

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
OCTOBER 5, 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 Township Manager Joseph Sabatini, 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. Contract Negotiations

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 5, 2021.

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 Councilwoman Franco, second by Councilman Gallagher 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 Gallagher, second by Councilwoman Franco, to approve the agenda adding 256 Route 206 Building in Stanhope as a discussion item.

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

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – Received a Local Finance notice regarding Best Practices. This report is due by November 3, 2021. There will be a resolution on for adoption at an upcoming meeting to accept the best practices inventory. October 9, 2021 is the Byram Fest at C.O. Johnson Part at 6:00 p.m.

Mayor Rubenstein – On September 29th Mayor Rubenstein met with the new LVR Superintendent. On September 30th he observed the Fire Department doing drills on the Adam Todd building. The Adam Todd is in the process of being demolished. Mayor Rubenstein attended Movies in the Park with his family on October 2nd, he was pleased with the turnout. On October 7th there will be a Planning Board meeting regarding Tomahawk Park and Suez for a shed to be installed at the water tower. Saturday, October 9th is Byram Fest at 6:00 p.m. On October 12th the Historical Society will be meeting. October 16th will be the Hudson Guild Hike.

New Jersey Natural Gas had a team’s meeting where they went over their plans as to how they will be coming into the municipality with natural gas. They had a municipal consent hearing that was conducted by the BPU, there were no issues at the hearing. The next step is to go before rate council to submit written comments not opposing the Byram franchise agreement. Will then be listed on the BPU agenda for final approval and is expected to be on the December 2021 meeting at the BPU. They will be doing a mailer survey to get feedback.

Elizabethtown Gas installs are in progress. Mayor Rubenstein reached out to them about next steps for further expansion in town. There is a conference call scheduled with them for October 13, 2021 to layout what the plan will be for surveying and expansion throughout the northern end of town.

Verizon has received approval for the Byram Township Mayor and Council for their application to install three micro cell towers on Amity Road. After that is complete they will start a conversation with them about C.O. Johnson Park, Roseville Road and Tamarack Road.

Councilman Bonker – Monday, October 11th, will be an Open Space meeting. They will be reviewing the latest iteration of the C.O. Johnson dog park design, after which the Highlands will get a look at the design. If all goes well, they could be breaking ground Spring 2022 on this project. They will also review the trails grant applications for the Sussex County Open Space grants which are due in December. They will also get their regular updates from the forester and Open Space consultants.

Councilwoman Franco – On September 22nd Councilman Franco attended the Community Advisory Group for the Mansfield remedy in East Brookwood. They continue to work with DEP and EPA to help the residents overcome this challenge. There are 19 impacted wells, 2 impacted wells not claimed, and are working with their negotiations with Suez to pump water to the affected homes. There was Board of Health meeting September 28th. There were three waivers on that agenda. Reported that everyone should have received a Nixel notice regarding the closure of Rt. 206 in Andover Brought at the tunnel.

Councilman Gallagher – There was a Movie in Park on October 2nd. Reported that the Fire Department participated in the Sussex County parade. Byram Township will hold their annual Byram Fest on October 9th. Fire Department will be doing a coin drive on Route 206.

Councilman Roseff – Nothing to Report.

PUBLIC PARTICIPATION I

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

David Pellitrier 23 Frenches Grove Road – Looking for an update. Joe said a letter went out to the property owner. Property should have been posted as an unsafe structure by the Construction Official.

David Pinkham -22 Beach St. – on the West Brookwood Property Owners Board. Concerns regarding the MSA. Asked if there is new sewer allocation. Mayor Rubenstein said that this was a transfer of allocation from Stanhope to Byram. Is concerned about the smell. Mayor Rubenstein asked if they are contacting the MSA when they notice the smell. Mr. Pinkham said they have called the hotline. Mayor Rubenstein is willing to reach out to the MSA about their responsiveness.

Michael Dennehy – 70 Whippoorwill Lane – Has received a lot of feedback from residents regarding the New Municipal Building, asking for this to be put out for a vote. He said that the Township has come into money from the COVID relief and encourages the Byram Township Council to use the money toward road maintenance repairs and infrastructure. Mr. Sabatini explained that that is not an allowed use for that money.

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

APPROVAL OF MINUTES

- September 21, 2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes - Mr. Roseff asked for a correction in the minutes to “Knowlton Township”

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			X		
2 nd		X			

Yes	x		x		x		x
No							
Abstain							
Absent							

CONSENT AGENDA – All are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member 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 Councilman Gallagher to approve the consent agenda.

- A. Resolution No. 209-2021 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 336, Lot 3.16 for Tax Year 2021
- B. Resolution No. 210-2021 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 336, Lot 3.16 Refund of Taxes Paid for 3rd Quarter
- C. Resolution No. 211-2021 – Resolution Directing the Township Manager to Participate in a Reverse Auction for Electricity Generation Through Energy Market Exchange (EMEX)

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

RESOLUTION NO. 212-2021 – Resolution Authorizing Scope of Services for Phoenix Advisors, LLC. to Provide Debt Issuance / Debt Management Plan – Municipal Advisory Services to Byram Township Motion by Councilman Bonker, seconded by Councilwoman Franco to approve Resolution No. 212-2021.

Councilman Bonker read aloud the following:

We have already spent several hundred thousand dollars on the municipal building project. We are about to receive the final construction documents. We will need to go to bid on those construction documents and we will need to bond for that expense. However, we also have additional capital needs, at CO Johnson Park, perhaps a fire truck, roads, equipment, etc. We also have a current 10 year bond that will expire in 2025. We also have the ARP money. We need a comprehensive debt management plan to guide us for many years to come on ALL of our capital expenditures. Furthermore, interest rates will not go any lower, and indeed, just since our last meeting, they have begun to rise. We need to lock in cheap financing as soon as possible and at the same time engineer the debt so that the taxpayer does not see a significant increase in tax rates. We need Phoenix to develop that plan for us. The cost is \$2500. However, if we proceed with the bond offering, the \$2500 will be credited against their fees for conducting the offering. Vernon and Mountain Lakes both used the same team that we have assembled: Nisvoccia, Hawkins, and Phoenix. We need to get this going now, so we can be prepared once we get the Nader construction plans. Time is of the essence. (In addition to Vernon and Mountain Lakes, Mount Olive also did a \$10 million offering last year for up to 10 years, and they got 1% yield.)

Councilman Roseff asked if Phoenix Advisors would be the underwriter when they go out for bond. Councilman Bonker said Phoenix Advisors will act as the broker and will work with the underwriter. The costs of the underwriter will be part of the bond offering that will eventually be put out. The bond council does the underwriting work, puts it out for bid and presents it to the market. A rating needs to be established. Mr. Sabatini explained that any time the Township goes out for permanent debt they need a financial advisor like Phoenix Advisors. They are the same group that has helped the township in the past with the same process. Mayor Rubenstein said the purpose of this is to help structure the bond so the impact to the taxpayer is known. Phoenix is going to help the Township with the model that they will use to present the bond to the public when it is time to move forward. Councilman Roseff asked if there was a Phoenix type entity 10 years ago that Byram used when they went out for bond. Mr. Sabatini said that in 2016 they did use Phoenix Advisors in order to allow them to be presented to the market they had to get rated. Councilman Bonker added that every year in the reorganization meeting (in the last 10 years running), they have named Phoenix Advisors as their advisor. Councilman Gallagher reiterated that Phoenix Advisors will be doing most of the work as this is not something a CFO would do. Mr. Sabatini said that they adhere to conforming debt schedules, so they have an equal principal payment for the term of the bond and then pay your interest rate which is on a decreasing schedule. They are very complicated models and Phoenix Advisors are the experts in this area. Councilman Bonker said that there is also legal oversight that comes along with this. Councilman Roseff said that the township has a very simplistic need as they are a small town, without a lot of infrastructure and would like to see some real materials before going down this road. He does not believe in financial engineering. Councilman Gallagher said that this is a \$2500 flat fee and Phoenix will be doing all the work. Mayor Rubenstein said that the deliverable is that they will be presented with a very clear picture of what the cost will be to the taxpayer. Councilman Franco questioned the time frame of completion. Councilman Gallagher explained that the six months starts after the Township received the deliverable. Councilman Roseff questioned why this should be done now. Councilman Bonker explained that this work needs to be done to make truthful statements about the impact of this project on future tax rates in Byram Township. Councilman Franco feels that his best for the Township to be proactive and have plan ready. Mr. Roseff believes that more time is needed to develop the model.

	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 – October 5, 2021 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented. Mr. Roseff would like to discuss the French and Parello bill. Asked if there is a better outlook of the budget for the engineering for this project. Expected the price to come down for what they are receiving. Asked what the budget is for the dog park project. Mayor Rubenstein said that it was approved by Resolution 155-2021 not to exceed \$39,525.00. The vote on that resolution was unanimous. Councilman Roseff argued that it was an outrageous sum of money, and it should not have come anywhere near that. Mayor Rubenstein stopped Councilman Roseff as the approval of the bill list is not the time to debate what the policy is, but a time to debate if the bill should be paid, and if it is felt that the services have been rendered or not. This is something that should have been brought up during the council reports.

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

ITEMS FOR DISCUSSION

Procurement of Fire Truck – Fire Chief Rudloff presented a scope of project to replace Engine 1 and Rescue 3 with a new rescue pumper. There would be a \$475,000 savings.

The proposed project would replace Engine 1 and Rescue 3. Mr. Rudloff explained that Engine 1 is a 1998 E-One Pumper and Rescue 3 is a 2001 Kenworth / Pierce. The truck committee is looking at a Rescue Pumper that would hold the equipment from the current engine and current rescue trucks. He explained that there are safety issues when performing vehicle extractions, having water on scene quicker while the other apparatus responds. The plan is to replace the 1st and 3rd most used vehicles for responses. The two apparatuses are 20 and 23 years old. There would be a cost reduction to the fleet and the maintenance they cost on an annual basis. Engine 1 has cost \$12,000 in maintenance since 2016. Engine 1 in in need of major break work as well as a engine and radiator repair costing over \$20,000. In addition, pump maintenance is scheduled in 2 weeks and they are anticipating pump repairs to Engine 1. A temporary fix recently to the alternator on Engine 1 was completed. The vendor them that it could last anywhere from a month to a year, regardless the cost for repairs would be \$6,000.00. The biggest benefit of this project would be that truck replacements would be pushed out for 7-9 years.

The Proposed Cost of the Project \$819,000 for a Rescue Pumper with Sam Smart Pump Technology.

This is a savings of \$475,000. If they were to purchase each vehicle separately the cost would be \$545 for a new engine truck and \$750 for a new rescue truck.

The proposed sale of Engine 1 and Rescue 3 would be between \$20,000 - \$30,000.

Councilman Roseff asked why all the trucks must be specialized. Mr. Rudloff said that his just how fire trucks are. He explained that they are not as customizable as they were back in 1998.

Councilman Roseff asked if they could get a truck for \$500,000. Mr. Rudloff said they could but then they would still need to replace the rescue truck as well. If this is combined, they are reducing the overall cost and they would not have to buy another truck for 7-9 years.

Councilman Roseff asked about the difference between last time they went to merge functionality, and the withdrew from it and now. Mr. Rudloff said that the membership at that time did not want it as the truck they were looking at then was going to be too big for the township's roads.

Councilman Bonker asked for the current number of trucks that the Fire Department has now. Mr. Rudloff said they have 3 Engines, 2 Tankers and a Rescue truck. He asked how much the truck cost that was purchased 3 years ago. Mr. Rudloff said it was just under \$500,000. Councilman Bonker asked if they have an annual capital budget. Mr Rudloff said no, he works with Joe and Ashleigh with a 6-year plan. Mr. Sabatini explained that it is part of the budget process as part of the capital budget summary that goes out for about 10 years. There are no allocation of capital funds set aside for the Fire Department. They then work off a 10-year schedule for planning purposes. These types of purchase usually generate a bond ordinance.

256 Route 206 Building in Stanhope - Mayor Rubenstein said that there was a resident that received notice from the Stanhope Land Use Board, that there will be a hearing to put up a large building with 5-8 apartments and a commercial site in it. The stormwater will be retained onsite in an underground recharge system under the lot. The concern is that with the 100 year storms the ground may not be able to keep up the water that will be coming off the site. Asking for our Engineer to review and offer comment to the Stanhope Land Use Board. Joe does not think that Cory would be able to

turn this around in such a short period of time. Consensus of the Board was to authorize Cory to incur some fees to represent the best interest of Byram residents with the Stanhope Land Use Board.

FUTURE AGENDA ITEMS

Councilwoman Franco asked if it is time to review the need for Dirty Dirt Ordinance for discussion. Mayor Rubenstein suggested reviewing where it was left off last time. There is a crafted ordinance already that should be reviewed. Mayor Rubenstein suggested putting it on the next meeting agenda for discussion.

PUBLIC PARTICIPATION II

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

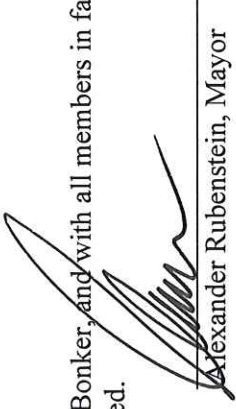
Greg Smith – 26 Crescent Drive South – Appreciates that the resolution that was passed to engage Phoenix Advisors. Would appreciate the information as a resident should it go to referendum. Does not know much about procurement but feels that the Fire Department gave a good presentation and thinks that it should be supported. Will leave is questions regarding dirty dirt to the next council meeting.

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 9:36 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor