

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
NOVEMBER 15, 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](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
  - Road Vacation – Block 196 Lot 17 & Block 194 Lot 5.02
  - Title Search Judgement
- b. Personnel
- c. Shared Services
  - B.A.R.K.S.
  - Andover Snow Removal

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 November 15, 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 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	x
No					
Abstain					
Absent					

**PRESENTATION BY LVR SUPERINTENDENT & BOE PRESIDENT** – Dr. Michael Rossi & Mr. Rich Kuncken

Dr. Rossi introduce himself and discussed the future expectations of the Lenape Valley Highschool, and what they are doing currently at the school. He wants to create as many pathways as possible for the kids. One way is by engaging them in the areas of STEM, working with higher education and working with concurrent courses to give them exposure to college related work as well as providing them with career and technical pathways to give the kids exposure to those areas. He is looking to expand on an active LVR alumni association. They will be developing a strategic plan for the next 5 years. Lenape Valley Regional High School will be integrating technology and communications to allow everyone access in real time information.

Councilman Bonker had two areas of concern for Dr. Rossi, but first wanted to publicly thank Rich Kuncken and the entire LVR Board of Education for their leadership on behalf of the students and community. Councilman Bonker said that he is proud to call myself an alumnus of LVR, as well as his wife and three children. He highlighted two specific areas of concern for Dr. Rossi and this team to consider. He explained that Byram Township recently completed a 10 year Open Space and Recreation Plan, and specifically in terms of recreation, he believes there are more opportunities for sharing field space at the high school with our various sports leagues in town. He asked that they look at the way costs are shared, so that opportunities do not get passed up because sports leagues are being asked to pay "list prices" instead of actual marginal costs. Councilman Bonker said that his two youngest children have autism and that him and his wife had to take legal action to get their son through LVR, but he did graduate and on time. He continued to say that his son also went on to graduate college with honors, and now has a career of his own, and is a productive, tax-paying citizen. Councilman Bonker asked Dr. Rossi to take leadership with the Child Study Team as parents with special needs children already have had enough challenges. Forcing them to go through the legal system is not the answer to getting these children the least restrictive, highest quality education our community can afford to provide to them. He encourages Mr. Rossi to relay to the Child Study Team that they need to work harder with these parents and with these children so more of them turn out like his son has. Councilman Bonker went on to explain that his youngest daughter did not graduate from LVR, notwithstanding tremendous efforts on their part. His youngest daughter is not only autistic, but she is also mute. Despite those outward appearances, he said that she has a brilliant mind which is not to be thanked by the child study team and the previous leadership at LVR. With that he was asked to share the following statement below that his daughter typed out:

*"Students with disabilities need fully inclusive education. With the proper supports they can succeed. Tell him the past superintendent tried to deny me my civil rights and we fought back. I was ultimately included there, and now I am about to graduate college with honors. That school was a hostile environment for students with differences, causing a lot of pain. He needs to change that culture."*

Richard Kuncken said they want to reconnect with the communities. Feels that Dr. Rossi is the person that reflects what they want for all the kids. There will be three strategic planning meetings and encourage everyone to attend.

Mayor Rubenstein encourages everyone to check out the changes taking place to the school.

## **TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** – December 7<sup>th</sup> at 7:30 is the next Township Council meeting. Has been working with the staff putting together the operating budget for 2022. This year's budget is shaping up to be both an expense and a revenue issue. He anticipates having a draft of the budget before the council for their review before the December 7, 2021 meeting. That will also be posted on the Township website. Is also working on a comprehensive three-year capital program for streets, roads and equipment. That will be posted to the website before the next meeting.

**Mayor Rubenstein** – Received notification regarding New Jersey Natural Gas on the southern end of town getting the franchise agreements completed. The rate council will ratify the agreements to operate in the Township. Announced that Harriet Park, 78 years old passed away recently, she was a long-time resident of East Brookwood, a founding member of B.A.R.K.S., a Byram Township Poll Worker, and a member of the Byram Township Senior Citizens Club. On November 9<sup>th</sup> he had a phone call with Mr. Sabatini and the DEP regarding the Cranberry Lake lowering. There will be a public meeting for that within the next couple weeks. On November 11<sup>th</sup> was the Veterans Day Ceremony.

**Councilman Bonker** – There was an Open Space meeting on Wednesday November 3<sup>rd</sup> in which they discussed the Sussex County Trails Grant, and the final dog park plan.

The Capital Committee met to discuss a variety of capital projects. They discussed the fire truck proposal, but are not taking any action at this time. A second bid, plus additional discussion within the Fire Department and between the Fire Department and the administration will be needed before the Council can take any action. They also looked at various municipal building financing options that were presented by Phoenix Advisors. They are wrestling with at least three major financing options. Ultimately the Township Council will have to choose which option best suits Byram. Using estimates and making some assumptions about costs and interest rates, most of the models are showing an average impact for the average homeowner in Byram to be around \$50 per year. They will have more information when the construction documents arrive.

Will be attending the NJLM convention, will be looking out for digital infrastructure vendors, open space vendors, and financing vendors.

**Councilwoman Franco** – At the last Planning Board meeting they heard two residential applications. She attended the Veterans Day event which was well attended. Will also be attending the New Jersey League of Municipalities Conference.

**Councilman Gallagher** – The Fire Department held a Beefsteak Dinner event on November 13<sup>th</sup>. The next Recreation Committee meeting will be held on November 17<sup>th</sup>. December 5<sup>th</sup> is the Tree lighting at the Fire House and December 18<sup>th</sup> and 19<sup>th</sup> will be Santa around Town.

**Councilman Roseff** – Nothing to Report

**PUBLIC PARTICIPATION I**

David Pelletire 23 Frenches Grove Rd – Looking for clarification on the two options for Block 181 Lot 29.01. Mr. Sabatini said both options remain on the table. They will either do an in REM Foreclosure or look at leaning the property.

Skip Danielson – Hunters Lane – Congratulated the Mayor and Councilman Roseff on their re-election and for putting together the Veterans Day ceremony.

Richard Schneider – 73 River Road – questioning the \$50 impact on the residents for the new municipal building for the average home.

George Katley - 519 Stanhope Sparta Road – asked about where the township stands on the development of the new municipal building. Mayor Rubenstein provided an explanation.

**APPROVAL OF MINUTES**

- October 19, 2021 Regular– Motion by Councilman Roseff, seconded by Councilwoman Franco to approve the minutes.

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

- November 1, 2021 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Roseff to approve the minutes.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 <sup>nd</sup>				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. 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.

- Resolution No. 225-2021- Confirming the Redemption of TTL # 2021-005 – Block 252 Lot 138, 159 Lake Drive
- Resolution No. 226-2021 – Authorization to Execute Change Order No. 1 Township of Byram for Proposed Improvements to Continental Drive
- Resolution No. 227-2021 – Township of Byram Resolution to Transfer 2021 Budget Appropriations Current Fund
- Resolution No. 228-2021 – Authorization to Purchase one (1) 19,500 LB. GVWR Crew Cab & Chassis, DRW, 4WD Ford F550 for the Township of Byram Department of Public Works – Not to Exceed \$108,207.00
- Resolution No. 229-20021 – Resolution of Support and Authorization to Submit an Application to the Sussex County Open Space & Farmland Preservation Trust Fund Trails Grant Program

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

**BILL LIST** – November 15, 2021 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

	Councilman	Councilwoman	Councilman	Councilman	Mayor

	Bonker	Franco	Gallagher	Roseff	Rubenstein
Motion			x		
2 <sup>nd</sup>		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**2. ORDINANCE – Introduction / First Reading**

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

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

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		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 December 7th 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.

**DEPARTMENT OF PUBLIC WORKS SALARY AND WAGE ORDINANCE FOR THE YEARS 2022-2026**

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

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		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 December 7th 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.

**SALARY AND WAGE ORDINANCE FOR POLICE FOR THE YEARS 2022-2026**

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

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		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 December 7th 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.

**ORDINANCE FOR CLERICAL SALARY AND WAGES FOR THE YEAR 2022 -2026**

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

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		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 December 7th 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**

Soil Importation Ordinance – Mr. Sabatini is looking for direction from the Township council to revisit introducing a soil ordinance. Mr. Sabatini has concerns on the enforcement side, as over the last two weeks they have had their fourth

major issue in the Township where people have brought in large amounts of dirt. They currently do not have the ability to require that residents or contractors to provide any evidence of if the soil is clean and where it comes from. Mr. Sabatini needs a tool in house to manage these situations more effectively with more local control when they arise. Mr. Sabatini asked if the Township Council would want to re-engage the engineer to work with the administration to come up with a proposal, and in the interim each councilmember can share what their major concerns were with the last draft of the ordinance. Mayor Rubenstein said he does not want to annoy a local property owner who is looking to make improvements to their yard, however, when dirt is coming in from outside of town, agrees that something should legislate how much dirt is brought in and made aware so they can make sure that it is clean. Agrees that it should be looked at for reinforcement purposes. There is a need to educate the public to prevent these situations from happening. Councilman Roseff attended meetings in Wantage and Vernon which both had problem areas. These towns did not have any handle on the situations due the lack of functioning in the government and enforcement of existing laws. Issues from these areas spawned the current regulations. What is happening in Byram are much smaller. Feels that the Township can pass all the permits and ordinances that they want but they also have to be able to enforce them and respond in a timely manner. Feels that public education is needed. Is in favor of a permitting process, but they need a better definition of what is considered proper fill. Need to raise the limits as to what can be dumped from the previous limits. Need to tighten up the definition of what is considered health and welfare as it is currently state in the ordinance. Councilwoman Franco was coming up to speed on this in 2020 and felt they were making headway on the ordinance. Has been astonished at what has recently taken place in the township with the dirt that is being dumped, and feels like the residents were not even taking the dirty dirt into consideration or the amounts of dirt that were being dumped. Feels that residents should be educated. Feels that this is much more serious that what she previously thought. Councilman Bonker thinks they should take into considerations comments from the Planning Board into consideration as a starting point. Councilman Gallagher agrees with all comments, especially educating the residents. Mr. Sabatini agrees that education is important. Mr. Sabatini has concerns about enforcements.

Cris Cartwright – 52 Brookwood Drive – His house is across the street from on the properties being discussed. He thanked the Township Council for opening this back up for consideration.

Greg Smith – 26 Crescent Drive South – (speaking on behalf of the Forest Lakes Board). Asked the township to adopt this Ordinance. Also asking for a formal update on the Hemlock Property. Mr. Sabatini provided the update.

Virtual Meetings – There are four subcommittees that were polled regarding their desires to meet virtually (online via Zoom). Councilman Bonker is in favor of virtual meetings for the subcommittees. Councilwoman Franco believes they should honor the requests of the majority. Councilman Roseff and Gallagher were also in favor of staying with the requests of the majority. What is decided by the committees needs to be committed to for the year.

Planning Board does not feel that the want to entertain Hybrid meetings. They will go forward with in person meetings.

The Township Council hybrid meetings- Joe expressed his concerns about how this will be managed by staff.

It was the consensus of the Township Council to move ahead with hybrid meetings.

#### **FUTURE AGENDA ITEMS**

#### **PUBLIC PARTICIPATION II**

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

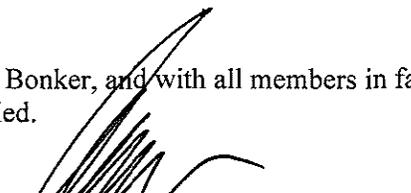
Analise Tartell – 69 North Shore Road – has concerns about 72 North Shore Road that it is back on the market and hears that it is falling off its foundation. Mr. Sabatini will follow up with the Construction Official.

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 9:26 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor