treatment early in their lives, it is often possible for those individuals to lead significantly improved lives.” I ask your indulgence to permit me to speak personally for just one minute. I want to highlight the message about early intervention with my own daughter Elizabeth, who is a non-speaking autistic. Partly as a result of those early interventions, Elizabeth will be graduating from Rollins College next month, as a Valedictorian of her class. She will be delivering the class address at the graduation ceremony, where her speech will be heard through a text-to-speech computer. My daughter Elizabeth is a great Byram example of how early intervention matters.”*

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

**Township Manager** – Byram township held their annual Rabies Clinic on April 2, 2022. It was a successful turn out, and thanked all the volunteers that helped during this event, in particular, Dr. Carlos from Byram Animal Hospital, The members of the Board of Health who were in attendance, Byram Township Employees, Vicky Proskey, Bridget DuPont and Catherine Biancone, and Kevin Utter. At the April 19<sup>th</sup> meeting the council will be introducing an ordinance to change the zoning code to in include the cottage food law for food vendors.

**Mayor Rubenstein** – said that his wife participated in the rabies clinic, and was impressed at how well organized it was.

**Councilman Bonker** – the next Open Space Meeting will be on Monday April 11<sup>th</sup>, at that meeting they plan to discuss the status of the Dog Park with regard to the Highlands/DEP, CO Johnson Park improvements, Riverside Park plans. They are happy to see that the Sussex County Open Space Committee recommended to the County Commissioners an approval for the \$5000 grant that was submitted for Tamarack Trail.

**Councilwoman Franco** – In addition to the rabies clinic that was very successful, the Planning Board heard three residential applications at its last meeting.

**Councilman Gallagher** – Thanked the Township and residents for their support upon the unexpected passing of his father.

**Councilman Roseff** – The Environmental Commission met last week and the main thing they asked was to play a roll in the scope of work and establishment of the Lake Management Study. The ISO report has come in.

**APPOINTMENT OF RECREATION COMMITTEE MEMBERS:**

Danielle Conroy - Motion by Councilwoman Franco Second by Councilman Gallagher to appoint Danielle Conroy to the recreation committee.

Kelly Eller - Motion by Councilwoman Franco Second by Councilman Gallagher to appoint Kelly Eller to the recreation committee.

Shawn Conner - Motion by Councilwoman Franco Second by Councilman Gallagher to appoint Shawn Conner to the recreation committee.

Eric Dietz - Motion by Councilwoman Franco Second by Councilman Gallagher to appoint Eric Dietz to the recreation committee.

**PUBLIC PARTICIPATION I**

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

Kevin & Mary O’Brien – 50 Ash Street – Drainage pipe broke on their property, presented pictures and a map and is asking for repairs to be made to the drainage pipe.

Paul Conklin – said this has 6 manhole cleanouts.

David Pelletier – 23 Frenches Grove Road – Expressed concern about the parking and steep incline at C.O. Johnson Parking.

Paul Conklin – Accidents occurring on Rt. 206 and North Shore Road. Received signature and would like to present that to the council to get their assistance. Mayor Rubenstein provided some updates to the situation at that intersection.

Shawn Conner – asked for explanation as to why the direction of the recreation committee is not on the agenda. Mayor Rubenstein said that they are working on what the plan will be for 2023.

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

**APPROVAL OF MINUTES**

- March 15, 2022 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Roseff 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	x
No					
Abstain			x		
Absent					

**RESOLUTION NO. 102-2022** – Resolution Authorizing the Nader Group to Provide Architectural, Civil Engineering, Environmental / Permitting & Construction Administration Services (Extra Work) for the New Byram Township Municipal Building – Not to Exceed \$8,000

Mayor Rubenstein explained the need for this resolution.

Councilman Gallagher asked how much we are in with the Nader Group. Feels that this is starting to blow up much larger than anticipated.

Councilman Roseff asked about their current schedule and if this will cause delays.

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

	Councilman	Councilwoman	Councilman	Councilman	Mayor

	Bonker	Franco	Gallagher	Roseff	Rubenstein
Motion	x				
2 <sup>nd</sup>		x			
Yes	x	x			x
No			x	x	
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 Gallagher, Second by Councilwoman Franco to approve the consent agenda.

- A. Approval of reinstatement of Fire Department Member – Frank Diliberto
- B. Resolution No. 091-2022 – Resolution Approving Per Diem Mutual Aid Agreement for Water Emergency Standbys with Sussex County Fire Coordinator and the Township of Byram, County of Sussex, State of New Jersey
- C. Resolution No. 093-2022 – Chapter 159- Highlands Plan Conformance Grant \$150,000.00
- D. Resolution No. 094-2022 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 360 Lot 7, 370 Route 206
- E. Resolution No. 095-2022 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 28, Lot 334 Refund of Taxes Paid for 1<sup>st</sup> Quarter- Block 28 Lot 334, 12 Lockwood Ave
- F. Resolution No. 096-2022 – Resolution Authorizing Hobb Engler & Lenape Blazers to Hold 2022 Opening Day Ceremonies on April 23, 2022, at C.O. Johnson Field Starting at 9:30 a.m.
- G. Resolution No. 097-2022 – Authorization to Purchase Fuel Oil #2 (Heating Oil) under the Morris County Cooperative Prices Council for Budget Year 2022
- H. Resolution No. 098-2022 – Authorization to Purchase Rock Salt under the Sussex County Cooperative Pricing System for Budget Year 2022
- I. Resolution No. 099-2022 – Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2022
- J. Resolution No. 101- 2022 – 2022 Capital Budget Amendment Resolution
- K. Resolution No. 103-2022 – Resolution Authorizing the Execution of a Lease Agreement to Support the Waterloo United Methodist Church (W.U.M.C.) Neighborhood Pantry

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

**BILL LIST** – April 5, 2022 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

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

**ORDINANCE – 1<sup>st</sup> Reading / Introduction**

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS AT RIVERSIDE PARK TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$175,000.00**

Purpose Statement: Improvements to Riverside Park including materials, equipment, site work and engineering costs necessary therefor or incidental thereto.

Motion by Councilman Bonker, second by Councilwoman Franco to Introduce the Ordinance

Councilman Roseff expressed his concerns about the cost of the project. Said this project is \$100,000 over compared to when it first began. Does not feel they should be moving forward with this project.

Councilman Bonker disagreed with Councilman Roseff and said they received a grant that pays for 50% of the cost. If they go in to do the job, they should do it right. The numbers went up because some of the individual elements needed increased.

Mr. Sabatini explained that the numbers that Councilman Roseff presented were old figures from two years ago. Since then, they need to come into compliance with ADA and the cost of some elements did increase.

Councilman Roseff expressed his concern about the consultant being used, and the numbers are not accurate.

Mayor Rubenstein said he was surprised to see the amount of traffic that this park brings in. The park is definitely dated and needs updates.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		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 19th 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 OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$650,000.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Tamarack Road, Cranberry Lake North & South Shore Areas, Forest Lakes Community 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 Gallagher, second by Councilwoman Franco to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 <sup>nd</sup>		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 19th 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 \$85,000.00**

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

Motion by Councilman Gallagher, second by Councilwoman Franco to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 <sup>nd</sup>		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 19th 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** - None

**FUTURE AGENDA ITEMS**- None

**PUBLIC PARTICIPATION II**

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

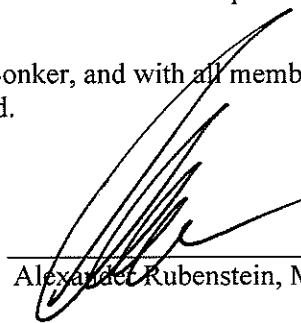
Annelise Demetris – Said that the price of playground equipment is extremely high.

Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to public.

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 9:26 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor