

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JULY 16, 2024
TRAINING 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, 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

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
 - Sutton Lane
- b. Contract Negotiations
 - Shared Services – LVR BOE

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 July 16, 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 7:35 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	x
No					
Abstain					
Absent					

PRESENTATION OF 2024 JUNE DOBSON SCHOLARSHIP - Edward R. Church

Mr. Frank Gonzalez presented Edward Church with the 2024 June Dobson Scholarship.

Edward will be going to Lincon Tech and will be studying Electrical and Electronics Information Technology. He plans on following in the footsteps of his grandfather.

FLOOD DAMAGE PREVENTION ORDINANCE PRESENTATION– Cory Stoner

In May 2024 via email, the NJDEP provided notice that the Flood Damage Prevention Ordinances is out of date and needed to be updated. The key points to note are as follows:

- Previously, FEMA did a review of the old ordinance models and found them to be non-compliant. There were many gaps and inconsistencies, and there were many individuals responsible for managing the floodplain whose roles were not clearly defined. Based on this review, it was recommended that the state develop a model code coordinated ordinance that incorporates the NFIP regulations with the state regulations (Uniform Construction Code and Flood Hazard Area Control Act) and more clearly defines these roles. All 553 NFIP participating communities in New Jersey are required to update to the Model Code Coordinated Ordinance to remain in compliance with the NFIP.
- Then NFIP regulations, in particular 44 CFR 60.1 (d), requires that where there are higher state standards local governments must observe these and they take precedence over minimum NFIP regulations. Adopting this ordinance ensures the Township of Byram compliant with the NFIP and all state higher standards.
- When FEMA performs their audit and their findings show the Township is not in compliance with the NFIP, it could lead to suspension from the program. The township would not qualify for any federal disaster assistance and the homeowners in the community would lose their NFIP Flood Insurance.
- The model ordinance should be adopted in its entirety except for the optional higher standards highlighted in blue and teal on the draft ordinance.

As summarized above and listed in the May 28th email, the adoption of a new ordinance is required to make sure that the Township of Byram is compliant with the National Flood Insurance Program (NFIP) and assure that the Township and its residents would be eligible for federal disaster assistance and private homeowners could maintain NFIP Flood Insurance.

The proposed ordinance will repeal Chapter 136 – Flood Damage Prevention of the Township Code and adopt a new Chapter 136 – Flood Damage Prevention that will follow the model ordinance provided by the NJDEP. This ordinance provides information regarding the purpose of the ordinance, means of establishing flood hazard areas where development is restricted, outlines the duties and powers of the Floodplain Administrator, describes permitting process, sets violation penalties, and provides other supporting information. This ordinance was prepared utilizing the NJDEP model ordinance. Cory Stoner, Byram Township Engineer has modified sections of the ordinance to reflect specific information regarding Byram Township, but he has not made any major changes to the guidance provided in the model ordinance.

The Township Engineer is listed as the Floodplain Administrator. The past ordinance listed the Township Construction Official. As the Floodplain Administrator, the Engineer would be responsible for reviewing a permit application. It will need to be discussed how best to handle that requirement.

The NJDEP requires that a draft ordinance be submitted to the NJDEP for review by the end of July 2024. The final adoption of the ordinance would then be scheduled for October 2024.

Mr. Sabatini said the permit would be part of the process when the applicant goes to the planning board. There will not be a separate permit application.

Mr. Sabatini said that under UCC standards it must be determined as a substantial improvement.

The ordinance was originally adopted in 1983 and updated in 2011.

Mayor Rubenstein asked what the downside would be if the township adopts the ordinance. Cory said that there would be additional costs for engineer reviews.

Mayor Rubenstein asked what the downside would be if it was not adopted. Cory said they would run the risk of not being a member of the flood insurance program, and not be able to get flood insurance and funding.

Councilman Roseff asked if flood events, or flood plains have gotten larger. Cory said that there are additional studies being done and are being created. There are no local streams nor new properties affected. Councilman Roseff asked what the big change is. Cory said this spells out the procedures on a larger level. There is not a big change other than the procedures.

Mr. Sabatini feels that it will not have a major impact. There are not many properties impacted by this.

Councilman Gallagher asked if there would be changes to the height of a building for a blowout wall? Cory said he would not think so.

There are no objections made by the council members.

Open to the public for comments on the proposed Flood Prevention Ordinance.

No Comments.

Close to the public.

Motion by Councilwoman Franco, Second by Councilman Proctor to support the Flood Prevention Ordinance.

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

LAKE MANAGEMENT PRESENTATION – Chris Mikolajczyk – Gave an update on the status of the Lake Management Plan. He Received feedback from the lake stakeholders.

[Byram Township | DRAFT - Township of Byram Lakes and Watersheds Management Plan \(byramtwp.org\)](https://byramtwp.org)

Councilman Roseff stated that in the report he expects to see citations with page numbers for studies Princeton Hydro refers to. The Historical Background appendix section is limited to only 2 of the lakes - he mentioned that Forest Lakes has maps that could be added. Roseff had a concern that the forcing functions and context for some of the testing and modeling are not clearly stated and reviewed. It should be stated that a mild winter delivered much less snow and a low number of road salt events to evaluate DPW road salting maintenance on the lakes. Appendix III values were questioned as to how they were established. Project Manager Chris Mikolajczyk of Princeton Hydro stated they are based off of a 30-year data set (1990 - 2020) and land use data per EPA which Princeton Hydro then "tweaks". Roseff asked that the Appendix and Study state this. Roseff lives in Forest Lakes and questioned the super low number for Forest Lakes waterfowl phosphorous contribution listed in Appendix III. At 0.08kg he mentioned that another Princeton Hydro studies present 0.5lbs/goose/yr. and that this study had nearby Lake Lackawanna's number at 7.5kg. Mikolajczyk said they would look. Roseff pointed out there is no mention of what the lake communities are doing for lake maintenance programs. For example, there is no mention of how Forest Lakes chemically treats their lake, and that Princeton Hydro should state these treatments and how the treatments affect the measurements taken, the study and the recommendations. Roseff said this Lake Management Study also will be an historical document and should include this information and context. Roseff also pointed out there are no site recommendations for Forest Lakes.

Open to the public for comments on the Lake Management Plan.

No Comments.

Close to the public.

Expected Final Draft Plan to be posted to Township website by end of August. A notification will be sent to everyone for final review and comment.

Chris Mikolajczyk will be in attendance for final discussion with the Council with the anticipation of a resolution of adoption of the plan at the September 17, 2024, Council Meeting.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – There will be only one meeting in August. The next meeting is scheduled for August 13th. A memo was sent out to the Mayor and Council regarding the 2025 Goals and Objectives. There will be an initial budget discussion at the August 13 meeting to understand the Council’s Budget Goals and Objectives for 2025. Mr. Sabatini is requesting that each member of the Council identify their individual goals and objectives for 2025 and provide them to him by August 9th so that he can compile the responses and share them for discussion at the August 13 council meeting. Today was the bid opening for the DPW Leaf Dump Facility. There were two bidders who both had missing elements. Most likely the bids will be rejected.

Mayor Rubenstein – The Kids Triathlon was on Saturday in Lake Lackawanna with a great turnout.

Councilwoman Franco –

- The recreation meeting was canceled this past Tuesday due to no quorum. The next meeting has been re-scheduled for July 23 at 8pm. Looking for Recreation Committee Members
- Tomorrow is **FREE** Byram Day at Wild West City, co-sponsored by Recreation and the Historical Society. Deb will be on hand at the entrance handing out flyers, meeting our residents and promoting Byram Recreation. Deb will also be at Cone with a Cop on Thursday at Champs Ice Cream, also promoting Recreation to all who come.
- Saturday July 13, we hosted the Kids Triathlon, we had 26 children who participated and plenty of parents on hand to spectate. We had plenty of volunteers to help. We will host this event again next year on July 11, 2025.
- On Saturday July 20 we will host our free outdoor concert by the Lakes school. The concert will be from 6pm-7:30pm Music for all ages and should be a great time. From our Facebook interested people we are up to 60.

Upcoming events:

- July 21 Byram Day at Frog Falls- 129 families signed up so far.
- August 3 Monster Jam at Prudential Center- have sold 19 tickets to date.
- August 17 Outdoor **Free** movie- 8:30pm at CO Johnson Park

Councilman Gallagher – The Board of Education got together with the surrounding school regarding a regionalization study.

Councilman Proctor – There was no Planning Board meeting due to the 4th of July. The next Planning Board meeting is scheduled for this Thursday (7/18/24).

Councilman Roseff – Tomorrow (7/17/24) is Free Byram Day at Wild West City.

PUBLIC PARTICIPATION I

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

Deborah Finnis – Broad Ave. has not received a phone call to date on updates regarding the flooding of her home. Mr. Sabatini said that work is being done currently on Ash Street and Robert St, Broad Ave. will be done next.

Dan Conklin – Broad Ave. is representing his 93-year-old mother who is having the same flooding issues. The issue needs to be fixed.

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

APPROVAL OF MINUTES

July 2, 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					

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. 132-2024 – Resolution Authorizing the Renewal of Liquor License to 239 Route 206 Trading as Stonewood Tavern Valid from 07/01/2024 through 6/30/2025
- Resolution No. 133-2024 - Resolution Authorizing Purchase of Ferrara Inferno MVP Heavy Rescue Pumper and Accessories Through Sourcewell National Cooperative #113021-RVG Through Ferrara Fire Apparatus
- Resolution No. 134-2024 - Authorization To Execute Change Order No. 1 For Proposed Resurfacing of Various Streets – 2024 (Bridget Way, Catalina Drive, Camelot Drive, Mayfair Lane & Sandra Lane) – Net Decrease of \$44,802.96
- Resolution No. 135-2024 - Authorization To Execute Change Order No. 1 For Proposed Resurfacing of Manor Drive – Net Decrease of \$50,225.97
- Resolution No. 136-2024 - Authorization To Execute Change Order No. 1 For Proposed Improvements to Stonehedge Lane – Net Decrease of \$52,243.70

	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 – July 16, 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	x
No					
Abstain					
Absent					

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE 013-2024 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM ADOPTING THE MODEL NOISE ORDINANCE OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (“NJDEP”) AND REPLACING THE EXISTING CODE CHAPTER 171 ENTITLED “NOISE”**

Purpose Statement: The purpose of this ordinance is to repeal the existing noise control ordinance in Code Section 171 and replace it with the current model noise ordinance of the New Jersey Department of Environmental Protection (“NJDEP”)

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

Andy Swartz – Lee Hill Road. Thanked the Township Council for their work on the ordinance. This will be a huge benefit to the Township. Asked who he calls to implement the ordinance. Mayor Rubenstein said they still need to get the state approval before they move forward. Will be working on the nuisance ordinance next. Should call the police department for now until the rest of it is worked out.

BE IT RESOLVED that Ordinance No. 013-2024 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 Field #8 - At the June 18th meeting there was a full consensus of the Council to proceed with the engineering and improvement of field 8, to include repairing the drainage problem, replacing irrigation, and replacing the grass surface with sod, and using the ARP money as first money in and backstop with open space funds.

On July 1 revised plans were received based on the directive of the Council. FPA reworked the plans to remove scope and get the cost down.

The next day we had a meeting with FPA to discuss the revised plans. Based on the discussion it is our understanding the revised scope is follows:

- It was reported they do not believe the revised scope is a compromising solution.
- No longer is it planned to complete a full regrade of the field. Originally it was proposed to strip the entire field and screen the soil. Also, the pitch of the field will not be changing.
- They plan to trench the entire field (every 20 feet), install stone, and a perforated pipe in the trenches. Since the entire field is not being regraded, there will no longer be a full layer of stone across the entire field.
- The existing topsoil will be heavily amended with about 2 inches of sand.
- Any extra subsurface soil will not be removed from the site. They are planning to pile on the woods edge of the field creating a 4-foot-high berm.
- Field irrigation is still included in the scope.
- Also, the field will still be sodded.

It was suggested that the pumps, controls, and wet well for the submersible pump are not included in the proposed scope. It has previously been reported that work needs to be done on the existing pump controls as well as replacement of the

pumphouse shed. The staff is recommending that the project include these items in the scope. We discussed with FPA to minimally include these items as an add alternate for the bid.

Mr. Sabatini is looking for the Councils consent to proceed with the final agreement to presented plan. It is critical for the timeline of using ARP funds that we can start the bidding process to be able to award by the end of the year.

Dennis Keenan was in attendance to ask questions via zoom.

Mayor Rubenstein asked Dennis for a reduced scope and asked if he feels that the changes being made will solve the drainage issues. Dennis feels that it is a good solution to the problem.

Mayor Rubenstein asked if the elevation to the field is changing. Dennis said no, just a small change in the pitch.

Councilman Proctor asked if the township wants to do more later will this still be possible with this solution. Dennis said that this would not change anything to future additions to be made. Asked how the field will be lined. Mr. Sabatini said it is available for usage by all groups.

Councilman Gallagher asked about the trenching. Dennis was looking for an economical alternative while raising the field. They are amending what is in place.

Motion by Councilwoman Franco, Second by Councilman Proctor to proceed with plans and go to bid.

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

FUTURE AGENDA ITEMS

Councilman Gallagher asked if questionnaires going out to the residents from Elizabeth Town Gas.

Planning Board Annual Report will be on for discussion at the next meeting.

Motion by Councilwoman Franco, Second by Councilman Roseff to direct Mayor Rubenstein to send an invitation to the commissioner of the DOT to attend a future meeting. All in favor.

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.

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
 - Sutton Lane
- b. Contract Negotiations
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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on July 16, 2024.

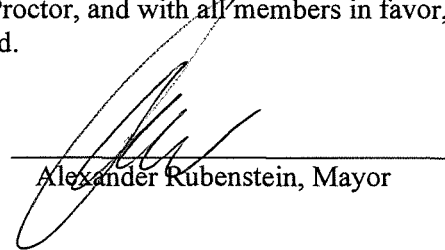
Cynthia Church, Municipal Clerk

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 9:48 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor