

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
MAY 21, 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, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL –Councilwoman Franco, here; Councilman Gallagher, absent; Councilman Proctor, 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 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.

- Attorney Client Privilege Communication
- General
- Contract Negotiations
- Eric M. Bernstein & Associates, LLC – Phil George

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 21, 2024.

Cynthia Church, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Proctor 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 Proctor to approve the agenda.

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

CO JOHNSON PARK FINAL PLAN PRESENTATION by Dennis Keenan

Mr. Kennan presented the council with updates to the plans for C.O. Johnson Field #8, including drainage, game field, bleachers on both sides of the field, lights, irrigation, a walking path, and score board. Construction costs totaling \$1,806,805.00.

Councilman Proctor explained that the second set of bleachers were added to accommodate the visiting team.

Councilman Roseff has concerns on the costs, including the increase in the costs presented tonight. Mr. Roseff said that this field is using up the majority of the tax flow on hand and does not leave enough for the other projects anticipated.

Mayor Rubenstein said that this allows them the opportunity to zoom in on a plan. The plan on how it will be paid for needs a place to start.

Councilman Roseff said they need an estimate and to map out the plans for the next fifteen years.

Councilwoman Franco said that they need to move forward with a plan and on the budgeting. They have APR funding that they initially said would go towards this project.

Mayor Rubenstein said that they do need to determine the funding source. There should be a discussion on funding and determining what projects they want and what they can afford.

Councilman Proctor and Councilwoman Franco liked everything that was presented in the plan presented by French & Parello.

This plan does not include permitting. There will not be any export of materials.

Mr. Sabatini is looking for direction from the council on the projects they want to do.

Mr. Sabatini recommends spending the APR funding on the CIP playground, as it needs to be committed by the end of the year.

Councilman Roseff suggests doing a financial analysis and see how close they are to not raising taxes as that was a fundamental condition when the conversation started.

Mr. Sabatini said the financials were previously provided.

Mr. Roseff said that this project, the tennis courts, and CIP playground all need to be considered for the next fifteen years.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager –

- Received the Lake Management Plan and has posted it on the Township website, he will need direction from the council.
- Byram Township has received the grant of \$464,120 for the CO Johnson Park Inclusive Playground project leaving a \$155,000 expenditure and recommends using the APR funds.
- Byram Township also received a \$3,000 Statewide Grant for AED's.
- Paving Projects started yesterday.
- The next meeting will be on June 5th, including a presentation from the Tax Assessor.
- The Recreation Committee will be hosting Byram Fest on Saturday, August 24, 2024 at CO Johnson Park from 4pm – 9pm. This will include music, food, and fireworks. They will be working with local nonprofits to set up tables. The local sport organization will be managing the outdoor family games and will be handing out registration information. Magic Touch DJ's will be providing the music. They hired a local band to play live music. They will have expos from the local Irish Dancing School, a Juggler, Mini Movers, and the Karate School. Herbie the Miner from the Sussex County Miners will be walking the grounds and an M&M character. There will be a face painter, 6 inflatables, and a few planned activities on the basketball court and tennis court. There will be a "Touch-a-Truck" event that will include police, fire, EMS, and DPW.
- There will be a memorial day ceremony on Monday at the Municipal Building at 10:00am with a parade to follow at the Cranberry Lake Fire House.

Mayor Rubenstein – attended the senior of the year award ceremony last week. Attended a Planning Board meeting.

Councilwoman Franco –

- Debbie provided an update on the summer catalog of events and programs that have been published and that we are continuing to get signups for on Community Pass. She has also developed a weekly newsletter called the "Byram Recreation Buzz" that is sent out every Friday to all who sign up to receive it. Debbie also spoke on some different advertising ideas to get the word out, for example the postcards everyone should have received by now encouraging everyone to go to Community Pass and log in create an account and then go to

our catalog. She would like to get some “yard signs” to put in high foot traffic areas to promote Community Pass and some high-profile events, like Byram Fest and the Triathlon.

- Miss Byram has only one application and one application for Little Miss Byram- deadline is May 24, 2024.
- Townwide Garage Sale is June 1st and 2nd. The deadline was May 20th to sign up and get onto the list that will be posted on the website at the end of this week.
- The Recreation Department’s next big event will be the Kids Triathlon on July 13 at Lake Lackawanna Beach.
- The Committee also spoke on collaborating with the Environmental Commission to bring residents some hikes, scavenger hunts and fun family activities.
- The new walking club had to be canceled due to rain this past Thursday. Debbie is planning another group for those who cannot attend during working hours.
- Primary Election is on June 4th.

Councilman Proctor – Planning Board met on May 15th.

Councilman Roseff – Last week NJ passed a new law to allow school districts to exceed the 2% cap in certain districts up to 10%.

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 Proctor to close to the public. All members were in favor.

APPROVAL OF MINUTES

May 7, 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 |
| No | | | | | |
| Abstain | | | | | |
| Absent | | x | | | |

RESOLUTION NO. 096-2024 - 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, there was not a second. Motion failed.

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.

- Resolution No. 094-2024 - Resolution of the Mayor and Council of the Township of Byram Requesting the Completion of an Engineering Study Regarding the Posted Speed Limit and Signage Along the Segment of County Route 605 (Stanhope Road) in Byram Township
- Resolution No. 095-2024 - Appointment of the Byram Township Emergency Management Council
- Resolution No. 097-2024 – Resolution Authorizing the Renewal of an Alcohol and Drug Testing Services Agreement Between the Township of Byram and Valley Health Systems Inc.
- Resolution No. 098-2024 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 255, Lot 1 Refund of Taxes Paid For 2nd Quarter – 175 Lake Drive
- Resolution No. 099-2024 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 365.02, Lot 5 Refund of Taxes Paid For 2nd Quarter – 10 Briar Lane
- Resolution No. 100-2024 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 143, Lot 112 Refund of Taxes Paid For 2nd Quarter – 7 Ka-Ton-Ah Trail
- Resolution No. 101-2024 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 278 Lot 603 Refund of Taxes Paid For 2nd Quarter – 10 Woodland Road
- Resolution No. 102-2024 - Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner Of Block 5, Lot 678 Refund Of Taxes Paid For 2nd Quarter – 38 Belton Street

- I. Resolution No. 103-2024 – Authorization to Execute Change Order No. 2 for Proposed Basketball Court Rehabilitation at Carl O Johnson Park – Net Increase \$1,293.52
- J. Resolution No. 104-2024 – Final Acceptance of Improvements to Basketball Court Rehabilitation at Carl O. Johnson Park
- K. Resolution No. 105-2024 – Resolution to Award Bid for Proposed ADA Ramps for Various Streets – Not to Exceed \$45,562.65
- L. Resolution No. 106-2024 – Resolution to Authorize Estimated Property Tax Billing for the 3rd Quarter of 2024

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

BILL LIST – May 21, 2024 – Motion by Councilwoman Franco, second by Councilman Proctor to approve the bill list.

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

ORDINANCE – 2nd Reading / Public Hearing

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.

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

BE IT RESOLVED that Ordinance No. 007-2024 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

- **ORDINANCE NO. 008-2024 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 213 ENTITLED “STREETS AND SIDEWALKS” OF THE CODE**

Purpose Statement: The purpose of this Ordinance is to amend Chapter 213 entitled “Streets and Sidewalks” to update the Code section and to establish a five year moratorium on excavation in recently resurfaced or newly surfaced Township streets.

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

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 June 5, 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.

- **ORDINANCE NO. 009-2024 - AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF BYRAM ACCEPTING DEDICATIONS OF PORTIONS OF CARPENTER ROAD**

Purpose Statement: The purpose of this Ordinance is to accept portions of the street known as Carpenter Road.

| | Councilwoman Franco | Councilman Gallagher | Councilman Proctor | Councilman Roseff | Mayor Rubenstein |
|---------|---------------------|----------------------|--------------------|-------------------|----------------------------|
| Motion | | | x | | |
| 2nd | | | | x | |
| Yes | x | | x | x | |
| No | | | | | |
| Abstain | | | | | Stepped down from the vote |
| Absent | | x | | | |

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 June 5, 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.

- **ORDINANCE NO. 010-2024 - AN ORDINANCE OF THE COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN PORTIONS OF THE STREETS AND ROADWAYS KNOWN AS DEER TRAIL AND PARTRIDGE ROAD PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

Purpose Statement: The purpose of this Ordinance is to vacate portions of the streets known as Deer Trail and Partridge Road and identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

| | Councilwoman Franco | Councilman Gallagher | Councilman Proctor | Councilman Roseff | Mayor Rubenstein |
|---------|---------------------|----------------------|--------------------|-------------------|----------------------------|
| Motion | | | x | | |
| 2nd | | | | x | |
| Yes | x | | x | x | |
| No | | | | | |
| Abstain | | | | | Stepped down from the vote |
| Absent | | x | | | |

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 June 5, 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

Fire Truck – Received an estimate for \$1.25 million from Houston Galveston Associates Cooperative. There is another option of going out for public bid. Mayor Rubenstein feels that Councilman Gallagher is in favor of a public bid. The other option is the ability to purchase through the GSA. It is unclear if they can use the GSA. Mr. Sabatini said that they do not have access to GSA contracts. To go out to bid he would need to hire a QPA to write up the bid spec. The consensus of the council was to move forward with HGAC, and authorized Mr. Sabatini to move forward with a bond ordinance for 20 years.

CIP Grant – Received the full requested the amount of the grant requested (75%). They will use APR funds for the remaining amount. Quotes will need to be updated and a resolution to accept the grant and authorize the expenditures.

Mayor Rubenstein provided an update to the Route 206 Mitigation project in Andover that is expected to start in 2026. Mr. Rubenstein read aloud the email he sent to them and will continue to follow up.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

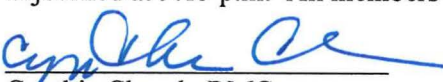
Motion by Councilwoman Franco, Second by Councilman Proctor to open to the public.

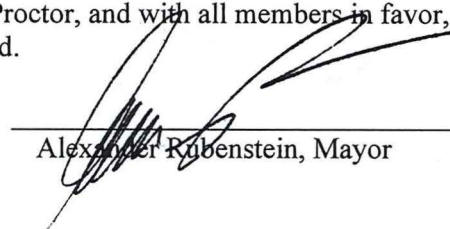
Mr. Steven Decker - Is willing to maintain the potholes personally and thanked the council for not passing the resolution.

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 9:15 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor