

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
OCTOBER 19, 2021
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 Law. 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 Deputy Township Manager Philip Crosson (7:30 p.m.), Attorney Tom Collins and Municipal Clerk Cynthia Church

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

- a. Attorney Client Privilege Communication
 - General
- b. Personnel
- c. Shared Services – Animal Control

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 19, 2021.

Cynthia Church, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Bonker 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
No					
Abstain					
Absent			x		

BYRAM POLICE OFFICER'S AWARD CEREMONY

Swearing In of New Police Officers

Cris Faldo was sworn in by Mayor Rubenstein with his wife holding the bible.

Derek Kunken was sworn in by Mayor Rubenstein with his dad holding the bible.

Exceptional Service Award

Sgt. Thomas Dellicker - Exceptional and credible accomplishments in the line of duty. On February 4, 2019 Sergeant Dellicker provided instrumental assistance to a joint investigation involving multiple local and federal law enforcement agencies that led to the successful apprehension and federal prosecution of the target suspect. During a court-authorized search of the suspect's residence, Sergeant Dellicker's assistance during the interview process and search led to the recovery of a large cache of weapons, ammunition, explosive devices, and precursor materials. Sergeant Dellicker's professionalism and dedication to duty reflected great credit upon himself and where in keeping with the highest traditions of the Byram Township Police Department and the law enforcement professional.

Unit Citation Award - Participation in a team effort under critical conditions who in support of departmental operations distinguished himself to effectuate the protection of life and property. On December 19, 2020, the officers listed below conducted various response, recovery and investigative operations after the discovery of a homicide victim and crime scene in the East Brookwood section of the township. Their collective efforts and seamless coordination with the various other local and federal agencies quickly led investigators the suspects in Watertown, NY.

Sgt. Guy Mariani

Sgt. Daniel DeWald

Sgt. Thomas Dellicker

Ptl. Todd Sodano

Det. Robert Tierney

Ptl. Larry Mendelsohn

Ptl. Christopher Spaldo

Ptl. Derek Kuncken

Good Conduct Award

Lt. Brian Moreland – 15 years

Sgt. Guy Mariani – 20 years

Sgt. Daniel DeWald – 20 years

Ptl. Todd Sodano – 20 years

Ptl. Victor Marin – 20 years

Ptl. Kevin Perry – 5 years

Educational Achievement Award

Ptl. Marcus Lisa – B.A. in Law Enforcement and Public Administration from Fairleigh Dickinson University

Ptl. Christopher Spaldo – B.S. in Criminology from the College of New Jersey

Ptl. Derek Kuncken – B.A. in Criminal Justice from Stockton University

PRESENTATION – WATER USE AND CONSERVATION MANAGEMENT PLAN – Thomas Knutelsky, of Harold Pellow & Associates gave a presentation on the Water Use and Conservation Management Plan.

Requirement that a Water Use and Conservation Water Management Plan be adopted. The goal is to set priorities for the use of available water.

One of the highest priority objectives described in the Regional Master Plan (RMP) is to protect, restore and enhance water resources within the Highlands region. To help achieve this objective, the Highlands Council developed a model Water Use and Conservation Management Plan (WUCMPs) for pilot areas throughout the Highlands region.

This WUCMP area covers the following HUC14 sub watersheds:

- Lubbers Run (above/ incl. Dallis Pond)
- Lubbers Run (below Dallis Pond)
- Cranberry Lake / Jefferson Lake & tribs.

Byram Township is within these sub watersheds. Although ten (10) sub watersheds intersect Byram Township, water withdrawals from Byram Township are minimal relative to neighboring municipalities and a full evaluation of those sub watersheds has been therefore reserved for those municipalities.

Major water services providers included in planning area include:

- Sparta Department of Utilities
- Aqua (formerly Byram Homeowners Association)
- Suez (formerly East Brookwood Estates Property Owners Association)

- Hopatcong Water Department (outside of Byram but in HUC14)
- Colby Homeowners Association Water Company
- North Shore Water Association
- Strawberry Point Property Owners Association
- Briar Heights & Della Heights Property Owners Association
- Frenches Grove Water Association

Water Conservation and Deficit Reduction and Elimination Strategies

The following preliminary strategies have been identified for this planning area based on the dominant consumptive use. These strategies are not prescriptive.

- Irrigation System Design – promotion of intelligent irrigation system design
- Low Flow Showerheads and Toilet Fixtures – promotion of water-efficient showerheads and toilet fixtures
- Stormwater Ordinance – promote recharge and/or infiltration within the sub watershed.
- Retrofit Detention Basins – convert existing detention basins to infiltration basins. Water Bill Structure/Comparison – highlight historical use patterns for residential customers

Monitoring and Implementation Plans

The mitigation strategies selected to reduce the deficit in the sub watersheds must be evaluated biannually. Establishing an implementation plan is critical to the WUCMP’s success. Although elimination of any deficits does not have a specific timeline, progressing towards deficit reduction is the intent of this WUCMP and the Highlands Council of New Jersey will ask for a periodic review of the implementation of this Plan (on the order of 5 years).

The Highlands council will help the township solicit grants.

The water use conservation plan is not something that is optional.

Noncompliance can affect future applications.

Mayor Rubenstein asked about retrofitting of detention basins, and what that would look like. Thomas Knutelsky gave a description. Mayor Rubenstein also asked about the retrofitting of showerheads.

Councilman Roseff asked about the empirical data and models. Mr. Thomas Knutelsky said that CDM developed model is accepted by the Highlands Council, and is a conservative model, he had no knowledge of how or if that model was verified. Councilman Roseff asked the difference between and upgrade to a replacement for appliances. Mr. Thomas Knutelsky gave an example. Councilman Roseff questioned why we are doing this when the benefit is not seen by Byram Township, yet to the more Urban areas. Mr. Collins said that the model is based on 20-year drought conditions. This is simply a plan not an ordinance. Councilman Roseff confirmed that acceptance of this study with the model that’s verified qualities are unknown sets the stage for restrictions to be applied in five years, and also confirmed that overall Byram today does not have a water deficit. Mr. Thomas Knutelsky said that CDM developed model is accepted by the Highlands Council, and is a conservative model, he had no knowledge of how or if that model was verified.

Councilman Bonker said that Byram is in the Highlands. This document is required and paid for by the Highlands. Mr. Bonker read the entire document and did not find any indication of the Highlands taking advantage of Byram. After reading it in full he simply found a document full of recommendations.

Councilwoman Franco referenced that the resolution authorizing the municipal scope of work was signed and approved by the entire Byram Township Council in August of 2019. Upon looking at the report they are simply reminding citizens to be considerate and good stewards of the land that is almost completely in the Highlands. The recommendation of the Highlands Council is to be considerate of the water supply and to not be wasteful.

Mayor Rubenstein said he looks as these conformance plans and studies as some of the necessary evils of being in the Highlands district. It is something that was placed upon the township a long time ago, and now they are required to do some of these plans. He looks at the four recommendations as something that most people will do by default because it is the right thing to do. Not being wasteful to natural resources is a duty of every citizen.

Jack Moran – 7 East Waterloo Road – asked about the estimates per water supply and noted an example that year 2000 population was selected, and it has since materially dropped. Asked if it changes the calculation of the models, Mr. Thomas Knutelsky said it would change the models. Mr. Moran asked for a more accurate report for the water companies in town as they are stakeholders.

Chris Reiner – 321 Amity Road – asked if the water usage from septic systems recharge the aquifer. Mr. Thomas Knutelsky said that yes, he thinks it does, however, not perfectly, not 100%. Mr. Reiner said in the case he believes that this a mute subject. Mr. Reiner wanted to be put on record that he has been against the Highlands Council since it began. Prior to this the township was protected through a mater plan, which protected the town from overdevelopment. For some unknown reason the prior council has allowed an unelected board “the Highlands Council” to control the destiny of Byram Township.

Councilman Roseff– Mr. Roseff said that he was part of the voting two years ago for spending the Highlands money on a Highlands Plan. It was his understanding was that it was going to be up to the Township to define and accept. It is his

understanding now is that if they do not want to proceed, that the township will then have to pay for this study. This is all left up to an unelected government that is making the determinations. Mr. Roseff said he all for the environment, however, he believes that this plan is completely unnecessary.

Councilman Bonker – We are in the Highlands like it or not. When looking at this report he sees four specific recommendations, two of which are public education, one that is an ordinance that has already been done, and one that says that the Planning Board should do its job when it comes to detention basins. There is nothing onerous in this document. He is ready to vote to move this on.

Councilman Roseff made a motion to not tell the Planning Board what to do, as this resolution is telling the Planning Board what to do.

RESOLUTION NO. 213-2021 – Resolution of the Byram Township Council Endorsing Water Use and Conservation Management Plan and Recommending the Adoption of the Plan by the Planning Board as an Element of the Master Plan with a modification to change Cory Stoner with Mr. Thomas Knutelsky in the resolution.

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

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – Deputy Manger, Phil Crosson provided a report on behalf of the Township Manager. The 2021 Best Practices Inventory is due back to the NJ Department of Local Government Services on November 3, 2021. A discussion and a resolution will be scheduled for the November 1st meeting. The Superintendent of LVRHS Dr. Rossi has requested to be included on the November 15th Township Council agenda as a way of introduction in sharing his ideas, plans and visions for the High School along with the BOE president.

Mayor Rubenstein – There was a Planning Board meeting on October 7th, where they approved the Suez water temporary structure at the water tower. The Planning Board approved the Tomahawk Waterpark to add water slides, parking modifications, ticket booth and the new store. October 11th was the senior hike. Mayor Rubenstein attended this hike with the senior and his family. October 12th the was the Historical Society meeting in which they discussed the 225th anniversary of the township, and the kicking off an oral history project, to get a better history of the township they will be interviewing older residents before that history is lost. They also had discussion about Lockwood Cemetery graves that are collapsing and how to remediate that. The schools have not brought kids to the museum since 2018 and would like to have that reinstated. Mayor Rubenstein participated in a status call with Elizabeth Town Gas for next steps. October 15th had a meeting with Sussex County Skylands Ride discussing additional busing services. This past weekend was the Hudson Farm Hike, it was a great time and a great turnout.

Councilman Bonker –

Open Space: The October 11th Open Space meeting was postponed. Mr. Bonker, however, reminded the Council of two items that will soon be coming up. The first is the Sussex County Trails Grant application, which the OS committee did receive as a first draft, and will need the Council’s approval in November. The second is a presentation by French and Perello on the final dog park design, which he suggested should happen after they conduct their pre-application meeting with the Highlands/DEP. He believes they could be breaking ground this coming Spring on this project but needs to keep moving. He is still awaiting word from the State on the loan request for this project.

Fire Truck: Councilman Bonker reported that even though it is not on the agenda they had a lengthy discussion at the last meeting about a new fire truck. Councilman Bonker thanked the Township Council for approving the comprehensive debt management plan at the last meeting and said that this new fire truck will have to be factored into that long term capital plan. Mr. Bonker reiterated on one item that was presented by Chief Rudloff, the \$819,000 rescue pumper becomes a \$902,000 rescue pumper in 2022. That is an \$83,000 difference. Mr. Bonker would suggest that the Council pay attention to this now and make a responsible decision soon. The Township Council will soon be getting the construction documents for the municipal building and will need to do their jobs with that too. The only way to do that job right is to have a long-term capital management plan. Councilman Bonker stated that with the Council approval now in hand, they will start to iterate with Phoenix, the auditors, the bond counsel, the CFO and the Township Manager. After several rounds of iteration, it will then be up to this Council to decide what is in the best interests of Byram regarding the building, the fire truck, the dog park, future CO Johnson Park improvements, and every other capital decision the township needs us to make. Encourages everyone to be prepared.

Energy Aggregation Plan: Councilman Bonker received his electric bill this week, and the Basic Generation price to compare charged by JCP&L is 9.56 cents per KWH. However, because this Mayor and Council did the homework and proactively put every Byram household into the Energy Aggregation Plan, his charge for Basic Generation is only 8.74 cents. That is an 8.5% savings on his electric generation bill. There was a lot of talk at the debate about Byram utilities, and a lot of opinions. That is democracy. But when it comes to electric bills in Byram, everyone is getting an 8.5% savings because of this Mayor and Council.

Councilwoman Franco – Attended the Planning Board Meeting on October 7, 2021, and attended the Cannabis webinar, which was lengthy and informative for someone who wanted to open a dispensary, however, not much for a municipality get from it. She attended the Hudson Farm Charity Hike and said that it was nice to see all the improvement that were made.

Councilman Roseff – Reported that the old schoolhouse was open for Heritage Day. It attracted some of the kids that were playing ball across the street. Would like to see the Byram School Board return to visits to the old school house.

PUBLIC PARTICIPATION I

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

Dan Rafferty – 49 Tamarack Road – asked if the Mayor & Council are willing to go to vote on the Municipal Building. Mayor Rubenstein said that they would not have a choice if residents demanded it. If the residents show by petition that they want to go to referendum, then that is what they will do. Councilwoman Franco said she was on the building subcommittee since May of 2018 and they did a lot of work and feels that the 16 members of the subcommittee with the council members have taken a lot into consideration. Councilwoman Franco said that anyone who would want to put it to referendum and not consider the \$5.5 million dollar building as been proposed has not taken a tour of this municipal building and police station in a very long time. Mr. Rafferty said that he is in favor of a new municipal building but wants to see if the members of the council were in favor of it going to referendum. Councilwoman Franco said that if the residents petition it to go to referendum, that is what they will do. Unfortunately, it would incur extra costs to put on a special election at the taxpayers’ expense. Councilman Bonker said that the five members of the council were elected by the people of Byram to make decisions for Byram. If someone want to file for a referendum, that is their right. In the meantime, he is going to do his job. Mr. Rafferty asked what the stipend is for the Sewer Operator License. Mayor Rubenstein said it is \$11,000. This is paid by the sewer users through the sewer funds. Mr. Rafferty asked what it was in 2020. Mayor Rubenstein said it was \$11,000. Mayor Rubenstein explained the breakdown of that amount and how they came to that amount. Mr. Rafferty asked if they believe in the Employee handbook, and if so, why the mayor does not abide by the dress code.

Jack Moran – 7 East Waterloo Road – about the status on ISO. Mayor Rubenstein said that they are still flow testing.

Greg Smith – 26 Crescent Drive South – Would like to see signs on Rt. 206 saying “entering Byram Township” and “leaving Byram Township”.

Annelise Tartell – North Shore Road – expressed her disgust with the bashing on social media toward the Mayor and Administration and read aloud a statement to that regard.

Carlos Luaces – Thanked Harvey Roseff for not being involved with the back in forth with the Andover Township PD shared services discussions.

Jeanne Moran – 7 East Waterloo Road – Said there needs to be a system in place for those speaking during a meeting. It needs to fair across the board.

Mike Dennehy – 70 Whippoorwill Lane – Said that Democracy is a beautiful thing and is proud to be a citizen of the USA. Was appalled by comments made about him tonight from another resident. The municipal building project should be put on for a referendum. Asked about the Townships approach to grant writing. Mayor Rubenstein explained the process. Deputy Manager Phil Crosson provided an explanation on the process that goes into obtaining grants.

Dan Rafferty – 49 Tamarack Road - addressed the statement made by Ms. Tartell. Said they are not in a cohort. Said that he felt threatened by Mr. Bonkers actions tonight.

Jack Moran – Asked about any new developments with Andover Tunnel. Mayor Rubenstein said that the County Commissioner offered his help.

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

APPROVAL OF MINUTES

- October 5, 2021 Regular & Closed Session Minutes – Motion by Councilwoman Franco, 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					
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 so 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 Councilman Bonker, second by Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 214-2021 – Cancellation of Outstanding Checks
- B. Resolution No. 215-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 304 Lot 2229 – 12 Glenside Trail South
- C. Resolution No. 216-2021 – Authorizing Participation in the North Jersey Wastewater Cooperative Pricing System of Passaic Valley Sewerage Commission
- D. Resolution No. 217-2021 – Chapter 159 – Municipal Alliance \$3,918.00
- E. Resolution No. 218-2021 – Resolution Authorizing the Execution of a Contract for Electricity Generation Through Energy Market Exchange (EMEX)
- F. Resolution No. 219-2021 – Authorization to Purchase Snowplow Parts & Accessories Under the Sourcewell National Cooperative Purchasing System for Budget Year 2021

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

BILL LIST – October 19, 2021 – Motion by Councilwoman Franco, second by Councilman Bonker to approve the bill list as presented.

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

ITEMS FOR DISCUSSION

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

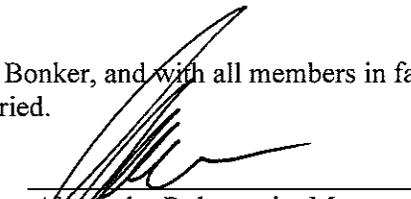
Jeanne Moran – Asked about B.A.R.K.S. There is a special executive session meeting scheduled for 10/20/2021.

Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to public.

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 10:26 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor