

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JUNE 21, 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 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 – 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
 - Engineer Interview – CO Johnson Park Improvements
 - Peralta- White Birch Road
 - Habitat for Humanity

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 21, 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 Councilman Gallagher, second by Councilwoman Franco

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

PRESENTATION OF THE 2020 AUDIT - Ray Sarinelli, Jr., Township Auditor, presented the audit along with Byram CFO Ashleigh Frueholz.

Mr. Sarinelli reported on the General Fund balance being up \$176,000, the Township used \$1.745 million to balance the 2021 budget and generated \$1.921 million. The ending fund balance is \$3.102 million. Mr. Sarinelli feels that Byram is in a healthy position with the fund balance at approximately 25% of the total operating expenditures.

The Trust Fund has operated normally, and the reserves are very healthy.

In the capital fund, the Township continues to pay down debt. The township started four new projects without incurring any new debt in 2021.

Councilman Bonker highlighted the following:

- The overall debt levels in Byram Township continue to go down precipitously
- The net debt level in Byram Township comes out to .218% which is a very low number being that the State of NJ allows townships to go up to 3.5%.
- The 2022 Annual Debt Service shows a chart that goes out to 2027 and by that time the township debt will only be at \$16,000 provided no changes.

Councilman Bonker asked Mr. Sarinelli if the level of debt is usual to see. Mr. Sarinelli said Byram Township does have a low level of debt for the size of the town. Most towns are above .5% when they are in debt.

Councilman Roseff asked Ms. Frueholz if she is seeing a bigger return on investment with interest rates going up. Ms. Frueholz concurred that the rates are going up daily.

Under the compliance section of the 2021 Audit, Mr. Sarinelli suggested as in years past the segregation of duties in the finance department.

Resolution No. 141-2022 – Governing Body Certification of the Annual Audit

Motion by Councilman Bonker, seconded by Councilwoman Franco to adopt Resolution 141-2022.

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

Resolution No. 142-2022 – Corrective Action Plan for the 2021 Audit

Motion by Councilwoman Franco, seconded by Councilman Gallagher to adopt Resolution 142-2022.

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

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – Mr. Sabatini will be adding a discussion item on the Soil Importation Ordinance for the July 5, 2022 meeting to solicit feedback from the council. Mr. Sabatini received notification from the Highlands Council approving the Scope of Work on the Lake Management program for Princeton Hydro to do the work. Mr. Sabatini will work with Princeton Hydro and Mr. Collins to put together the contractual agreements, which will also be on the agenda for July 5, 2022. There is a Byram Township night at the Sussex County Miners game on July 9th at 6 p.m. Mr. Sabatini received notification of receiving the 2022 Clean Communities grant for \$21,788. He thanked Bridget Dupont and Mike Orgera for their hard work on compiling the data.

Mayor Rubenstein – on June 8th the Mayor was asked to speak at the closure of the LEAD program and assisted in cooking 200 hotdogs and hamburgers. On June 17th he attended the end of school year party BBQ and cooked 1,300 hotdogs. On June 18th he attended the kid’s Triathlon at Lake Lackawanna. There were about 30 kids that participated ranging from 8 years old to 16 years old. The Mayor reported that the Elizabeth Town Gas project is moving along.

Councilman Bonker – Reported on the following:

Energy Tax Receipts: Councilman Bonker stepped in for Mayor Rubenstein on Monday, June 20th at an emergency meeting of all Mayors in NJ under the NJLM umbrella. Mike Cerra of the NJLM is asking all Mayors to sign an online form to push the Assembly and Governor to support the unanimous vote in the State Senate on bill S-330 to restore the Energy Tax receipts that the State has been withholding from the towns for many years. They want as much "noise" as possible in the next 48 hours, as the State Budget process will conclude at the end of this month. They also want Mayors to push their Senate and Assembly counterparts to support this.

As of June 20, 2022, 190 of the 565 Mayors have signed up. The Assembly bill is A-3804. Mayor Rubenstein has signed the form on behalf of Byram Township.

The State has a budget surplus of \$10-\$11 billion, making this the right time for towns to get their money back. It would reset the payments to whatever the towns were getting in 2008. This would be a permanent change. It would take two years to get back to full funding and then remain full each year.

The State collects \$331 million per year on these Energy taxes.

Open Space: There was an Open Space meeting on Monday, June 13th at 7 p.m. on Zoom. It was a productive session, with several agenda items recommended for the Council meeting tonight. On the consent agenda is two forestry items and a deer hunting resolution. The deer hunting is a pro forma resolution that has been authorized every year to enlist assistance from the public hunting community to help with excessive deer populations on public lands, in an attempt to give the forest understory a chance to re-grow. The two forester resolutions continue the efforts to actively manage the 430 acres of open space in similar ways to what private landowners need to do for woodland management. These activities are leading to the township’s second timber sale. The first timber sale raised about \$3000 for Byram Township. This second timber sale might raise as much as \$12,000 - \$15,000 for Byram Township after paying the forester. This is both good stewardship of the land and good economic policy for the township.

Councilman Bonker noted that he will be asking to add a new item to agenda for future agenda items. The Open Space committee is recommending that the Council consider the creation of a new Trails Management Committee, which would represent another step in the growth of the overall open space efforts.

Councilwoman Franco – There was a Planning Board meeting on Thursday, June 16th with one item on the agenda for 12 Ghost Pony Road.

Councilman Gallagher – Recreation Committee meeting was last night. Reported that more residents are showing up at the township held events. Looking for some feedback on the survey that was sent out to the council for review. Need to look at the basketball court at C.O. Park feedback is that it is in rough condition. The Recreation Committee reviewed field use and utilization of lights, they also discussed trails. The next Recreation Committee meeting is July 18th. Reported that the Board of Education meeting is June 22, 2022.

Councilman Roseff – Thursday June 23rd is the next Environmental Commission Committee meeting. Reported that the Environmental Commission needs more members.

PUBLIC PARTICIPATION I

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

Sandy Hull of Layton Township – Submitted a letter and copies of the proposals creating the Delaware River Nation Park and Lenape Preserve to the Mayor & Council requesting them to adopt a resolution opposing the change in designation of the Delaware Water Gap National Recreation Area.

David Pelletier – 23 Frenches Grove Road – Looking for updates on the dilapidated properties he has reported on previously. Mr. Sabatini said that they need to complete the foreclosures before anything can be done.

Avril Brady – 189 Lake Drive– Is a Pickle Ball player, feels that benches are lacking in the court. She asked the Council if they would entertain getting benches. She asked that the Council look at providing a Pickle Ball Pass purchase that sets a schedule so there is no future conflict.

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

APPROVAL OF MINUTES

- June 6, 2022 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes, with the correction of the name “Jeff Vincent” on page two of the Regular Session Minutes.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 nd		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. Councilman Roseff requested to pull H. Resolution 149-2022 as a separate item for discussion Motion by Councilman Bonker, Second by Councilwoman Franco to approve the consent agenda with the removal of H. 149-2022 for further discussion.

- A. Resolution No. 140-2022 – Resolution Authorizing the Renewal of Liquor License to Zipload, Inc., Trading as Salt, Valid from 7/1/2022 through 6/30/2023
- B. Resolution No. 143-2022 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 283, Lot 226 – 10 Deer Run
- C. Resolution No. 144-2022 – Chapter 159 – 2022 FEMA Publix Assistance Grant \$19,665.00
- D. Resolution No. 145-2022 – Resolution Authorizing the Renewal of Liquor License to Plan Two LLC Valid from 07/01/2022 through 06/30/2023
- E. Resolution No. 146-2022 – Resolution Authorizing Scope of Work for Gracie 7 Harrigan Consulting Foresters Inc., to Implement a Forest Stand Improvement Program for Byram Township – Not to exceed \$1300.00
- F. Resolution No. 147-2022 – Resolution of the Mayor and Council of the Township of Byram Authorizing Contracts for a Concession Pursuant to N.J.A.C. 5:34-9.4 for Limited Timber Harvest on Byram Township Open Space Parcel
- G. Resolution No. 148-2022 – Resolution Authorizing the Acceptance of a 2022 Grant from the New Jersey Highlands Council Funded from the 2022 Highlands Protection Fund Capital Budget in the Amount up to \$150,000 for a Lake Management Plan
- ~~H. Resolution No. 149-2022 – Resolution Authorizing Harold Pellow & Associates to Provide Engineering Services and to prepare Education Materials Implementing Strategies Targeted to Reduce Water Deficits within the Townships Three Main HUC14 Areas of the Water use and Conservation Management Plan – Not to Exceed \$2,500.00~~
- I. Resolution No. 150-2022 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 07/01/2022 through 6/30/2023
- J. Resolution No. 151-2022 – Resolution Authorizing the Renewal of Liquor License to BBG Restaurant LLC, Trading as Alibi Beach Bar, Valid from 07/01/2022 through 06/30/2023
- K. Resolution No. 152-2022 – Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2022-2023 Hunting Season
- L. Resolution No. 153-2022 – Resolution Authorizing the Execution of Documents for the Purchase of Telecommunication Lines from Xtel Communications
- M. Resolution No. 154-2022 – Resolution Authorizing the Execution of a Shared Service Agreement for Municipal Participation in the Provision of E911 Emergency Communications System Management By the County of Sussex
- N. Resolution No. 155-2022 – Recognition of Miss Byram and Byram Township Royalty Court Winners for 2022

	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. 149-2022 – Resolution Authorizing Harold Pellow & Associates to Provide Engineering Services and to prepare Education Materials Implementing Strategies Targeted to Reduce Water Deficits within the Township’s Three Main HUC14 Areas of the Water use and Conservation Management Plan – Not to Exceed \$2,500.00

Councilman Roseff would like to see real engineering and hire someone to do the artwork for the material.

Councilman Roseff asked what deliverables are going to the residents. Mayor Rubenstein said that the description is available in Mr. Stoner’s memo.

Motion by Councilman Bonker, seconded by Councilwoman Franco to adopt Resolution 149-2022.

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

BILL LIST – June 21, 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 – 1st Reading / Introduction

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN A PORTION OF THE STREET AND ROADWAY KNOWN AS WEAVER HOUSE COVE 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 a portion of the street known as Weaver House Cove Road and identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

Motion by Councilman Bonker, second by Councilman Gallagher to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd			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 July 5th 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

After studying the results of the township’s variances that were issued in 2021, the Byram Township Planning Board made the following recommendations for consideration by the Byram Township Mayor and Council.

1. Soil Importation Ordinance – Mayor Rubenstein reported that this is currently in progress and will be discussed at the July 5, 2022 meeting.
2. Impervious Coverage Ordinance – The Township Council has no interest in pursuing this ordinance.
3. Need to look at the definition of air conditioners, generators, and propane tanks in Section 240-7 (and should remove these items from accessory structures). – Mr. Sabatini reported that these are basic accessory structures. Propane tanks can become complicated depending on the size. They have their own specific requirements. When this got implemented, it created a problem, so the Planning Board and Council suggested putting in a code that regulated basic accessory structures. Mr. Sabatini questions whether there is a need to regulate them. The council feels that the standards for accessory structures should be more permissive than it was before. Mayor Rubenstein will provide this feedback to the Planning Board.
4. Clarify the language about height descriptions – This is regarding the height calculations of a roof. Mr. Sabatini will ask the Planning Board if they have recommendations that would ultimately come from the Planning Board Engineer.
5. Consideration of Electric Vehicle Charging stations (we are currently following the state ordinance) – There is no reason for changes.
6. Cottage Food operators (the state allows this as home occupation, and requires a health permit)

FUTURE AGENDA ITEMS -

Creation of a New Trails Management Committee

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 Motion to Close to public.

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
 - Engineer Interview – CO Johnson Park Improvements

- Peralta- White Birch Road
- Habitat for Humanity

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 21, 2022.

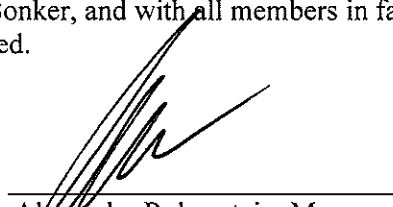
Cynthia Church, Municipal Clerk

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

ADJOURNMENT

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


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor