

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
OCTOBER 1, 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, absent; 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
 - Shared Court
 - Tax Reassessment RFP
- b. Litigation
 - Block 330 Lot 1.07 (TSC#2021-007)

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 October 1, 2024.

Cynthia Church, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Proctor 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 Proctor to approve the agenda. With an addition of 8.5 Planning Board Class II Appointment.

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

APPOINTMENT OF PLANNING BOARD ALTERNATE – Jeanine Colligan

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

APPOINTMENT OF PLANNING BOARD CLASS II MEMBER – Anneliese DeMagistris
 Mayor Rubenstein appointed Anneliese DeMagistris as Planning Board Class II Member.

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The Best Practices has been received, and Byram Township anticipates full payment of state aid. Action on this will take place at the October 15th meeting.

Councilwoman Franco –
 Performed her first wedding over the weekend.

Read the following report for the Recreation Department:

This weekend was a full one for Recreation Department. On Saturday September 27th there was a Learn to Make Pizza at Carlos where they had 12 children and adults learn the art of pizza making. All who attended had a great time. On Sunday September 28th was a bus trip to see Wicked on Broadway. This trip was sold out. All who attended had a great time and would like to go on another trip in the Spring. There will be another trip on December 8th to see the Christmas Spectacular at Radio City Music Hall. We have added trips on January 14th to see the NJ Devils and on January 4th. Disney on Ice, both should sell out. We are offering group sale discount to our residents; they get to the Prudential Center on their own.

We are seeing growth in our programs, Pickleball and Tennis lessons have more participants in our October, and we should see continued growth in our Spring sessions. Our other programs are beginning to catch on and show registrations. Senior Yoga has increased to twice a week now with steady participation.

Debbie attended both back to school nights at the Elementary Schools and was extremely well received by all parents she met. Everyone is very excited about the Recreation Department offerings. Debbie is working to obtain more emails so she can send out the weekly Recreation Buzz to more people. – She has given out 1500 Fall/Winter Brochures between the schools, local business, and at events. – There are some on the table if you would like one. Kelly Eller and Lynn Apolinaro from the Recreation Committee are attending Club Night at the Intermediate School tonight sharing all that the Recreation Department has to offer.

We have begun to register for our 2025 Ski Program, this program is for 5th through 12th grade. Cost is \$85 to Byram for the bus and then they purchase lift tickets and lessons packages direct through Mountain Creek. We are once again using Lenape Valley Transportation.

The October Halloween Decorating Contest is in full swing, residents can register via email their name, address, and phone number to Debbie by October 25th, the Rec Committee will go out and judge the submissions on October 29th.

Councilman Proctor – The last Planning Board meeting was cancelled because there was not a quorum.

Councilman Roseff – Byram Township Historical Society will be participating in the Sussex County Arts and Heritage weekend.

Mayor Rubenstein – Provided an update on a situation that took place at ShopRite with a cardiac arrest. There will be a proclamation in recognition on the agenda at the next meeting.

PUBLIC PARTICIPATION I

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

Isabelle Hebble and Andy Swartz – Lee Hill Road – Came to get updates on the existing Noise Ordinance and Nuisance Code. Isabella read aloud the following statement:

We're back. We are here once again to discuss the lack of a noise ordinance, one which can be easily enforced. I'd like to recap our situation for those who didn't hear our full story. My husband and I moved into our home on Lee Hill Road in March of 2022. We quickly learned that our neighbors enjoy playing very loud music outside, for long hours, on a regular basis. When I first asked my neighbors in May of 2022 to please turn down their music, they turned the volume up. A few days after that, our neighbor installed outdoor speakers and pointed them directly at our house. Months later during an exchange, my neighbor told me he installed the speakers to spite me because I asked them to turn down their music while in his opinion it was not loud. Our neighbors also have three dogs, two mastiffs and a Westi. The three dogs are left outside most of the time. In all kinds of weather, including thunderstorms. And fireworks. The dogs are left outside daily for hours, and the barking is nonstop. The previous owners of our house did mention that the dogs are always outside and to help deter their barking, they had left us an anti-bark device that they were using. After a few months of being barked at by the three dogs whenever we stepped outside, we decided to install a privacy fence. It definitely helped because the dogs are no longer hanging over their 4-foot chain link fence barking at us whenever we're outside. However, the barking is never-ending, starting at 7am on weekdays and continuing until 11 pm at night on the weekends. The music is constant. The first time we called the police was on August 30th, 2022. Our new fence was being installed and our neighbor turned the music to an extremely hostile level and went inside his house. The music was deafening. Our house was literally shaking from the base. The two contractors installing the fence couldn't even hear each other speak. After the police came out and spoke with our neighbor, the music was turned off. We called the police a few times after that when the music was unreasonably loud, and they came out and the volume was lowered. We asked the police to, perhaps, suggest that the speakers are

redirected downward or towards the woods but they continue to face our house. Then, one day, the police came to my house and told me to stop calling them and that they were not going to come out again. I was told that the town does not have a noise ordinance that's enforceable and to take things up with the town council. I was told that our neighbor has the right to play music in his backyard. I honestly couldn't believe what I was hearing. Clearly someone's rights were being protected but it certainly wasn't my right to a peaceful enjoyment of my backyard. I think you would agree that everyone has the right to live in their own home without unnecessary disturbances caused by excessive noise. We first addressed the mayor and the town council asking for help September of last year. Between mid-June and beginning of September last year, we logged twenty instances of our neighbors playing their music loudly, at times lasting more than seven hours. That's 20 times of excessive and unnecessary loud music in a seven-week period. Between the music and the dogs, we had no peace, and we came to you for help. It's been over a year since we first brought this nuisance issue to your attention and while we're grateful for your efforts in establishing and adopting a new noise ordinance, it's meaningless unless you establish a practical way to enforce it. We have been patient. We remained considerate towards our neighbors during this time, sending them emails to alert them to any work we would be doing near the property line. I have attempted to make peace with our neighbors but was only met with hostility and aggression. Regarding the dogs, the response I got was dogs bark and not to worry about their dogs. However, whenever we must do any work on the fence or near the property line, the dogs will bark at us for hours while jumping on our fence. It's a very uncomfortable situation. Our other neighbors recently had a party to celebrate their daughter's high school graduation. It was a rainy Sunday afternoon. Out of courtesy, they put letters in the neighbors' mailboxes to let them know that they were having a party and that their guests will be parking along the street. Our neighbors started to play outdoor music a couple hours before the start of their party and moved their vehicles out of his driveway and parked them in front of their house on the street. This is just another example of their character. Couple of weeks ago, we stained our fence. Our neighbor saw us staining the fence in the morning. Once we finished, my husband put up a wet stain siph right in front of it. Few hours later, my neighbor came out and started running his leaf blower directly in back of our freshly stained fence. If you research home values and particularly what drives home values down, noisy neighbors and noise pollution is high on every list. Lower home values will in time change the neighborhood and will also impact property taxes, infrastructure, and the amenities provided within the community. Everyone wants to see the value of their home increase. Everyone wants to live in a community that's safe and peaceful. Quality of life is the most significant factor for people when choosing to remain in their city/town. We all deserve the freedom to enjoy our homes, our backyards, and our neighborhood. An enforceable nuisance code will secure a more peaceful existence for all residents. It's difficult to accept our current situation. It's difficult to accept that our lives can be so negatively impacted in such a big way when something can easily be done to help us and to help all residents of this community. We are grateful for your efforts in establishing and adopting a new noise ordinance. Unfortunately, the ordinance on its own is meaningless until the town commits to having the ordinance actually enforced. It's been a year since we were told that the mayor and council will take action. It's disappointing to live in a town that does not provide protections against the threat of unreasonably loud noise and the harm that it creates, while the residents of neighboring towns receive such protection. Research firmly supports claims that noise is a health hazard, not just a nuisance. According to the Centers for Disease Control and prevention, ongoing exposure to noise nuisances can cause stress, anxiety, depression, and sleep disturbances. Persistent noise from neighbors, such as loud music and barking dogs, causes stress and will affect your ability to concentrate and enjoy your own home. And unlike a dilapidated house or an unkempt yard, you cannot escape noise. Recently, my husband spoke with the Newton Police about their noise ordinance and inquired how they enforce it. The response was simple. If someone is disturbing the peace, they go out and tell the offender to turn it down. And repeat offenders receive a summons. We've brought a copy of their Noise Ordinance. How do we get effective noise protection passed in Byram? And when? It's been a year since this was brought to your attention and we and other residents continue to suffer. We have spent thousands of dollars on a new privacy fence and new trees to create more screening between us and our neighbors. These were not planned expenditures and ones that could have been avoided if we only had protection through a reasonable and enforceable town ordinance. Without it, you are leaving all of us vulnerable. You already have multiple examples of neighboring towns' nuisance codes. You have already spoken to a judge at the Andover Joint Court. Today I've brought yet another code from another neighboring town, Newton, which requires no measurements. It's time to get this done. What's it going to take?

Mayor Rubenstein will make a point to speak with the Police Chief tomorrow. They are still working on the nuisance code.

Don Bogardus – Said that it sounds like a shooting range behind his house and goes on all night. Mayor Rubenstein will make a phone call to try to resolve the problem.

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

APPROVAL OF MINUTES

September 3, 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
No					
Abstain					
Absent		x			

September 17, 2024, Closed Session Meeting Minutes - Motion by Councilwoman Franco, seconded by Councilman Proctor to approve the Closed minutes. – Councilman Roseff would like to get updates to the meeting as he felt like Princeton Hydro was a quasi hearing. Councilman Roseff will work with the Township Clerk and provide her the information he feels was not included.

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

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.

- A. Approval of 50/50 & Raffle License for Gunner J. Bigley Foundation – Byram Fire House 11/10/2024
- B. Resolution No. 155-2024 – Resolution of the Mayor and Council of the Township of Byram Approving an Extension of the 2019 Joint Municipal Court Agreement with the Andover Township, Fredon Township, Green Township and Andover Borough until December 31, 2028
- C. Resolution No. 156-2024 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 360 Lot 5 & Block 360 Lot 5 Q-farm – 12 Jans Way
- D. Resolution No. 157-2024 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Tax Sale Certificate #2015-029 Be Remitted (Cancelled) from Record” – Block 366 Lot 5 – 32 Jefferson Lake Road
- E. Resolution No. 158-2024 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Tax Sale Certificate # 2015-030 Be Remitted (Cancelled) from Record” Block 366 Lot 5 – 32A Jefferson Lake Road
- F. Resolution No. 159-2024 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Tax Sale Certificate # 2015-031 Be Remitted (Cancelled) from Record” Block 370 Lot 3 – 44 Jefferson Lake Road
- G. Resolution No. 160-2024 – Resolution Authorizing 100% Disabled Veteran Block 143, Lot 112 Refund of Taxes Paid for 3rd Quarter 2024 – Block 143 Lot 112
- H. Resolution No. 161-2024 – Resolution Authorizing 100% Disabled Veteran Block 5, Lot 678 Refund of Taxes Paid for 3rd Quarter 2024
- I. Resolution No. 162-2024 – Resolution Authorizing 100% Disable Veteran Block 365.02, Lot 5 Refund Taxes Paid for 3rd Quarter 2024
- J. Resolution No. 163-2024 – Resolution Authorizing 100% Disabled Veteran Block 380, Lot 6.05 Refund of Taxes Paid for 3rd Quarter 2024
- K. Resolution No. 164-2024 - Authorization To Execute Change Order No. 1 for Proposed Resurfacing of Various Streets (Bridget Way, Catalina Drive, Camelot Drive, Mayfair Lane & Sandra Lane) – Drainage Inlets – Net Increase of \$590.00
- L. Resolution No. 165-2024 – Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7-29
- M. Resolution No. 166-2024 – Authorizing to Purchase one (1) New Skid Cutter Under the Sourcewell National Cooperative Purchasing System for Budget Year 2024 – Not to Exceed \$8,223.75
- N. Resolution No. 169-2024 – Resolution to Award Bid for Proposed Improvements to CO Johnson Park Field 8 Reconstruction – Not to Exceed \$566,805.21

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

RESOLUTION NO. 167-2024 - AUTHORIZING APPOINTMENT OF THE TOWNSHIP ARCHITECT AND AWARD OF PROFESSIONAL SERVICE CONTRACT IN CONNECTION THEREWITH

Motion by Councilwoman Franco, second by Councilman Proctor to adopt the resolution.

Councilman Roseff asked for more detail as to what roll the architect will play in the township. Mayor Rubenstein said that meditations will need to be made to the DPW break room. Mr. Sabatini said that by authoring this gives him the ability to use the professional when the time is needed. Councilman Roseff feels that the DPW Superintendent and staff would be completely competent to do the work themselves. Councilman Roseff This is a small project and does not need an architect and engineer.

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

RESOLUTION NO 168-2024 - RESOLUTION AUTHORIZING FOX ARCHITECTURAL DESIGN P.C. PROVIDE ARCHITECTURAL DESIGN FOR THE CONCEPT PRESENTATION OF A PROPOSED NEW POLICE DEPARTMENT FACILITY

Councilman Roseff feels it should include a “whereas” that architect design to the desired project cost of \$2.25 mil.

The Township Council agreed to add the clause.

Motion by Councilwoman Franco, second by Councilman Proctor to adopt the resolution.

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

RESOLUTION NO. 154-2024 – RESOLUTION AUTHORIZING THE SUPPORT OF A GYPSY MOTH, LDD CONTROL PROGRAM BY THE STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE

Motion by Councilwoman Franco, second by Councilman Proctor to adopt the resolution.

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

BILL LIST – October 1, 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
No					
Abstain					
Absent		x			

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE NO. 016-2024 - AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF SELF-CONTAINED BREATHING APPARATUS (SCBA) FOR USE BY THE BYRAM TOWNSHIP FIRE DEPARTMENT TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$25,000.00**

Purpose Statement: Acquisition of Self-Contained Breathing Apparatus (SCBA) for use by the Byram Township Fire Department.

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

BE IT RESOLVED that Ordinance No. 016-2024 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO GRANT A DRIVEWAY EASEMENT TO MR. MARTIN EKHELAR AND MRS. CHRISTINE EKHELAR AND TO VACATE, RELEASE AND EXTINGUISH ANY PUBLIC RIGHTS IN A PORTION OF THE PAPER STREET OR RIGHT-OF-WAY LOCATED OFF LACKAWANNA DRIVE AT 70-A LACKAWANNA DRIVE 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 grant a driveway easement to Mr. Martin Ekhelar and Mrs. Christine Ekhelar, and to vacate a portion of the paper street right-of-way located off Lackawanna Road at 70-A Lackawanna Drive and identified herein pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				

2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

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 October 15, 2024, 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.

- **AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE TOWNSHIP OF BYRAM CODE OF ORDINANCES TO REPEAL CHAPTER 136 – FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 136 – FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

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 October 15, 2024, 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

The Township Council authorizes the Township Manager the use Open Space Funds for tree removal around the old schoolhouse. Mayor Rubenstein will ask the Open Space committee for their ok on the use of the Open Space Trust Fund for this purpose.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

Scott Yappen – Applauded the council on the potential grant money. Applauded the township for having a budget for the potential new police department. Asked there the difference is in the amount per square feet of the \$9.6 mil. Previously voted down and what they are now proposing. Asked why they did not do an RFP for the architect. Mayor Rubenstein said he wanted to engage a small group more focused on municipal projects and police departments.

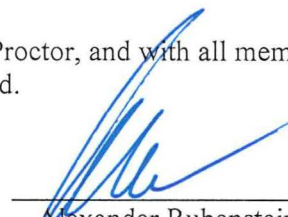
Chief DeWald – Thanked the township Council and Mayor for their attempt to getting a better working environment for the Police Department and their staff.

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 8:52 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor