

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
JUNE 7, 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.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 Mollica 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
  - Canning Group – Fire Department Assessment
  - Municipal Building Funding
- b. Shared Services
  - Animal Control / Pound Services

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 June 7, 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 Councilman Roseff, second by Councilman Gallagher to approve the agenda with addition of item 9.5 Tourism Grant.

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

**ALTICE (OPTIMUM) PRESENTATION** – Marilyn Davis, Director of Government Affairs; Chrissy Buteas, VP of Advocacy; Thomas Clark Director of Operations; Aeisha Heyward, NJ Governor Affairs Manager; Bill Palatucci, Consultant, were all present

Councilman Bonker thanked the members of Altice for attending tonight's meeting to allow members of the community to speak and ask any questions of them.

Marilyn Davis commended the Mayor on his work with Altice for bringing them into Byram Township. They provide speeds up to 1G.

Councilman Roseff – Asked where they see the package, they have available in Byram compared to other areas. Ms. Davis said that they have an HFC system and will be bringing in fiber optics. Mr. Clark said that much of the equipment has been swapped out for the most up to date equipment that they have. Councilman Roseff asked if they see an future increase in uptime. Ms. Davis said Byram has a low service rate visit.

Councilwoman Franco feels that the equipment in her neighborhood is still antiquated. Ms. Davis said there has been an update in January. Mr. Clark added that they are in the beginning of the stages of bringing in fiber. Altice is willing to come out and fix any issues anyone is experiencing. Feeders and underground cabling have been replaced in the Brookwood area.

Mr. Sabatini said there are two components. One is internet and the other is Cable TV. He would like to receive more feedback on the cable tv end of the equation. How would he know if he needs a new cable box. Mr. Clark said if it is working, he can keep it and there is no reason to have to swap it out. If anyone is having any issues, he encourages residents to call them for service. Mr. Sabatini expressed frustration in the East Brookwood area, the underground structure has not been completely replaced. He would like to understand what has and has not been fixed and what the plan is to address the areas that have not been fixed. Ms. Davis said that they monitor the system's performance. They will act if there is stress on the network and replace what is needed. They don't proactively replace lines until there is a service issue. Mr. Sabatini said the response time has been very poor. He would like to see them be more proactive in the replacement of the infrastructure and would like to see improvements in service responses. Ms. Davis will take the information back to the technical team and customer care.

Councilman Bonker asked what the expectation of service is. Ms. Davis said the call answering time is 30 seconds. Mr. Clark said that the technician's response is the following day after the call is received if not the same day.

Georgette Schroder – 9 Briar Lane - has been having issues for more than two years. The service gets worse when it rains. She has placed many phone calls and still has not received any resolution to the problems.

Johannes Deboer - 54 Fieldstone Trail – Questioned why the billing for tv that has gone up \$15 per month and asked if they upcharge for the DVR services.

Mike Banet – 67 Lynn Drive - Is an IT professional who works from home and has over 100 hours of down time since March, yet, the bill remains the same even with the down time.

Susan Von Lengerke – Stag Pond Road – Thankful that they now have internet and cable. They had a small outage for two weeks, that has since been resolved. Thanked Altima for the service and resolving the issues.

Anonymous Resident – has issues with the TV going out. Called and could not understand the person on the other side of the phone. Has never called or been satisfied.

Anonymous Resident - speaking for her neighbor who has a box from service electric, they traded in the old box for a new box. Is having issues with the guide on the remote control. Has been having problems getting through to customer service. Also has questions on billing. Wants to know why her bill increased.

Lou Esposito – 84 Roseville Road – Asked what the term is of the franchise agreement. Councilman Bonker said it is 10 years. Feels that customer service at Altima is an issue.

Jack Moran – asked if they will be available if they have issues to getting through to the customer service line to get issues resolved. Altice replied yes. Please reach out to the administration to contact them. Asked if there are scheduled outages and can they put out a schedule in advance. Ms. Davis said there is an outage map available on their website, and a communication that goes out when there is an update that will cause an outage.

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

**Township Manager** – Thanked the participants of the Trails Committee for their recent cleanup. There will be a resolution to procure benches at the next meeting and replacement bleachers using funding from Open Space trust. Had a meeting with the Highlands Council regarding funding. They need further updates on the proposal. They are recommending awarding money for upgrades to CO Johnson Park with the understanding of using green infrastructure. They also had a conversation on the grant funding for MF4, for stormwater management.

**Mayor Rubenstein** – Memorial Day ceremony was a great success. Reported on Planning Board hearings, one residential and for one commercial. June 13<sup>th</sup> is the Mansfield CAG meeting. June 14<sup>th</sup> will be a meeting with EPA, Veolia, Mr. Zisa and Mr. Barret on the impact on their properties.

**Councilman Bonker** – Participated in the Memorial Day Ceremony on May 29th and was pleased with the crowds. Last week the ad-hoc financial committee met to review the financing options for the municipal building and believes they will be ready to finalize the financial plan once the final estimates are received. Monday June 12<sup>th</sup> is the next Open Space meeting where they will be discussing park improvements and trails work.

**Councilwoman Franco** – nothing to report.

**Councilman Gallagher** – Thanked all that came out to the Memorial Day Parade. June 14<sup>th</sup> is the next Board of Education meeting, and the next Recreation meeting is June 19<sup>th</sup>. Has had a lot of comments from residents regarding the removal of the bleachers.

**Councilman Roseff** – Historical Society upcoming events: June 17<sup>th</sup> Family Campout, June 24<sup>th</sup> History Day.

**Historical Society Grant Funding** – Requesting \$6,250.00 in matching grant funds for tourism grant for 2024.

**Resolution No.114-2023** - A Resolution Declaring Commitment to Provide Matching Funds for a New Jersey Cooperating Marketing Tourism Grant Applied for by the Byram Township Historical Society.

Motion by Councilman Gallagher, second by Councilwoman Franco to adopt Resolution No. 114-2023

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 <sup>nd</sup>		x			
Yes	x	x	x		x
No					
Abstain				recused	
Absent					

**PUBLIC PARTICIPATION I**

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

No Comments.

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

**APPROVAL OF MINUTES**

May 16, 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 <sup>nd</sup>		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. 099-2023 – Chapter 159 – Stormwater Assistance Grant \$15,000.00
- B. Resolution No. 100-2023 – Chapter 159 – 2023 Clean Communities Grant \$24,437.74
- C. Resolution No. 101-2023 – Resolution Renewing a Plenary Retail Consumption License Issued to Andover Wine and Liquors Inc. Trading as Liquor Factory & Lounge Valid from 7/1/2023 Through 6/30/2024
- D. Resolution No. 102-2023 – Resolution Authorizing the Renewal of Liquor License to Byram Beverage Inc. Valid from 7/1/2023 Through 6/30/2024
- E. Resolution No. 103-2023 – Resolution Authorizing the Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 7/1/2023 Through 6/30/2024
- F. Resolution No. 104-2023 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 7/1/2023 to 6/30/2024
- G. Resolution No. 105-2023 – A Resolution of the Township Council of the Township of Byram Authorizing the Disposal of Out of Date Byram Township Fire Department SCBA Bottles
- H. Resolution No. 106-2023 – Authorization for Participation in County of Sussex Volunteer Fire and Emergency Medical Services Grant Program Funded by the American Rescue Plan Act’s (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SCLFRF), Assistance Listing #21.027
- I. Resolution No. 107-2023 – Award of Contract to Morris Asphalt Co., Inc. Under NJ State Contract No. 19-GNSV2-00861, T 0869 for Bituminous Chip Sealing (Oil & Stone) Resurfacing of Various Streets – Not to Exceed \$53,960.00
- J. Resolution No. 108-2023 – Authorization of the Removal of Dead Ash Trees from CO Johnson Park, Roseville Road & Tamarack Park Utilizing Open Space Trust Fund – Not to Exceed \$21,500.00

- K. Resolution No. 109-2023 – Resolution Authorizing the Renewal of Liquor License to Tomahawk Lake Inc., Trading as Tomahawk Lake, Valid from 7/1/2023 Through 6/30/2024
- L. Resolution No. 110-2023 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 323, Lot 58 – 17 Strawberry Point Drive
- M. Resolution No. 111-2023 – Resolution Authorizing the Acceptance of an Automated External Defibrillator (AED) Program
- N. Resolution No. 112-2023 – Extraordinary Unspecifiable Services Contract Information Technology Services – Not to Exceed \$11,000.00
- O. Resolution No. 113-2023 – Authorization to Purchase Tree Removal, Trimming & Stump Grinding Services under the Morris County Cooperative Pricing Council for Budget Year 2023

	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 – June 7, 2023 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list.**

	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. 010-2023 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING PART II ENTITLED “GENERAL LEGISLATION” OF THE CODE TO ADD A NEW CHAPTER 190 ENTITLED “LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS”**

**Purpose Statement:** The purpose of this Ordinance is to establish a Lead Hazard Control Program in accordance with the requirement of the Lead Hazard Assistance Act, N.J.S.A. 52:270-437.1 et seq.

Motion by Councilwoman Franco, second by Councilman Gallagher to Adopt Ordinance 011-2023.

	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. 010-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE NO. 011-2023 - AN ORDINANCE TO AUTHORIZE SALE OF NON-CONFORMING TOWNSHIP OWNED PROPERTIES NOT NEEDED FOR PUBLIC USE TO CONTIGUOUS PROPERTY OWNERS**

**Purpose Statement:** The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to convey non-conforming contiguous Township owned properties to respective contiguous property owners, because they are not needed or required for public use.

Motion by Councilman Gallagher, second by Councilwoman Franco to Adopt Ordinance 011-2023.

	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. 011-2023 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 -**

CO Johnson Basketball Court –the packet includes a memo from Township Engineer outlining estimated work to replace the existing basketball courts. Councilman Bonker and Mayor Rubenstein are both happy to see this project done. The council gave Mr. Sabatini their authorization to move forward with the project.

DPW Improvements – Mr. Sabatini provided a memo regarding inspection that was done on the lift in the in the DPW garage. Mr. Sabatini is waiting for the report from the inspector. There were two reports, one for repair and one for replacement. Their was another report that included a break room, recycling building, salt dome, doors, and an air vent system for \$350,000. The council authorized Mr. Sabatini to move forward and to fund 5% out of the capital fund.

**FUTURE AGENDA ITEMS**

Danielson Memorial on Hunter Lane

**PUBLIC PARTICIPATION II**

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

No Comments.

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

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

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**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on June 7, 2023.

Cynthia Church, Municipal Clerk

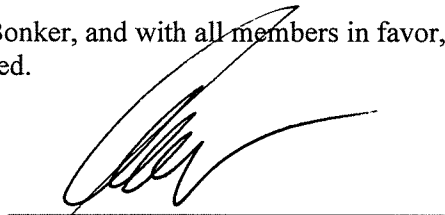
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**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.

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 11:30 p.m. All members were in favor. Motion carried.

  
 Cynthia Church, RMC  
 Township Clerk

  
 Alexander Rubenstein, Mayor