

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
APRIL 18, 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.byrampwp.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
 - General
- 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 18, 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 Councilwoman Franco, second by Councilman Bonker to approve the agenda with the addition of Save our Bridger support letter under discussion items.

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

PROCLAMATIONS:

NATIONAL THERAPY ANIMAL DAY, APRIL 30, 2023

- Mayor Rubenstein read aloud the National Therapy Animal Day Proclamation.

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

Councilman Roseff raised therapy dogs for 10 years and expressed the great comfort it brings to families.

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

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – Presented the council with the Planning Board Annual Report, there are several items on it that the council should consider under basic accessory structures (Chapter 240). Suggests authorizing the staff to move forward with it. They are working on a new checklist and will need to be authorized by the council. There is cleanup recommended by the Planning Board Attorney regarding site plans. Would like to discuss lead base paint ordinance at the next council meeting.

Mayor Rubenstein – April 18th Primo Hoagies had their grand opening which was a great turn out. April 22nd is Baseball / Softball Opening Day at CO Johnson Park at 9:30am.

Councilman Bonker – the Open Space meeting was April 10th. They discussed C.O. Johnson Park project and renovations of Basketball Court. There will be a follow up meeting with French and Perillo. Thanked Primo Hoagies for investing in Byram. Mr. Sabatini and Councilman Bonker met with the Bond Council on financing of the Municipal Building Project.

Councilwoman Franco – at the last Planning Board meeting there was an application for a deck, and the Skylands Surgical Center. Happy to welcome Primo Hoagies to the Township.

Councilman Gallagher – March 28th was the Board of Education Meeting. Their next meeting is on April 26th. There was a Recreation Committee meeting on April 17th at which they discussed upcoming events including Opening Day, Garage Sale, Movies in the Park, Miss Byram, Kids Triathlon, and Sussex County Miners Day. They are also Looking into a Mother’s Day walk. Would like the township to investigate the maintenance of the fields at the school. Byram Day Committee Meeting will be held this Monday.

Councilman Roseff - Historical Society has two upcoming events on June 17th & 18th. Byram Family Campout Event. June 24th is the Morris Canal history event. The weekend bag program, that provides food for the weekends, are looking for assistance.

PUBLIC PARTICIPATION I

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

Scott Olson – Asked about the agenda item regarding the Brookwood Wellhouse Pumpstation. Stated that it would be a violation to discuss this as the applicant did not request this to be discussed (neither Veolia nor EPA). Individuals in that neighborhood have been waiting for this to go into their neighborhood for a long time.

Gas has been installed at his home and is very pleased.

Jack Moran – Asked about the timetable for NJ Natural Gas. Mayor Rubenstein said that they are getting ready to start in the East and West Brookwood areas. Asked if there is going to be a revolution any time soon. Mr. Sabatini said there is no recommendation from the county at this time. Asked to improve upon Brookwood Park and the landscaping.

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

APPROVAL OF MINUTES

April 4, 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 Gallagher, Second by Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 085-2023 – Resolution Supporting Participation in Borough of Hopatcong LEAP Implementation Grant

B. Resolution No. 087-2023 – Resolution of Approval Allowing the Lenape Blazers Softball Team to Install Dugout Covers and Backstop Covers at Neil Gylling Park During Their 2023 Season

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

RESOLUTION NO. 086-2023 - Resolution of The Mayor and Council of the Township of Byram Confirming that the Common Driveway at the End of Netcong Avenue is a Private Common Driveway and is Not a Public Street and Authorizing and Directing that the Mayor to Send the attached Letter to the Property Owners Confirming their Responsibility for Maintenance and Repair of the Common Driveway

Motion by Councilman Bonker, Second by Councilwoman Franco to adopt Resolution No. 086-2023.

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

Jeff Kastner - Received a letter last week that his road will no longer be a public road which is the only access to his property. He expressed his opposition to the adoption of the resolution and read aloud his point of view and provided pictures of the road. Township Attorney Tom Collins gave his legal view on the road as it is considered a private drive, along with other private drives within the township. The Township has no obligation to plow or de-ice private drives. Mayor Rubenstein explained that they have been working on cleaning up these issues throughout the township and the maintenance of dirt roads. Councilman Bonker said that this is being done in other areas of the township as well and they feel that they need to be consistent to avoid liability issues.

Jack Moran – asked if there is a way to get a private contract to eliminate liability.

BILL LIST – April 18, 2023 – Motion by Councilwoman Franco, second by Councilman Bonker 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. 006-2023 - 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 adopt Ordinance No. 006-2023

	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. 006-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 007-2023 - 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 Gallagher 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 Ordinance No. 007-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 008-2023 - 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 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 Ordinance No. 008-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 009-2023 - 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.

Jack Moran – Asked if this will tie in with the bonding. Mayor Rubenstein said that this is not related, this is to get the final set of plans.

Motion by Councilman Bonker, 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 Ordinance No. 009-2023 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

EPA Veolia East Brookwood Wellhouse:

Councilman Roseff feels that the process was different then what would have been handled otherwise. The concern is how this building will be situated on the property. He would like to make sure that the building has the least amount of impact on the neighborhood. Would like the council to consider going back to the EPA with other suggestions.

Councilman Bonker asked if this went thought the Planning Board process.

Mayor Rubenstein said that the EPA does not need to go thought the normal approval process as they are exempt, however, they went thought courtesy review. Mayor Rubenstein provided the full explanation and determination that went into the decision of the placement of the building location. This building needs to go in to resolve the issues that some of the residents are having with the superfund site.

Township Attorney Tom Collins said that the township has no jurisdiction over the EPA to force them to change, and does not encourage anything that would cause delay for resident to get clean water.

Councilman Roseff said that the EPA is open to input from the township. And would like to ask that EPA consider alternatives for the benefit of the neighborhood.

William Barrett – Is directly affected by the building. Is worried about drainage issues when taking out 30+ trees. The trail will be right along his property line and would like to see a barrier. He would like to see that part of the trail eliminated. He does not see a need to take down all the vegetation and has concerns about the lighting and the noise.

Mary Schneider – Said that she is one of the 19 homeowners affected by the contaminated water and has been affected by this for over 18 years. They are so close to getting clean water and asked for there not to be any delays in the process.

Georgette Schroder – Does not feel that a 6-foot-wide trail is necessary. Agrees with leaving the natural vegetation.

Jack Moran – said that the well has been offline for a long time and is not necessarily needed immediately. If they leave the well, within 5 years, it can go back into compliance. Agrees with cutting back on the size of the access.

Jeanne Moran – The letter from the DEP is self-explanatory, would like to see less trees come down and to move the trail over to help prevent erosion.

Mayor Rubenstein would be happy to coordinate with EPA and Mr. Barrett to come to a happy medium.

Councilman Bonker does not want any delays in getting clean water to the residents; time is of the essence.

Municipal Building:

Mr. Sabatini said that at the next meeting there will be more information from the financial planner. There will need to be a discussion on a plan to educate the public. Mayor Rubenstein said that the voters need to be able to make an educated decision and the township should research the best way to deliver the message to the voters.

Save our Bridge (Cranberry Lake):

The township council would like to provide a letter of support to the senator and councilman. The council are in support of the mayor sending the letter.

Motion by Councilwoman Franco, Second by Councilman Bonker to send a letter of support.

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

FUTURE AGENDA ITEMS –

Municipal Building

PUBLIC PARTICIPATION II

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

Beth Vivian – Would like to get a dead-end (no outlet) sign at the end of Brookwood Road. Mayor Rubenstein said to send an email to the manager.

Georgette Schroder - is having issues with Optimum, Mayor Rubenstein suggested making a BPU formal complaint. She has been having an issue with the placements of the garbage cans by Blue Diamond. Would like to know the rules about ATVs on Briar Lane. Mayor Rubenstein suggested calling the police when she sees it happening. Asked if there is an ordinance about how many trees can be taken down. The council does not have an ordinance for that.

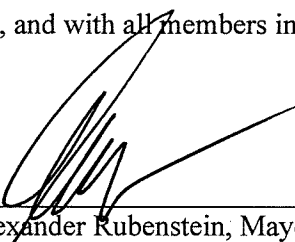
Mayor Rubenstein would like someone from Altice to come to a public meeting.

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 9:45 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor