

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
MAY 3, 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
  - Docket No. SSX-C-13-21
- b. Contract Negotiations
  - Solid Waste Recycling Contract

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 May 3, 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 7:32 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 discussion items on DEP/C.O. Johnson Park Update, Fire Truck Analysis, B.A.R.K.S. Building, and the removal of item #17 (Ordinance Introduction).

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

ISO concluded its review of the fire suppression features being provided for Byram Township.

The resulting community classification is Class 05/5X.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/XX):

- The first class (e.g., “6” in a 6/XX) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (XX or XY) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., “6” in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement.
- Class 10 applies to properties over 5 road miles of a recognized fire station.
- Class 10W applies to properties within 5 to 7 road miles of a recognized fire station with a recognized water supply within 1,000 feet.
- Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual classification.

FSRS Feature	Earned Credit	Credit Available
<b>Emergency Communications</b>		
414. Credit for Emergency Reporting	3.00	3
422. Credit for Telecommunicators	3.20	4
432. Credit for Dispatch Circuits	2.70	3
<b>440. Credit for Emergency Communications</b>	<b>8.90</b>	<b>10</b>
<b>Fire Department</b>		
513. Credit for Engine Companies	5.97	6
523. Credit for Reserve Pumpers	0.11	0.50
532. Credit for Pump Capacity	3.00	3
549. Credit for Ladder Service	3.22	4
553. Credit for Reserve Ladder and Service Trucks	0.08	0.50
561. Credit for Deployment Analysis	4.36	10
571. Credit for Company Personnel	4.50	15
581. Credit for Training	2.11	9
730. Credit for Operational Considerations	2.00	2
<b>590. Credit for Fire Department</b>	<b>25.35</b>	<b>50</b>
<b>Water Supply</b>		
616. Credit for Supply System	15.37	30
621. Credit for Hydrants	2.95	3
631. Credit for Inspection and Flow Testing	1.92	7
<b>640. Credit for Water Supply</b>	<b>20.24</b>	<b>40</b>
<b>Divergence</b>	<b>-0.02</b>	<b>–</b>
<b>1050. Community Risk Reduction</b>	<b>4.33</b>	<b>5.50</b>
<b>Total Credit</b>	<b>58.80</b>	<b>105.50</b>

Councilman Roseff questioned the standards that requires 16 hours per month of training for maximum credit. Mr. Ball provided an explanation. He asked what the water companies should do to bring up the standard. Asked if there is anything they can do and concentrate on in the future to bring up the rating. Mr. Ball suggested working with the local water departments to get them more on board with this report. Councilman Roseff asked Mr. Ball for his definition of fire flow as it pertains to East Brookwood. Mr. Ball provided the explanation on how the definition and statistics is established.

Mayor Rubenstein opened it up to the public for questions. Many questions were asked about the ratings, painting of fire hydrants, various water companies and how to bring the rating up.

**PROCLAMATIONS:**

**Peace Officers Memorial Day – May 15, 2022**

Motion by Councilwoman Franco, Second by Councilman Gallagher 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	x
No					
Abstain					
Absent					

**Municipal Clerks' Week - May 1 - 7, 2022**

Motion by Councilwoman Franco, 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	x
No					
Abstain					
Absent					

**RECOGNITION OF RESIGNATION –**

Scott Olson (2020-2022) – Board of Health

Motion by Councilman Gallagher, Seconded by Councilwoman Franco recognizing the resignation

Katie Baron (2017-2022) – Environmental Commission

Motion by Councilman Gallagher, Seconded by Councilwoman Franco recognizing the resignation

The Township Clerk will send out a thank you letter to both Mr. Olson and Ms. Baron.

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

**Township Manager** – Was informed that the Nader Group will have the final draft construction documents available by of this week. They will be posted on the Township’s website and will be available to the subcommittee for review. Mark Alpaugh of MJA Construction Services will receive the documents the same day and will provide an updated estimate that will be posted to the Township’s website by end of day. There will be a special meeting on Tuesday, May 24 at 7:00 PM to discuss the final draft of the construction documents and associated estimate.

**Mayor Rubenstein** – April 21<sup>st</sup> the Mayor and Manger participated in a New Jersey Natural Gas conference call, NJNG are interested in moving into the southern side of the township. On Saturday the Lenape Valley Baseball / Softball opening day was a beautiful day with 270 kids playing ball this year. There was a hike sponsored by the Recreation Committee and the Environmental Commission that was well attended.

**Councilman Bonker** – No report at this time.

**Councilwoman Franco** –Attended the Lake Mohawk Community Club new members meeting. The meeting was well attended and was there to help answer questions.

**Councilman Gallagher** – The Fire Department held their annual bucket drop drive on April 23<sup>rd</sup> and 24<sup>th</sup> . They also held their beef steak dinner with a great turnout. May 16<sup>th</sup> is the next Recreation Committee meeting.

**Councilman Roseff** – The Environmental Commission meeting was cancelled and has been rescheduled for May 11<sup>th</sup> in which they will be focusing on the Lake Management Study.

**PUBLIC PARTICIPATION I**

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

Jeannie Moran, 7 East Waterloo Road – Asked to pull Resolution No. 110-2022 from the agenda for discussion.

Jack Moran, 7 East Waterloo Road – Asked a few questions to catch up on and to get updates on previous projects.

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

**APPROVAL OF MINUTES**

- April 19, 2022 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 <sup>nd</sup>			x		
Yes	x	x	x	x	x
No					
Abstain					

Absent					
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**Resolution No. 110-2022** – A Resolution of the Township Council of the Township of Byram, County of Sussex, and State of New Jersey in Support of Amending Title 35 of the New Jersey Revised Statutes to Permit the Publication of Legal Notices by Government Entities on Official Government Website Instead of in News Papers

Motion by Councilman Bonker, Second by Councilwoman Franco to approve Resolution No. 110-2022.

Jeanie Moran, 7 East Waterloo Road – was not in favor of this resolution as she feels they should be supporting the older generation and the local paper.

Luanne Byrne, 34A Richmond Road – was in agreeance with Ms. Moran’s comment.

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

- A. Resolution No. 111-2022 – Resolution Authorizing the Renewal of an Alcohol and Drug Testing Services Agreement between the Township of Byram and Valley Medical Group (VMG)
- B. Resolution No. 112-2022 – Authorization for the Purchase of Playground Equipment and Mulch for the Improvements to Riverside Park – Not to Exceed \$127,588.30 & \$14,895.00
- C. Resolution No. 113-2022 - Resolution Authorizing the Mayor to Sign Side Bar Agreement with CSC TKR, LLC, A Wholly Owned Subsidiary of Altice USA, Inc. To Provide WiFi “Hotspots” At Neil Gylling Park and Riverside Park as Well as Modem and Basic Monthly Internet Services at C.O. Johnson Park Field House and Tamarack Park
- D. Resolution No. 114-2022 – Authorization to Trim and Remove Various Trees at Neil Gylling Park Utilizing Open Space Trust Funds – Not to Exceed \$5,890.00

	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** – May 3, 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		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

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

**Ordinance No. 006-2022 - AN ORDINANCE AMENDING ARTICLE III, SECTION 240-7 AND ARTICLE IV, SECTION 240-21.1 OF THE ZONING ORDINANCE OF THE TOWNSHIP OF BYRAM, SUSSEX COUNTY, TO PERMIT COTTAGE FOOD OPERATIONS AS A PERMITTED HOME OCCUPATION IN ALL RESIDENTIAL USES**

**Purpose Statement:** The purpose of this Ordinance is to allow cottage food operations as a permitted use of a home occupation in all residential uses.

	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. 006-2022 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**

DEP/C.O. Johnson Park Update – Mayor Rubenstein gave an explanation and handed out a packet to explain what is happening with the plans for the dog park and explained the statute 7:38-3.5 that limits impervious surfaces. C.O. Johnson Park is limited to ¼ acres, and the dog park is limited to 1.261 acres. With a permit, it can be transferred to aggregated lots. Would like to seek a transfer of impervious coverage under one approval. Councilman Roseff expressed a concern as to being locked in and the effect on future expenses. Councilman Roseff would like this to be distributed to the public for comments. Mayor Rubenstein and Councilman Bonker said that they have already had extensive conversations on the dog park and C.O. Johnson Park. The conversation that Mayor Rubenstein had with the DEP led him to believe that they will look very favorable on this application. Mayor Rubenstein said that the council needs to decide quick on what they want to do with C.O. Johnson Park and how it will all tie together. They need to get a plan put together to submit to DEP. Mr. Collins clarified that the work they would be seeking is Highlands approval for both lots on one application including all land for complete DEP approval for impervious coverage transfer. They need to get a plan put together. The majority of the council were in favor to move forward to get an engineer involved to start the process. There will be further discussion at the May 17<sup>th</sup> Township Council meeting.

Fire Truck Analysis – There as been a request from the Fire Department for a new apparatus. Mayor Rubenstein made a recommendation to hire a third party to evaluate what is needed. Councilman Gallagher was not in favor of this approach. Mike Pellek feels that the opportunity for the council to purchase a vehicle that would eliminate two vehicles and save the taxpayer money has passed as prices have substantially increased. Mr. Sabatini will look into this further with the CFO to get a plan together for funding a third-party consultant. After that determination is made they will discuss it further.

B.A.R.K.S. Building - Several months ago there was a discussion with B.A.R.K.S. about them coming back when their lease is up in Hampton. If they were to come back, they would pay rent to cover the costs of the renovations to the building. Mayor Rubenstein would like to have another discussion with B.A.R.K.S. in executive session at the Township Council meeting on May 17, 2022.

**FUTURE AGENDA ITEMS -**

Mayor Rubenstein would like to have a future discussion regarding recreation programs. Councilman Roseff suggested putting this off for a couple months to allow time for the survey to come back. Councilman Gallagher will provide more information to the council from the recreation committee by the May 17<sup>th</sup> meeting. Will have this put on as a discussion item at that time.

**PUBLIC PARTICIPATION II**

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

Jack Moran, 7 East Waterloo Road - asked about the transfer of impervious lots, and if they could be transferred anywhere else. Mayor Rubenstein explained that it needs to stay within the HUC. Asked if the plans for the Municipal Building include the use of natural gas. Asked if the school is planning on using natural gas.

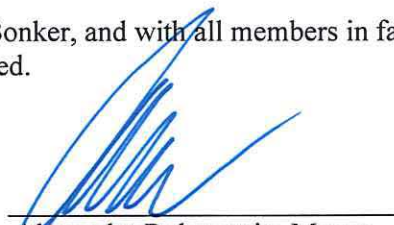
Jeannie Moran, 7 East Waterloo Road – recalls if BARKS come back that they want more of a buy in.

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 10:41 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor