

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
May 7, 2024  
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.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** –Councilwoman Franco, here; Councilman Gallagher, here; Councilman Proctor, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joseph Sabatini, Attorney Tom Collins and Township Clerk, Cynthia Church

Also present was Township Auditor Ray Sarinelli and CMFO Ashleigh Frueholz

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilwoman Franco, second by Councilman Proctor, 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
  - 10 Johnson Blvd.

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 7, 2024.

Cynthia Church, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilwoman Franco, second by Councilman Proctor to return to open session at 7:23 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilwoman Franco, second by Councilman Proctor to approve the agenda with the removal #11 Presentation by Tax Assessor - Reassessment

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

**POLICE OFFICERS AWARD CEREMONY**

Chief DeWald and Det. Mendelsohn received Honorable Service awards.

Retired Chief Burke received a 30-Year Good Conduct award and an Honorable Discharge award.

Sgt. Dellicker received a 20-Year Good Conduct award.

Ptl. Garrity received an Educational Achievement award.

Chief Dewald & Det. Mendelson– Received an Honorable Service Award

Sgt. Lisa received an Educational Achievement award.

**PROCLAMATIONS**

- Peace Officers Memorial Day – May 15, 2024 – Mayor Rubenstein read aloud the proclamation. Motion by Councilwoman Franco, seconded to Councilman Proctor to accept the proclamation.
- Municipal Clerks’ Week – May 5 – May 11, 2024 - Mayor Rubenstein read aloud the proclamation. Motion by Councilwoman Franco, seconded to Councilman Proctor to accept the proclamation.

**PRESENTATION OF THE 2023 AUDIT**

Township Auditor, Brian Gibbons presented the Township Council with the 2023 Audit and made a suggestion of segregation of duties.

Councilman Roseff questioned Mr. Gibbons the size of the fund balance, as it is starting to get large and said that the township is collecting taxes, but we are not delivering anything. Should it be put into operation or put into project. Mr. Gibbons said that they could use it in that manner but will get back to him with more information once he has the 2024 budget figures.

The fund balance is at 27% as a portion of the operating budget. This is higher compared to other municipalities.

Mr. Sabatini said that number will come down significantly as it is before the allocation to the 2024 budget.

Mr. Sabatini thanked Ashleigh for her leadership and good planning.

- Resolution No. 093-2024 – Governing Body Certification of the Annual Audit

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

- Resolution No. 082-2024 – Corrective Action Plan for the 2023 Audit

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	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** – Mr. Sabatini, Councilman Proctor, and Councilman Gallagher with Dennis Keenan from French & Parello regarding Field 8. Mr. Keenan will be providing a revised plan and estimate before the May 21<sup>st</sup> meeting to present to the council. There is a post card available from the Recreation Director promoting online community pass registration. You can register for the weekly newsletter through community pass. Anticipating an update to Chapter 213 – Streets & Road moratorium for the May 21<sup>st</sup> meeting.

**Mayor Rubenstein** – April 25<sup>th</sup> attended a meeting at the 24<sup>th</sup> district that was prompted by the superintendent of the Byram township School regarding water testing due to the superfund site. Waiting for test results from the end of March. The school is providing bottled water for drinking for their students. The school may be able to qualify for a grant opportunity. May 1<sup>st</sup> was part of a zoom meeting between the county mayor regarding connectivity throughout the county. Opening Day was two weeks ago, it was a great turn out.

**Councilwoman Franco** –

Recreation has created a postcard that was mailed Monday and Tuesday to all the residents about Community Pass and how to sign up. Recreation has also created a weekly newsletter called the Byram Recreation Buzz, that residents can

sign up for in Community Pass and receive a newsletter each week on Friday at 4:30 p.m. This newsletter will highlight new events, programs and remind residents about things that will be closing soon, or deadlines.

The Recreation Summer Programs and Events Brochure is out. The brochure highlights all summer programs and events, we have advertised this on our website and Facebook Page and will send out via NIXLE and in our weekly newsletter.

On Friday April 26 recreation hosted an Adult Paining Class, they had 12 people join and they had a wonderful time. Debbie spoke with them and gave them some plans for 1-day programs they may want to sign up for, they were very excited for these Fall 1-day classes to be advertised so they can sign up.

Senior Exercise continues each Monday, they have between 20-22 Seniors enjoying Chair Yoga or Balance, Stretch, and Strength. Since the warmer weather is upon us and folks are back from warmer climates and there is hope to see this number increase.

Crochet and Mahjong classes are going well.

Mini Movers Dance class takes place each Friday at 10 a.m. in the Municipal Building, they have 4 little ones currently registered, and hope for it to grow more in the Fall. The instructor is certain that they will.

Debbie is working on gathering information for a quarterly Newsletter to go out in the Fall. She will be working with all township departments, sports groups, commissions, and committees for information plus her own recreation programs and events. Deadline for submissions is June 14, 2024.

The school has obtained a permit to use the Municipal Tennis Courts for Physical Education classes from May 9th through June 14th, a sign has been posted.

**Councilman Gallagher** – attended a Zoom meeting regarding the options for the firetruck. Tomorrow night is the Byram Board of Education Meeting.

**Councilman Proctor** – Met with the recreation subcommittee. The Planning Boad met on May 2<sup>nd</sup>. Approved a reconstruction and a second story. Starbucks application was approved. Save our Bridge meeting today. It did not work out the way it was expected.

**Councilman Roseff** – Nothing to Report.

**PUBLIC PARTICIPATION I**

Motion by Councilwoman Franco second by Councilman Proctor to open to the public. All members were in favor.

No Comments.

Motion by Councilwoman Franco, second by Councilman Gallagher to close to the public. All members were in favor.

**APPROVAL OF MINUTES**

April 16, 2024, Regular & Closed Session Meeting Minutes - Motion by Councilwoman Franco, seconded by Councilman Proctor to approve the minutes.

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

**RESOLUTION NO. 080-2024** – Resolution of The Mayor and Council of the Township of Byram Confirming That the Private Right-of-Way, known as Sutton Lane, 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 Private Right-Of-Way

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

Mayor Rubenstein provided an explanation for how the resolution came about.

Steve Decker - Sutton Lane – has lived there for 27 years. When he about the house it was maintained by the Township. Asked to table the Resolution to May 21<sup>st</sup>. Moton by Councilman Proctor, seconded by Councilman Gallagher to table this Resolution to May 21<sup>st</sup>.

**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 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 Councilwoman Franco, second by Councilman Proctor to approve the consent agenda as presented.

- A. Resolution No. 078-2024 – Resolution Authorizing Environmental Commission to Hold Trail Clean-Up Events
- B. Resolution No. 079-2024 – Authorize the Purchase of One (1) 2024 Ford F550 Regular Cab / Chassis 4x4 DRW with Optional Equipment for the Township of Byram Department of Public Works – Not to Exceed \$58,569.25
- C. Resolution No. 081-2024 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 209 Lot 26, 134 South Shore Road
- D. Resolution No. 083-2024 – Resolution for 100% Exempt Veteran Owner of Block 365.02 Lot 5 Cancellation of Taxes for the Remainder of First Half 2024 “Authorizing Taxes be Remitted (Cancelled) for 2024” – 10 Briar Lane
- E. Resolution No. 084-2024 – Resolution Authorizing 100% Disable Veteran Exempt Status to Owner of Block 365-02 Lot 5 for Tax Year 2024 and the Cancellation of Taxes for First Half of 2024 and Refund of Taxes Paid for 1<sup>st</sup> Quarter in 2024 – 10 Briar Lane
- F. Resolution No. 085-2024 – Authorizing the Public Display of Fireworks at Byram Fest August 24, 2024, Or Subsequent Date in the Event of Postponement
- G. Resolution No. 086-2024 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
- H. Resolution No. 087-2024 – Resolution Accepting the Donation of (8) Sig Sauer W365-9 BXR3 P365 9MM 3.1 in Nitro Blk Striker X-Ray 3 POLYMER GRIP 2 10RD Steel MAG and Eight (8) Sig Sauer MAG-365-9-12 Magazine 365 p Subcompact 12 RD for Byram Township Police Department from the Sussex County Prosecutor’s Office
- I. Resolution No. 088-2024 – Resolution for 100% Exempt Veteran Owner of Block 143 Lot 112 Cancellation of Taxes for the Remainder of First Half 2024 “Authorizing Taxes be Remitted (Cancelled) for 2024” – 7 Ka Ton Nah Trail
- J. Resolution No. 089-2024 - Resolution for 100% Exempt Veteran Exempt Status to Owner of Block 143 Lot 112 for Tax Year 2024 and the Cancellation of Taxes for First Half of 2024 – 7 Ka Ton Nah Trail
- K. Resolution No. 090-2024 - Award of Contracts under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Various Streets – 2024 (Bridget Way, Catalina Drive, Camelot Drive, Mayfair Lane & Sandra Lane) – Not to Exceed \$341,008.91
- L. Resolution No. 091-2024 - Award of Contracts under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Stonehedge Lane – Not to Exceed \$260,099.63
- M. Resolution No. 092-2024 - Award of Contracts under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Manor Drive – Not to Exceed \$203,932.48

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

**BILL LIST** – May 7, 2024 – Motion by Councilwoman Franco, second by Councilman Gallagher to approve the bill list.

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

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

**ORDINANCE 007-2024 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP AMENDING THE CODE OF BYRAM TO ADD A NEW CHAPTER ENTITLED “CHAPTER 212, TREE PRESERVATION” TO THE CODE TO CONTROL TREE REMOVAL AND REPLACEMENT IN ORDER TO REDUCE STORMWATER RUNOFF AND POLLUTANTS, AND TO PROMOTE INFILTRATION OF RAINWATER INTO THE SOIL**

**Purpose Statement:** The purpose of this article is to protect trees and woodlands from indiscriminate destruction and damage, and further to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

Councilman Roseff expressed his concerns dealing with personal property and impacting the decisions that will impact the woodlands, such as:

Heading – the word “**Infiltration**” a correction to spelling is needed.

Purpose Statement – Indiscriminate Destruction wording is questionable.

Definition Section – not everything is defined “building envelope” & “building disturbance.”

How is lot disturbance be measured?

Exceptions – are fire breaks clear cuts?

Restoration or replacement, what is the difference between the two? Mr. Collins said that is determined by the Planning Board.

Mr. Sabatini said that this is already scaled down and the township has taken a very creative approach at the ordinance.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			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 May 21, 2024, 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**

Stanhope Road – Speeding Complaint – The Police Department did a speed study. The average speed is 41mph with a median speed of 41mph. This area is set at 40mph and is between two 45mph zones. The county can do a speed study, however, there is potential risk of the speed limit being increased. To do this, the county would need a request from the township to do a speed study. There will be a resolution on for the next meeting.

**FUTURE AGENDA ITEMS**

Fire Truck

**PUBLIC PARTICIPATION II**

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

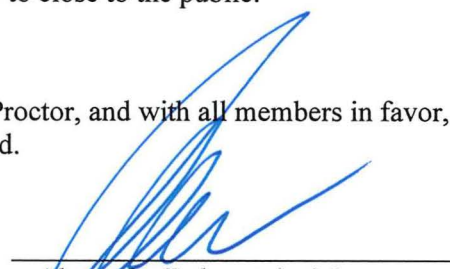
No Comments.

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

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 9:00 p.m. All members were in favor. Motion carried.

  
 Cynthia Church, RMC  
 Township Clerk

  
 Alexander Rubenstein, Mayor