

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
SEPTEMBER 6, 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 Councilman Gallagher, 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
 - Private Road Maintenance & Repair
 - Block 181, Lots 24 & 29.01, 7 Rose Trail
- b) Contract Negotiations
 - Lakeland Emergency Squad

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 September 6, 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 7:30 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilman Bonker, second by Councilwoman Franco 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					

PRESENTATION 2022 WASTEWATER MANAGEMENT PLAN – Mike Vreeland of Van Cleef Engineering, Casey Ezyse & Judy Thorton of the NJ Highland Council gave a presentation on the 2022 Wastewater Management Plan.

Mr. Sabatini explained that the township is required to have a Wastewater Management Plan. The Highlands Council works with the township to help update the Wastewater Management Plan. At this point the Mayor and Council will be asked to adopt the plan and file it with the county and the State to make sure they are in compliance with the proper updates to the Wastewater Management Plan. Most of the revisions were done by the Highlands Council staff and Mike Vreeland of Van Cleef Engineering.

Mr. Roseff asked if this was presented to the Planning Board. Mr. Sabatini explained that this is not an action of the Planning Board.

Mr. Vreeland explained that New Jersey adopted a Water Quality Management plan program. As part of that process, the rules require that municipalities prepare a Wastewater Management Plan with a six-year reoccurrence cycle. The last plan that was prepared for Byram Township was prepared by the Highlands Council and adopted by the Sussex County PAC, and then formally adopted by the DEP. As done in the past, the next step is to pass a resolution for consideration by the Sussex County PAC.

Councilman Roseff asked for a presentation as to what changed in the plan. Mr. Vreeland explained that the breakdown of the changes is listed on page two of packet provided prior to the meeting. There were two existing permitted facilities that were not in the last plan. 592 acres are being added to the areas eligible for sewer service area consisting of two existing sanitary septic systems general permit (T-1) treatment facilities, the former Adam Todd Restaurant, and the Jefferson Lake Day Camp. The other 59 acres is designated for the Village Center.

Resolution of the Byram Township Council approving and endorsing the Wastewater Management Plan as amended and to authorize it to be submitted to the Sussex County PAC

Motion by Councilman Bonker, Seconded by Councilwoman Franco to approve and endorse the Wastewater Management Plan as amended and to authorize it to be submitted to the Sussex County PAC

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

Mr. Moran asked about sewer service areas. Mr. Sabatini said that this plan enables designated areas to be serviced.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The next Township Council meeting is on September 20th in which there will be an ethics training during executive session at 6:30 p.m. and a discussion in regular session regarding 2023 goals & objectives. There will be a special meeting of the Byram Township Council and Municipal Building Subcommittee on Sept 21st at 7pm. Byram Fest is scheduled for this Saturday, September 10th from 5 p.m.-9 p.m. There will be a Lake Management kick off meeting with the stake holders on Sept 14th at 7 p.m. The BAN Sale was on Sept 1st in which the township received three formal proposals. The BAN amount was \$913,500. The low bidder was Oppenheimer & Co. with a net interest rate of 3.4605%. There was a law signed by the governor requiring municipalities to create a business insurance registration process. Business owners and multi-unit residential rental units will be required to provide a level of liability insurance. Waiting for guidance from the NJLOM.

Mayor Rubenstein – Reported that on Sept 15th there will be a bag for hunger event at Byram ShopRite. Byram Fest is scheduled for Saturday, September 10th. The Environmental Commission hike and tree planting is scheduled for September 17th.

Councilman Bonker – On Thursday September 15th Councilman Bonker will be participating in the annual ShopRite Bagging Hunger charity event.

There will be an Open Space meeting Monday, September 12th. They will be discussing the latest plans for CO Johnson Park improvements, along with status updates on Riverside Park and Neil Gylling Park. Councilman Bonker was happy to see several items on tonight’s Council agenda that passed through the Open Space committee, including the Neil Gylling Park improvement bids, the creation of a Trails Advisory Committee, several bid awards for Riverside Park, and acceptance of the \$5000 trails grant from Sussex County.

There have been several park improvements at CO Johnson performed by the Byram Township DPW. Councilman Bonker thanked Mike Orgera and his staff for the extensive tree removals along Roseville Road, along the lower parking area, and in the picnic area. In addition, the picnic area has been re-mulched and has never looked better. The Bocce ball courts were re-filled with new crushed stone earlier this Summer. Councilman Bonker suggested when you go to CO Johnson on Saturday for Byram Fest, look around at these improvements and be proud of our maintenance activities and be proud of our DPW.

Councilman Gallagher –Went to the MetLife Stadium to see football and cheerleaders on August 28th.

Councilwoman Franco – There was a Planning Board Meeting on Sept 1st in which they approved two residential lots with setbacks.

Councilman Roseff – Councilman Roseff attended a Federal EPA meeting regarding the Mansfield Dump Superfund Site on August 17th. They are continuing with addition testing to be rolled out in phases that should be complete in November. The Environmental Commission met on August 25th. Reported that Forest Lakes may be turned on by Planet Network within the next few months.

PUBLIC PARTICIPATION I

Motion by Councilman Gallagher, Second by Councilman Bonker to open to the public.

Jack Moran – Asked about New Jersey Natural Gas. The mayor will follow up with them. Jack asked about the hybrid meetings. Mayor Rubenstein said there are still some things to sort out. He asked if there was water testing at the Byram Township Municipal Building since it was done at the Byram Township Schools. Mr. Sabatini said that there was not.

Nick DeLorenzo from Stanhope – Asked about cannabis sales in Byram Township, and the reasons why Byram did not approve the sales of cannabis. Mayor Rubenstein provided an explanation why the no marijuana ordinance was passed in 2021. Councilman Bonker stated that he has no intent on watering down the ordinance that was passed in 2021.

Don Cocchi – 9 Cub Lake Road – Asked if letters were sent out about the Lake Management Plan. Panther Lake is participating in the Lake Management Plan process. There will be a public meeting on that on Wednesday, September 14th.

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

APPROVAL OF MINUTES

- August 16, 2022 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilman Bonker to approve the minutes.

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

- Approval of Raffle, Casino Night, and 50/50 Licenses for Byram Township Fire Department – October 21, 2022
- Resolution No. 181-2022 – Authorization to Purchase Fencing Materials & Installation for Proposed Improvements to Neil Gylling Park – Not to exceed \$18,248.00
- Resolution No. 182-2022 – Chapter 159 – 2018 HAVA Election Grant \$3,500.00
- Resolution No. 183-2022 – Authorize Payments in Lieu of Health Benefits for Calendar Year 2023
- Resolution No. 184-2022 – Resolution Authorizing the Acceptance of a 2021 Trails Grant Funded the Sussex County Open Space & Farmland Preservation Trust Fund Trails Grant Program - \$5,000.00
- Resolution No. 187-2022 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for public Use on an Online Auction Website
- Resolution No. 188-2022 – Resolution for 100% Exempt Veteran Owner of Block 279 Lot 291.01 Cancellation of Taxes for the Remainder of 2022 and the First Half of 2023 “Authorizing Taxes be Remitted (Cancelled) for 2022/2023” – 33 Sherwood Forest Drive
- Resolution No. 189-2022 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 279, Lot 291.01 Partial Refund of Taxes Paid for 3rd Quarter – Block 279 Lot 291.01 – 33 Sherwood Forest Drive
- Resolution No. 191-2022 – Award of Contracts Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of the Parking Lot at Riverside Park – Not to Exceed \$10,832.40 & \$861.40
- Resolution No. 192-2022 – Resolution to Award Proposed Sealcoating and Striping Asphalt Court at Riverside Park to Precision Striping & Sealcoating of Blairstown, New Jersey – Not to Exceed \$2,815.02

	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. 185-2022 - Resolution of the Mayor and Council of the Township of Byram Confirming that the Common Driveway at The End of Whippoorwill Lane is a Private Common Driveway, and is Not a Public Street and Authorizing and Directing that the Mayor Send the Attached Letter to the Homeowners Confirming their Responsibility for Maintenance and Repair of the Common Driveway

Motion by Councilman Bonker, Second by Councilwoman Franco to adopt Resolution No. 185-2022 to modify the resolution by adding an additional “now therefore be it resolved” allowing Byram Township to continue courtesy plowing and de-icing through May 31, 2023.

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

Scott Miller – Attorney, representing residents of 68 Whippoorwill Lane. Asking that Byram Township not pass this resolution as Byram Township owns part of the road where it turns into a trail. Feels that any sort of maintenance on that road should be co-managed by the township. Feels that through the Kelly Act (Municipal Services Act), that the Township has an agreement with the residents to provide these services.

Justine Krougliak – 68 Whippoorwill Lane – Believes there was a plan to make it a public road and provide documents to the Mayor for review.

Mike Dennehy– 70 Whippoorwill Lane – has lived there for 17 years. Believes that this was always a public access as there is a sign there from Lake Mohawk that states that. In 1992 there was a tax map submitted to Sussex County showing it as a public road.

Mark Gorvan – 66 Whippoorwill Lane - They paved the section of the road as it was a dangerous section of the road.

Ellen Gorvan – 66 Whippoorwill Lane – There were large potholes they paved part of the road as it had dangerous potholes.

Councilman Roseff believes that this is a Township Road as Byram Township placed a trail head on that private drive.

Serge Krougliak – 68 Whippoorwill – Believe this is not a common driveway yet it is public as there is a trail head. Public has been using his property to access the hiking trail.

Byram Township Attorney Tom Collins explained the law behind what makes a public street and what is stated within the Byram Township Planning Board resolution.

Mr. Sabatini stated that Lake Mohawk does not recognize Whippoorwill as a Road within the reservation.

Justine Krougliak – 68 Whippoorwill - feels that precedence has been set by Byram Township over the past 40 years. Asking for more time to have this become a private road.

Mayor Rubenstein would like to hear from the Lake Mohawk Club if they would accept it if Byram would accept it as a public road.

Councilwoman Franco would like to pass the resolution with the understanding that the residents will work with Lake Mohawk to be willing to accept this as a private road and under what conditions.

Councilman Bonker feels that the resolution needs to be passed as this is a legal common driveway. Councilman Bonker explained that the end of Whippoorwill Lane is a private common driveway as stated in all the deeds. No action by Byram to make it a road or accept it as a street has ever occurred. Byram does not own this driveway. There are other private common driveways in Byram. The path is irrelevant in terms of legal standing as private common driveway. LMCC has affirmatively denied it is a part of their reservation. No mistakes have been made legally. Now that it is know that it is a private common driveway, it should not be plowed by the township. The solution is for the private property owners to do whatever they please with it.

Councilman Roseff made a motion to table this resolution for one month.

Councilman Gallagher feels that if this is tabled there should be a plan in hand for the residents.

The consensus of the Township Council to amend the resolution to include courtesy plowing and de-icing through May 31, 2022.

RESOLUTION NO. 186-2022 - Resolution of the Mayor and Council of the Township of Byram Confirming that Woods Road is a Private Driveway and is Not a Public Street and Authorizing and Directing that the Mayor Send the Attached Letter to the Property Owner, Panther Lane Front Condos, LLC, Confirming that the Property Owner is Responsible for Maintenance and Repair of the Private Driveway Known As Woods Road

Motion by Councilman Bonker, Second by Councilwoman Franco to adopt Resolution No. 186-2022

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

Gurcharan Singh – Asked that the Township continue maintaining Woods Road as it has been used by the Fire Department. This has been done for the last fifty years to the Panther Lake area. He is not asking for maintenance only looking for the continuation of snow plowing.

RESOLUTION NO. 190- 2022 – Resolution Calling for Improved Management of State Health Benefits Plans and Opposing the Current Management Focus to Solve Problems by Raising Rates

Motion by Councilman Roseff, Second by Councilwoman Franco to adopt Resolution No. 190-2022

	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 – September 6, 2022 – Motion by Councilman Bonker, 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 – 1st Reading / Introduction

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING ARTICLE XV ENTITLED “BOARDS AND COMMISSIONS” OF CHAPTER 3 ENTITLED “ADMINISTRATION OF GOVERNMENT” OF THE CODE OF THE TOWNSHIP OF BYRAM TO ADD A NEW SECTION 3-53 ENTITLED “TRAILS ADVISORY COMMITTEE”

PURPOSE STATEMENT: The purpose of this Ordinance is to amend the Township Code Article XV entitled “Boards and Commission” to add a new Section 3-52 entitled “Trails Advisory Committee”.

Motion by Councilwoman Franco, second by Councilman Bonker to Introduce the Ordinance

	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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on September 20th 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

Recreation Committee Survey – Mr. Sabatini worked with Danielle Conroy and Scott Yappen as a result the survey was presented to the council for tonight’s discussion. Mr. Sabatini is looking for the direction from the council on how to advertise the survey. Mayor Rubenstein will work with Mr. Sabatini to get the survey ready for Saturday in time for

Byram Fest. Councilman Bonker feels that they need to receive a critical mass (around 1000 responses) to have a valid survey. The survey will run through the end of October to have it available at the charity hike.

FUTURE AGENDA ITEMS -

PUBLIC PARTICIPATION II

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

No comments were made.

Motion by Councilman Gallagher, Second by Councilman Bonker 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

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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on September 6, 2022.

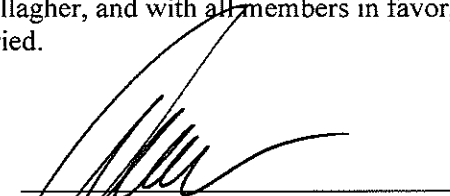
Cynthia Church, Municipal Clerk

	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 Councilman Bonker, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 11:15 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor