

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
APRIL 20, 2021  
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 Mr. 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.

**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
  - Forest Lakes Drive - Potholes
  - 85 Tamarack Road Complaint
  - Lake Drive Complaint

**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 20, 2021.  
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 Councilman Gallagher 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 Gallagher, second by Councilwoman Franco, to approve the agenda with moving Resolution 111-2021 to discussion.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	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** – A rabies clinic was held at the Byram DPW Garage on April 17<sup>th</sup>. Over 160 vaccinations were administered. Joe thanked the volunteers, employees, and Dr. Carlos of Byram Animal Hospital for volunteering at the clinic.

**Mayor Rubenstein** – Byram PD celebrated their 50<sup>th</sup> anniversary. The Planning Board meeting heard on the Mountain Side site that were proposing a garden center / ice cream store / snack stand. There is a Special Planning Board meeting this Thursday, April 22 for Anti Trucking.

**Councilman Bonker** – There was an Open Space meeting on April 19<sup>th</sup>. It was a full agenda. They completed the Timber Harvest. They set up a trails review walk. The Open Space Consultant from Greener by Design discussed some potential acquisitions and reviewed some efforts to get a kayak launch. They discussed grant opportunities and focused some time on the dog park proposal. Discussed long term capital planning regarding Open Space and Recreation with a focus on grants and low-cost state loans.

**Councilwoman Franco** – No Report

**Councilman Gallagher** – There was a Fire Department seminar on April 15<sup>th</sup>. There was a Recreation meeting on Monday, April 19<sup>th</sup>. At that meeting they discussed Miss Byram that is scheduled for June 5<sup>th</sup> with a rain date of June 12<sup>th</sup>. On June 5<sup>th</sup> & 6<sup>th</sup> there will be a town wide garage sale. October 9<sup>th</sup> will be the Byram Fest, with a rain date of October 10<sup>th</sup>.

**Councilman Roseff** – the Environmental Commission will have a table at Opening Day on April 24<sup>th</sup> at C.O. field. They will be handing out free tree seedlings. Would like to add a discussion item about the use of the Byram Township School fields.

## **PUBLIC PARTICIPATION I**

Mr. Rubenstein read a statement on behalf of the Township Council.

*The Byram Township Mayor and Council represents all residents of Byram. We have a fiduciary responsibility to our fellow taxpayers to continuously review and improve the operations of the Township. After a long and careful review, including extensive good faith negotiations put forth by the township, Byram Township and BARKS have concluded their multi-decade relationship. The contract with BARKS expired on December 31<sup>st</sup>, 2020, but the Council agreed to provide BARKS with a 6-month extension until June 30<sup>th</sup>, 2021 to facilitate an orderly transition. The Township is happy to announce that we have entered into a shared services agreement with our neighbors in Hopatcong for all future animal pound services.*

*BARKS has served Byram Township well for many decades, and we thank them for their services. Over the decades the business model for BARKS has evolved, but their current business model no longer aligns with Byram's requirements. More recently, the Council has been advised that the vast majority of animals processed by BARKS are not Byram animals. In light of this reality, the Council can no longer justify the expense of providing BARKS with the dedicated services of a part time Byram employee plus a rent-free, utility-free facility. BARKS is an independent charitable enterprise, but it cannot and will not continue to be subsidized by the taxpayers of Byram when the vast majority of their activity does not serve Byram animals or interests. The Council wishes only the best for BARKS in their future endeavors, but ultimately the Council must make decisions that align with the best long-term interests of its residents. We look forward to a long and productive shared services agreement with Hopatcong to provide Byram residents the quality animal control services they need at an overall reduced cost.*

Councilman Bonker, Councilwoman Franco and Councilman Gallagher were in support of the statement read.

Councilman Roseff – has declined to be part of the statement read.

Christie Horton – 7 Broad Avenue – Just found out about BARKS and said that they have helped her out numerous times and is sad to see them go. She feels that it is a big loss to the Township. Would like to see recycling more often than every other week.

Karen Dashfield on Behalf of B.A.R.K.S. – Wanted to go on record to ask the committee, and state that the only response that they received from the Township was that there is no further negotiation and no counteroffer to their offer of \$9,000.00. The term of the lease was for 3 years. The lease can be ended with just 90-day notice. She feels that is like asking B.A.R.K.S to sign a lease for 90 days. Mayor Rubenstein explained that the time to bring up these issues would have been during the negotiation process. Ms. Dashfield also said that she heard no response from the council about meeting with them to negotiate further. Mayor Rubenstein disagreed with that statement. Ms. Dashfield would like to request extending their stay past June 30<sup>th</sup>. Mayor Rubenstein asked that she draft a letter to the Township Administration asking for the extension.

Jack Moran – 7 East Waterloo – Asked about the ISO hydrant testing. Councilman Gallagher said that he is expecting a reply by the end of April. Asked if they are still pursuing the Soil Ordinance. Mayor Rubenstein said that there is not much traction on this, and it has been tabled at this time. Asked about Hydrant clearing. Mayor Rubenstein said that it will be discussed at a later date.

Geraldine Anglum – 137 Forest Lake Drive North – Was surprised to hear the information about BARKS leaving. She is concerned that she is hearing two different versions of what is happening. B.A.R.K.S. was helpful to her in the past with trapping and neutering of stray cats. She is sorry to see B.A.R.K.S. leave Byram.

Patricia Moschella – 3 Mountain Ave – Sad to see what transpired between the Township and B.A.R.K.S. They have been a great help to the community.

Courtney Gallagher – Little Paint Way – Asked if there are any updates on C.O. Johnson Field with getting the fields updated. Mayor Rubenstein said that it was discussed during a prior meeting. Mr. Sabatini said that as of Friday he received an updated plan that they have not had a chance to review.

Christine Orr – 4 Lake View Trail – Asked about the arrangement with Hopatcong Pound, if they do TNR or adoptions of animals. Mayor Rubenstein explain the Pound and the ACO relationships. Hopatcong does do TNR, and they have a successful adoption service.

██████████ – Asked about utilization of the fields behind the school. Mayor Rubenstein said that it will be discussed later on in the agenda.

Dee Garrison – 1 River Road - Questioning why they would say B.A.R.K.S. changed their business model. Mayor Rubenstein said that can not be discussed in public.

Jeanne Moran – 7 East Waterloo Road – Feels that B.A.R.K.S. brought a lot to the community and would like to thank them for their service. Wished the Police Department the best for another 50 years of service. Would like to see the Police Department continue with their logo.

Christie Horton – 7 Broad Avenue. – Asked if Hopatcong has an affiliation with PetSmart.

**APPROVAL OF MINUTES**

- 04-06-2021 Regular & Closed Session Minutes – Motion by Councilman Bonker, seconded by Councilman Gallagher to approve the minutes as presented.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	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 so 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 Councilman Gallagher, second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 112-2021 – Transfer of Liquor License from Venture Two, L.L.C. to Plan Two, L.L.C.
- Resolution No. 114-2021 - Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 309 Lot 1932 – 495 East Shore Trail
- Resolution No. 115-2021 – Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew membership Therein for the Period of October 1, 2021 Through September 30, 2026

	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. 111-2021 - Resolution in Opposition to Senate Bill S3375**

Motion by Councilman Bonker, Second by Councilman Gallagher

Councilman Roseff explained that this resolution is in opposition of Senate Bill S3375, regarding the workers compensation law. Councilman Roseff feels there should be a more constructive resolution. He explained that Byram Township has a unique roll in this. We should be getting the best insurance that we can get at the best value that provides for the employees needs. There are parts of the bill that he disagrees with, especially the uncapping of legal expenses. This bill requires more transparency on the part of the insurance company. Councilman Roseff offered to do further research and revise the resolution for the next meeting. Mr. Sabatini said that we have a 3-year agreement with Statewide. On March 8, 2021, the fund members received a letter from Caroline Convoy asking each municipality in the fund to adopt a resolution. The commission was in opposition of the bill. Mr. Roseff said there are some good aspects of the bill, but we have a good opportunity to mold a future bill. Councilman Bonker was willing to table the resolution.

Councilwoman Franco was agreed to table the bill. Councilman Gallagher agreed to table the resolution. Mayor Rubenstein said he was in agreement to table the resolution to allow it to be shaped. Councilman Roseff will draft some changes to the resolution.

Motion Councilman Roseff Second by Councilman Gallagher to table the resolution.

	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. 113-2021** – Resolution Recognizing the 50<sup>th</sup> Anniversary of the Establishment of the Full Service Byram Township Police Department

Motion by Councilman Gallagher, second by Councilwoman Franco to approve Resolution No. 113-2021.

Skip Danielson – offered his support and congratulations to the Byram Township Police Department for 50 years of service.

	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** – April 20, 2021 – 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		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**ORDINANCE** – 2<sup>nd</sup> Reading / Public Hearing

**ORDINANCE NO. 003-2021 - 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 \$193,000.00**

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

Motion by Councilman Bonker, second by Councilman Gallagher to adopt the Ordinance No. 003-2021.

Carlos Luaces asked what was being purchased – Joe explained that this is a for a Loader, 3500 4X4 Mason Dump, and a Ride-On Spreader/Sprayer Applicator.

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

Be It Resolved that Ordinance No. 003-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE NO. 004-2021 - 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 \$353,443.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Continental Drive, Deer Hill Run and Cranberry Lake Community including reconstruction of culverts and headwalls and all curbing, drainage facilities/inlets,

landscaping, reclamation, milling, structures, roadway surfaces including paving, oil and stone, cape sealing or similar application, materials, equipment, site work and engineering costs.

Motion by Councilwoman Franco, second by Councilman Gallagher to adopt Ordinance No. 004-2021.

Carlos Luaces – 7 Johnson Blvd. - Said that his road is not a candidate for oil and stone or cape seal because there is no subbase.

- Asked what was planned to be done with the landscaping. Mr. Sabatini said that there is no plan in place for landscaping. The bulk of the cost is going to the milling and paving of the road.

	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 Ordinance No. 004-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE NO. 005-2021 - 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 \$370,000.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, the Route 206 Corridor and Forest Lakes Community including reconstruction of culverts and headwalls and all curbing, drainage facilities/inlets, landscaping, reclamation, milling, structures, roadway surfaces including 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. 005-2021.

	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 Ordinance No. 005-2021 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**

**Cannabis Legalization** – The council has been aware of the new law that was passed in N.J. Mr. Collins explained that all municipalities in NJ were affected by this new statute, that is very different then the medical marijuana statute. The most important provision of this statute is unless a municipality adopts an ordinance to either prohibit or regulate the six categories of uses that are authorized throughout NJ for cannabis growing, manufacturing, distribution, packaging, retail sales and deliver, they must do so by August 21, 2021 the municipality will lose its authority to adopt an ordinance that affects those uses for five years. If they do adopt the ordinance to prohibit they can always adopt another ordinance to change it and allow some or all of the uses. They can not do anything to prohibit or deregulate it if they do not pass the ordinance before August 21, 2021 for that five-year period. It is important for the council to make a policy decision.

Councilman Bonker - Acknowledged the state-wide public referendum which passed last Fall to de-criminalize marijuana. and acknowledged that 75% of Byram voters were in favor of de-criminalization. However, decriminalization is not the same thing as endorsing pot shops on Route 206. The state has given each municipality the ability to control everything about marijuana within their town except for delivery. Mr Bonker firmly believes that Byram needs to follow the example ordinance provided to us by the NJLM and pass the most restrictive ordinance regarding marijuana in Byram. He explained that Byram is a rural bedroom community with traditional values that go along with the psychographics. Mr. Bonker asked that the NJLM sample ordinance provided in the packet be placed on the formal agenda for adoption at our next meeting on May 4<sup>th</sup>. Thank you.

Councilwoman Franco – agreed with Councilman Bonker to pass the sample ordinance disallowing pot shops in Byram Township on May 8<sup>th</sup>.

Councilman Gallagher –not in favor of marijuana in our Township. In support of the ordinance to not allow retail sale in the Township.

Councilman Roseff - not in favor of the cannabis retail establishment for marijuana on Rt. 206.

Christine Horton – 7 Board Avenue – is against marijuana completely.

Tiffany Heineman – 205 Lake Drive - Sent a letter to the Township Council regarding legalizing of Marijuana. She said that 70% of Byram residents were in support of the ordinance, and all that went with it. She said that the council is closing an opportunity prior to even getting started. It gives the idea that we are not a business-friendly town. It is against the will of Byram’s voters. Revenue by taxation can be obtained from sales on the product.

Councilman Bonker - thanked Tiffany on her letter and appreciates her participation.

Donna Griff – 71 Brookwood Road – agrees with Tiffany’s statement. The voters of Byram have spoken in support to the legalization of marijuana. Regulate the aesthetics but do not put a ban on it completely.

Councilman Franco – said she is not in complete disagreement with Ms. Griff; however, we are under a time constraint. We can reconsider changes to the ordinance at another time. We need to close the door to get more information. We need to pass the ordinance to be able to better control it later.

Skip Danielson – agrees with the Township Council to take the action. If they do not do it by August, you will be blocked to taking any action for 5 years.

Luanne Byrne – 38 Richmond Road – agrees with the Township Council to put through an Ordinance prior to August. Questioned the police departments capabilities on policing marijuana. Chief Burke said that there are challenges.

Scott Yappen – 5 Catherine Drive – agrees with the Township Council to put through an Ordinance prior to August. Asked if there is the ability to limit cannabis use at our public events. Mr. Collins will investigate that but believes there may be a way though township code to set limits.

Donna Griff –71 Brookwood Road - Feels that the council has time to research this prior to closing the door.

Mr. Sabatini said that by adopting this ordinance in August does not prohibit us from any point to re-look at some aspects of it.

Jack Moran – 7 East Waterloo Road – 69% of Byram voted in favor of legalizing, and those votes should be respected. Tiffany Heineman – Said that those who can not buy cannabis will just go to another town to buy it.

Councilman Bonker recommends having a draft ordinance ready for the next meeting to get the clock started. All were in favor of an ordinance with all restrictions. Mr. Sabatini was given the directive by the Council to have the ordinance placed on a future agenda.

**Internet Services**

This is regarding a resolution drafted by Councilman Roseff. Councilman provided an overview of the reason for the resolution. Asking the legislature, BPU, and Governor to improve broad band services in Byram Township.

**RESOLUTION NO. 116-2021** – Resolution Calling Upon the Governor, State Legislature and BPU to Bring Proper Broadband Services to Byram Township and All of the State of New Jersey

Motion by Councilman Roseff, second by Councilwoman Franco to adopt Resolution No. 116-2021.

	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					

**SCHOOL FIELDS**

Councilman Gallagher said that extra field usage is needed. Mayor Rubenstein will reach out to the BOE president and Mr. Sabatini will reach out to Mr. Fritzky to see if we can get use of the school fields.

**FUTURE AGENDA DISCUSSION ITEMS**

Mr. Bonker questioned where we are with French & Parello. Joe said that this may be able to be discussed with them for the first meeting in May.

**PUBLIC PARTICIPATION II**

Mr. Yappen – 5 Catherine Terrace - asked for an update on Natural Gas. Mr. Sabatini said that it is not going up Lee Hill Road. Asked for update on the Nader Group. Mayor Rubenstein said there will be civil plan by the end of May.

Jeanne Moran – 7 East Waterloo – Thinks there should be some flexibility with allowing cannabis in Byram Township. Asked about who will be attending the TCE meetings, Councilwoman Franco will be the liaison. Mayor Rubenstein said that he understands that the meeting will be held by Zoom.

Donna Griff – 71 Brookwood Road- Said that the Township has been great with helping their neighborhood through the issues with TCE. Will be happy to help in any way she can. Disappointed in the council being so closed minded with the passing of the Cannabis ordinance. The council should take the time to hear the residents.

Jack Moran – 7 East Waterloo – asked for an update on the tunnel. Mayor Rubenstein said that there are no updates. Wanted to advise on the power outage over the weekend.

**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. Personnel
    - Police Department Staffing
- 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 20, 2021.

Cynthia Church, Municipal Clerk

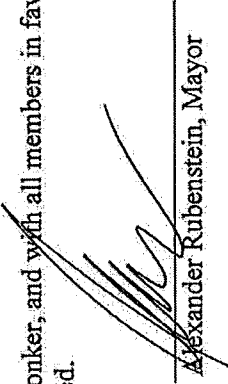
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**RETURN TO OPEN SESSION** - Motion by Councilman Bonker, second by Councilman Gallagher to return to open session at 11:08 p.m. All members were in favor. Motion Carried.

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 11:10 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor