

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JULY 18, 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, 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 Molica 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
- b) Contract Negotiations
Shared 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 July 18, 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 Councilwoman Franco second by Councilman Gallagher to approve the agenda.

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

SWEARING IN OF NEW FIRE DEPARTMENT MEMBER – Thomas Mackin
Thomas Mackin was sworn in by Mayor Rubenstein

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – There will be a special meeting August 1st on the Municipal Building Bond ordinance to support a binding referendum in November. There will be a regular meeting on August 15th. The budget was kicked off with the department heads and an email was to the council looking for goals and objectives to have a conversation at the August 15th meeting. The Highlands Council approved the funding of the CO Johnson Park improvements. There was an auction of real property today, there was one individual who was awarded a bid, and may be interested in the additional properties. Byram Fest is scheduled for September 9th. They are looking for help at that event.

Mayor Rubenstein – Verizon small cells were activated and are working well. They will be working on antenna realignment. Provided update on the D.O.T. realignment to North Shore Road at the Route 206 Intersection, and will continue to follow up with he D.O.T., Waterloo Neighborhood Pantry is looking for donations.

Councilman Bonker – Councilman Bonker read aloud the following:

There was a lot of activity over the weekend here in Byram. I personally witnessed our police officers closing off the tunnel on Lackawanna Drive in front of my house late on Friday night, due to wires down in the tunnel itself, while I sat at home without power. They were doing their job, and we thank them for being there when we needed them. On Saturday I was at the Waterloo Food Pantry right here in the Municipal Building, where my son was volunteering. There were several volunteers doing their jobs, and we thank them for being there when we need them. Early on Sunday morning I was driving on Tamarack when I saw one of our DPW staff in full rain gear, chainsaw in hand, clearing away a tree that had fallen into the roadway. He was doing his job, and we thank him for being there when we needed him.

I mention these three recent examples because it reminded me of what is best about Byram. It also made me think about the Council's role in ensuring that these everyday "unsung" acts of community service, both paid and unpaid, get not only recognized but enabled. At our last Council meeting we passed an ordinance to improve the DPW facility. A few years back the Council agreed to offer the vacant court space here to the food pantry. At our next meeting, the Council will be authorizing an ordinance to approve the new municipal building, where our police and our administration are housed. Yes, it is good for us to thank our DPW, our community volunteers, and our police. It is even better, however, to commit the necessary resources for them all to perform their jobs, whether through equipment upgrades, or storage space, or by improving their working environments with the new municipal building and DPW facility. So we certainly say "thank you" with our words, but we must also say "thank you" with our actions as a Council.

Councilwoman Franco – July 6th was a planning board meeting where they heard on two residential and one commercial property.

Councilman Gallagher – August 21st is the next recreation committee meeting. Board of Education meeting on 7/19/2023 at the school.

Councilman Roseff – Historical Society has two events coming up. A Beefsteak Dinner the night before Byram Fest and dragon boat race two weeks later.

PUBLIC PARTICIPATION I

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

Brian Lancy – looking for updates on the North Shore Road intersection and to speak on Save our Bridge. Looking for a letter of support for the historic designation of the CLCC bridge. Mayor Rubenstein asked that Mr. Lancy provide more information so he can draft a letter for the August 15th meeting.

Joanne Smith – Asked if there will be a final figure at the August 1st special meeting. Asked if architects will be at the meeting.

Scott Yappen – Came for the recreation committee ordinance hearing. Addressed his concerns on what was put on the record at the last meeting. Addressed an email he had from the Township Manager on his role of creating agendas. Never hear back from any members that there was an issue. Also had an email from the Recreation Director. Seeking clarity on the accusations that were made. Mr. Sabatini read aloud the October 20, 2022, email listed below at the request of Mr. Yappen.

Hi Scott,

I hope that this email finds you well.

I am reaching out to you in hopes that by working collectively with an established timeline, we can facilitate some increased efficiency and timeliness in posting the Recreation Committee meeting agendas.

With part time administrative staff each having varying responsibilities and deadlines, maintaining a routine schedule of tasks helps facilitate greater efficiency for us and minimizes the chance for errors and/or delays.

To that end, I would ask that you please provide your agenda items to Catherine no later than the end of the day on Tuesday prior to a scheduled recreation committee meeting. Upon receipt, Catherine will update with agenda items that she needs to include for discussion, and she will then post the agenda to the website as well as send it to the committee members.

This is the standard process that the other committee chairs follow when working with the secretaries that are supporting their committees, and I would ask that you do the same.

Thank you for your understanding and anticipated cooperation. If you have any questions, please feel free to give me a call.

Thanks - Joe

Response message on November 11, 2022

Joe -

Thanks for your message.

Shortly after becoming chairperson, I provided written communication to our Recreation Leader (Catherine) confirming that I would be responsible for the monthly meeting agenda. I asked that any agenda related comments she would like to incorporate be provided to me the week prior to the meetings and I would incorporate them.

For the agenda, we solicit input from our Recreation Committee members, as well township personnel, and most importantly our citizens for whom we are their voice. We only meet once per month, and so it is important to be as planful as possible in order to maximize progress for our Committee and our citizens. Sometimes the agenda is delayed until near our meeting dates because we are waiting on certain details. An example of this is the Rec Programs Survey and our work with you to not only create/publish the survey, but also to get feedback and updates on survey results to prepare for our meeting discussion.

We appreciate our Rec Leader to make sure the agenda, once transmitted, is appropriate and posted electronically for the public. I'll admit I have had a few agendas delivered later than I'd hoped. My apologies. I'll work to provide the finished document by Wed or Thurs latest going forward so that it can be published two days prior to meeting. If that is a problem, please advise.

With part-time Rec Leader staffing, I fully recognize we all have to work together to achieve our goals. As Rec Leader, Catherine is a key person related to the workings of our group, and we've been appreciative of her proactive assistance and her time (24-28 hrs per week) focused on recreation issues.

As chair, I take seriously my role and responsibility to develop the agenda enabling functional and successful meetings, and thereby assure recreation progress is made for our citizens. I feel we have made tremendous progress. Thank you for working with me in this matter.

*Best regards,
Scott Yappen
Chairperson, Byram Recreation Committee*

Mr Yappen is seeking answers to what he felt was out of line at the previous meeting. Mr. Sabatini said he sent the email because he felt there was an issue with him not providing the agenda in advance to the recreation director.

Jack Moran – asked if the ordinance will be posted online prior to the Special Meeting. Clarified that this ordinance will be going out for a vote in November.

Joanne Smith – Listened to the audio of the last meeting and feels that tone used was not appropriate and the accusations made came across as offense for a volunteer.

Shawn Conner – Listened to the audio of the last meeting, hopes to never receives the same level of disrespect. Feels that an apology is due.

Shivon Opperman – Feels that Scott is owed an apology.

Roxanne Sabatini – Was offended by the accusations made on a social media post towards her regarding her knowing the previous recreation leader prior to her being hired. She said, however, she would be honored to be a friend of anyone who works in the township as they are all good people.

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

APPROVAL OF MINUTES

July 5, 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 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. Motion by Councilwoman Franco, Second by Councilman Gallagher to approve the consent agenda.

- A. Resolution No. 129-2023 – Chapter 159, \$2,758.44 – Risk Control Grant
- B. Resolution No. 130-2023 – Resolution Authorizing the Issuance of Not Exceeding \$1,125,700 Bond Anticipation Notes of the Township of Byram, in the County of Sussex, New Jersey
- C. Resolution No. 131-2023 – Cancellation of Grant Receivable and Reserve – 2023 NJ DEP Radon Awareness Program \$1,450.00
- D. Resolution No. 132-2023 – 2023 Miss Byram Winner – Julia McVicar award \$500.00
- E. Resolution No. 133-2023 – Transfer of Liquor License from Zipload Inc., to Salt Bar LLC

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

- A. Authorization of Raffle & 50/50 Licenses for the Byram Township Historical Society on 9/8/2023 (CO Field) & 9/23/2023 (CLCC)

Motion by Councilwoman Franco, Second by Councilman Gallagher to approve the Raffle & 50/50 Licenses for the Byram Township Historical Society

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

BILL LIST – July 18, 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 – 2nd Reading / Public Hearing

- **ORDINANCE 013-2023 - AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS SALARY AND WAGES FOR THE YEAR 2021-2026**

Motion by Councilman Bonker, second by Councilwoman Franco to Adopt Ordinance 013-2023.

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

BE IT RESOLVED that Ordinance No. 013-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

- **ORDINANCE 014-2023 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP TO AMEND ARTICLE XIV ENTITLED “RECREATION DEPARTMENT” AND ARTICLE XV ENTITLED “RECREATION COMMITTEE”**

PURPOSE STATEMENT: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to amend the Code sections regarding the Recreation Department and the Recreation Committee.

Motion by Councilman Bonker, second by Councilwoman Franco to Adopt Ordinance 013-2023.

Shawn Conner – Is in full support of the ordinance as the Township Council and Mayor are always here to support the Recreation Committee as well as the public. He had a discussion with the Township Manager on how to go about communicating it to the Recreation Committee.

Scott Yappen – He came out against it two weeks ago because the Recreation Committee was not given a briefing. He has seen volunteers come and go due to the grind of some form of government and that we should learn from the past.

Councilman Bonker – read aloud the following:

During the Civil War, Abraham Lincoln often quoted a story Jesus told in Matthew 12:25: “A city or house divided against itself shall not stand.” To intentionally leave unaddressed a flawed structure where an incoming full time recreation director, paid with Byram taxpayer dollars, would have to continue to beg some future recreation committee chairperson just to get Byram’s recreation business on the committee’s agenda is managerial malpractice. Never again should I or any future council person hear that a paid department head cannot get Byram’s business conducted because of such structural insanity. It is the responsibility of this Council to get Byram’s business done, and this ordinance will guarantee that the incoming recreation director will be set up for success, and that the roles of the recreation director and the recreation committee are crystal clear. The recreation director will own the agenda and will certainly solicit the recreation committee for their input, but it will not be the other way around.

Councilwoman Franco – This ordinance is in response to the public request for a full time Recreation Director. The Council listened and are moving forward with the request. A structure needs to be in place for them to be successful.

Councilman Roseff – does not see any mismanagement in the current structure. We need to learn how to work with volunteers.

Councilman Gallagher – stated that this is needed to be in place for Recreation and the new Recreation Director to be successful.

Mayor Rubenstein – Looks at the ordinance in two parts. One is pertaining to the Recreation Director job function and the other with the Recreation Committee functions. This ordinance will not hurt the volunteers’ abilities to communicate with the council. He is in favor and voting yes on the ordinance.

Mr. Sabatini – was the one who requested the changes in the ordinance to establish a successful structure, and to provide clear direction, define roles and responsibilities to assist in delivering recreation in the township.

	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 Ordinance No. 014-2023 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

Mayor Rubenstein apologized for his interactions with Mr. Yappen at the previous meeting.

ITEMS FOR DISCUSSION

Municipal Building Bond Ordinance – Mr. Sabatini is looking for direction from the Township Council to meet the requirements to provide County with the public question for the ballot in November, and to get the Ordinance ready for introduction as the special meeting on August 1st. Total project costs, and contributing funds need to be included in the bond ordinance. The ordinance does not mean that the money is being borrowed. Would like to get direction on the \$550k of capital funding set aside for a down payment, as well as Township funds received from ARP of \$835,230.98. Looking for how much of each they want allocated to the ordinance. Is also looking for authorization to use the estimators estimate and submit it to the bond council.

Councilman Bonker is in favor of authorizing the \$550k and the full amount of ARP funds to go toward the municipal building and Authorizes Mr. Sabatini to move forward with the estimators estimate.

Councilman Franco also agreed with authorizing the \$550k and the full amount of ARP funds to go toward the municipal building and Authorizes Mr. Sabatini to move forward with the estimators estimate.

Councilman Gallaher agrees with authorizing the \$550k and Authorizes Mr. Sabatini to move forward with the estimators estimate, however, does not feel that the APR funds should be used towards this project.

Councilman Roseff authorizes the \$550k, does not feel that the APR funds should be used towards this project.

Mayor Rubenstein agrees with authorizing the \$550k, Authorizes Mr. Sabatini to move forward with the estimators estimate. Agrees with using 50% of the ARP money toward the municipal building project.

Shivon Opperman – agrees with Councilman Roseff and Councilman Gallagher to not use the APR funds for the Municipal Building project as this will not make a difference in the vote in November.

John Byrne – Asked what the impact would be on the average taxpayer. It may make more sense to express it as a percentage.

Shawn Conner – Does not think all the APR money should be used directly towards the building.

Jack Moran – Asked about the life span on the bond ordinance. Feels that the ARP money should be kept separate.

Scott Yappen – questioned about the documents on the website and what was put back up after it was taken down. He feels that that the number is based on the quality of the work.

Mr. Sabatini – said that they will be getting the final design documents, specifications and the estimate on August 4th. He would expect that they are 100% complete addressing everything that has happened. As soon as they are received, they will be posted to the website. There will be plenty of opportunity after August 15th to address any issues as they will not be going out for bid until the Spring of 2024.

Scott Yappen asked if there is still a need for the subcommittee any longer. Mayor Rubenstein said no, as they served the intended purpose.

Scott Yappen questioned the need for a project manager. Mayor Rubenstein said that it was discussed at a previous meeting.

Councilman Bonker wanted to reinforce the reasons for building a new municipal building. It will be an improved workspace for the current staff and future staff. That is not the sole reason for the building, rather something needs to be done with the building. It was unanimous among the members of the subcommittee that something needed to be done. This is not just to be nice to the employees, they are doing this because it is the right long-term decision for Byram Township. Councilman Bonker encouraged the mayor to make a courageous call, as this is the biggest project they will ever do, and not doing anything is not an option. They need to do all they can to get a positive response from the public at the November election.

Councilman Roseff disagreed and feels that it needs to stay at 0% funding out of the APR funds for the municipal building project.

Mr. Sabatini said that regardless, they still need four votes on August 15th, if they do not have the votes, it will not make difference on the use of the APR funds if they do not have enough votes at the ordinance adoption on August 15th.

Mr. Sabatini – said that the council is at a point of indecision, and an indecision is a decision.

Mr. Sabatini spoke as a resident of the township and said that this is the most disappointing moment, he has experienced with the township council and that they are clearly not all on the same page. If they are not working together collectively, they will sink the ship. Regardless of where they are spending the money, they are making a commitment to fund the projects. If they are willing to fund \$10 million in projects, they are making a commitment to incur the debt service that is needed to fund those projects. If they put it in a bond ordinance it is being applied to the same thing. His recommendation to the council is 0% of the APR funding to the municipal building project, and to add it as discussion item on a future meeting to discuss the use of the APR funds. He will need a commitment to a major project by the end of 2024 to move the project forward. They are doing the municipal building project for the taxpayers of the township. A new municipal building builds pride not just among the employees but to the residents as well. It is disgraceful to see the police department in the condition that it is in. Regardless of what gets done, get the police department building done. It is pride for our community and serves the residents of the township. The township does not have the current working conditions to serve the residents' properly. If the council wants the township to be more efficient in its operations, then they need to provide them with the proper working conditions. Decisions were made years ago not to replace the current roof, to not put in a proper heating system, and to not fix the bathrooms in anticipation of a new building. It is time for the council to decide and come to a consensus. If they do not get together, they will have just wasted \$500,000 on nothing.

After lengthy debate, Councilwoman Franco, and Mayor Rubenstein conceded on using 0% of the ARP funds on the municipal building project.

The final consensus of the council is to not use the APR funds towards the municipal building project.

FUTURE AGENDA ITEMS

Spending of APR Money

PUBLIC PARTICIPATION II

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


Luanne Byrne – Suggested the township put out weekly article with positive advertisements to sell the municipal building project.

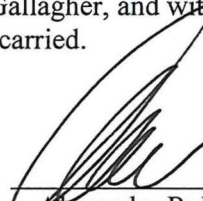
Jack Moran – Asked for updates on Optimum. There has been no change to his Cable TV.

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 10:52 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor