

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - DECEMBER 1, 2020

EXECUTIVE SESSION – 6:00 P.M.

REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor Rubenstein called the meeting to order at 6:01 p.m.

OPEN PUBLIC MEETING STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting has been provided to the New Jersey Herald and the Sunday Herald in our annual notice, 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, bulletin board of the Municipal Building, and 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

Councilman Bonker, here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins, Municipal Clerk Doris Flynn

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.

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:

- a. Contract Negotiations
 - Labor Counsel Interview
 - French & Parrello Proposal
- b. Attorney Client Privilege Communication
 - General
 - General Liability – Workers Comp Renewal
 - Property Maintenance - Block 220 Lot 25 & Block 336 Lot 23
 - Forest Lakes Drive – Potholes
 - LES

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, the minutes shall be made public.

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

Certification: I certify that the Byram Township Council adopted the above resolution on December 1, 2020.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - The Mayor stated that the Council meeting was called to order at 6:00 p.m. at which time the Council went into executive session. The Mayor reopened the meeting at 7:30 pm.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA - Motion by Councilman Gallagher, second by Councilwoman Franco to approve the agenda with the addition of Resolution 201-2020. All members in favor. Motion carried.

PRESENTATION – FIRE CHIEF TODD RUDLOFF – FIRE DEPARTMENT CLOTHING ALLOWANCE
Todd would like to amend the policy for clothing allowance. The FD moved away from a percentage system to a point system. It is done immediately at time of event--300 points is the minimum to get the clothing allowance. The dollar amount doesn't change by going to the point system. The FD is on pace for a total of \$17,500, which is consistent with prior years. Alex isn't concerned how it is handled. He is only concerned with the financial impact of it. Todd said that he also requested that the fire department members who have 25 years or more in, need 200 points. If the dollar amount doesn't change but it makes the process easier and more efficient for the FD, the Mayor would be in favor of it. Ray, Cris, Jack and Harvey were in favor of using the new method, especially since there is no financial change. Alex asked what action the Council needs to take. Joe said that we can have an official resolution prepared for the next meeting. Joe

also stated that the section on the Fire Department in the Code Book needs to be amended which will be done in early 2021.

MANAGER AND COUNCIL REPORTS

Manager's Report

- The Manager provided a preliminary view of the municipal budget that has been posted on the website. There are a few items that need to be resolved which could have a big financial impact on the budget. The reduction of anticipated revenues is a result of COVID related issues.
- Received notification for our 2021 NJDOT aid--we asked for \$225,000 but received \$166,200 - most towns received 65-70% of their requested amount.
- We have been experiencing significant illegal dumping in the metal dumpster located at our complex with items such as furniture, e-waste, shingles and bags of garbage. Blue Diamond provides us with a dumpster at no cost. We have a camera on the dumpster. The police department will start issuing warnings to people who are identified on the camera. Illegal dumping is not going to be tolerated.

Mayor Rubenstein - no report

Councilman Bonker - The NJ League of Municipalities held its annual meeting online this year, just before Thanksgiving. Ray wanted to highlight one presentation he attended, given by Spatial Data Logic, known as SDL. Byram Township is already a client of SDL, which is very important for our future. The name of the presentation was key: "Embrace technology to do more with less." That theme is exactly the right theme for Byram. We have already moved the Council onto the Chromebook platform. The Planning Board will be next. But hardware alone is not nearly enough. We need to put in the software platforms that will enable our staff to literally "do more with less." Ray was very pleased to see our Town Manager has included additional licenses for SDL in the draft 2021 budget. There are so many opportunities for us to automate our current workflow and the digital platform is ready now. We need all digital access for permits, licenses, zoning and construction inspections, planning, OPRA requests, an integrated Byram website with mobile access for citizens, GIS integration, DPW tasks, everything, and SDL has all of this ready to go and off the shelf, plus they will host the whole thing in the cloud. For this one SDL presentation alone, Ray found value in the NJLM conference.

There will also be an Open Space meeting December 14. Ray is anxious to hear about the upcoming Ash Tree timber harvest at CO Johnson Park, and to get final deliverables from Greener By Design, including new logos for Byram and other economic promotional materials.

Councilwoman Franco - Cris dedicated her time to the League of Municipalities Conference (Virtual) during the week of November 16-20. She scheduled vacation time from her "day job" and attended 3-5 sessions each day. The seminars included Coffee with DEP Commissioner, Recent OPRA Decisions, Elected Officials Primer: Ethics, OPMA, OPRA & Civility, Modernizing the Election Process, Exploring the Plastic Bag Legislation, to name a few. Although the conference was virtual this year, with sessions pre-recorded and a question-and-answer session following, Cris found it very informative and interesting and is looking forward to attending this conference (hopefully in person) next year.

Councilman Gallagher -. There was a planning board meeting on 11/19, which was for a residential property and the continuation of the WaWa application. Jack attended a fire department meeting on 11/24. Santa will be around town on December 19 and 20 - starting out around 11 a.m. The next planning board meeting is on 12/3.

Councilman Roseff - Harvey spoke to Gary Marmo at Elizabethtown Gas last week. Gary told Harvey that the survey should hit people's mailboxes in the beginning of the year. Harvey heard from some neighbors in Forest Lakes that some have already received a survey. He suggested coordinating with Elizabethtown Gas to get the survey available on our website.

PUBLIC PARTICIPATION 1 - Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided. The Mayor instructed the audience how they can participate and opened to the public. Motion by Councilman Bonker, second by Councilwoman Franco to open to the public. All members were in favor. Motion carried.

Joann Smith, 57 Lake Drive, commented on past discussions. Joann did agree with comments from Ray and Alex regarding inequality of sports. She suggested that all teams should pay for taking care of their own fields and would like to see lights on the tennis/pickleball courts. Joann reported that the demand for use at the tennis courts is great. She commented on the feral cat situation. A neighbor in Lake Lackawanna trapped the feral cats in his neighborhood and he paid for the cats to get neutered and released it back to the neighborhood. She suggested that could be done by concerned neighbors in other areas. Joann does not like the sign "campus closed" at the Byram Schools. She asked if the Township could put pressure on the schools to remove it. She can't get to the nature trail that Alex's son did. Joanne commented on remarks made by a Council person regarding the petitioners. She felt that petitioners have every right to file a petition in accordance with our form of government.

Jack Moran, 7 East Waterloo Rd., asked if there is any updates on ISO testing. Jack Gallagher said there hasn't been any movement because of COVID. He asked if there has been any updates on energy aggregation. Alex received an email today from Good Energy explaining the delay in getting a response from JCPL. Jack asked if there has been any update from Verizon--Alex will follow up. Jack asked about NJ Natural Gas. Alex has been leaving voice mails and sending emails and hasn't had any response back. Alex will have to establish a new contact at NJ Natural Gas.

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

APPROVAL OF MINUTES

- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the November 16, 2020 Regular & Closed Session Minutes. All members in favor. Motion carried.

CONSENT AGENDA: These items 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 Gallagher, second by Councilwoman Franco to approve the consent agenda as presented with the removal of 192-2020 to be discussed during the municipal building discussion.

- Resolution No. 189-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes be Remitted (Cancelled) for 2020” – Block 41 Lot 88.02 – 206 Byram QC, LLC
- Resolution No. 190-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes be Remitted (Cancelled) for 2020 – Block 41 Lot 88.01 – 206 Byram QC, LLC
- Resolution No. 191-2020 – Authorization for the Purchase of Extrication Equipment for the Township of Byram Fire Department – Not to Exceed \$60,668.00
- Resolution No. 193-2020 – Chapter 159 – Municipal Alliance Program - \$2,937.00
- Resolution No. 194 - 2020 – Resolution Extending Expiration Date Previously Specified in Resolution 92-2020 that Approved a Temporary Special Use Permit to BBG Restaurant DbA Alibi Beach Bar and Grill for Relief from Township Ordinances due to Limitations on Business Operations During the Covid-19 Pandemic from January 1, 2021 to January 1, 2022
- Resolution No. 195- 2020 - Resolution Extending Expiration Date Previously Specified in Resolution 96-2020 that Approved a Temporary Special Use Permit to Halulu Hibachi & Sushi for Relief from Township Ordinances due to Limitations on Business Operations During the Covid-19 Pandemic from January 1, 2021 to January 1, 2022
- Resolution No. 196-2020 - Resolution Extending Expiration Date Previously Specified in Resolution 93-2020 that Approved a Temporary Special Use Permit to Salt Gastropub for Relief from Township Ordinances due to Limitations on Business Operations During the Covid-19 Pandemic from January 1, 2021 to January 1, 2022
- Resolution No.197 - 2020 – Resolution Extending Expiration Date Previously Specified in Resolution 116-2020 that Approved a Temporary Special Use Permit to Stonewood Tavern for Relief from Township Ordinances due to Limitations on Business Operations During the Covid-19 Pandemic from January 1, 2021 to January 1, 2022
- Resolution No. 198-2020 – Resolution Authorizing Purchase of Gift Cards for Prizes at Holiday Decorating Contest December 1-10, 2020
- Resolution No. 199-2020 – Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2021-2025
- Resolution No. 200-2020 – Resolution to Authorize Participation in the 2020 Radon Awareness Program

	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. 201-2020 - Alex explained that the Council interviewed 4 engineering/landscape architect firms for improvements to our COJohnson Park, and the Council was impressed with French & Parrello. The Council asked French & Parrello to submit a proposal for conceptual plans taking into consideration the recommendations outlined in the recent recreation plan that we adopted. This resolution authorizes a contract in the amount of \$8,200. Motion by Councilman Gallagher, second by Councilwoman Franco to adopt the resolution.

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

APPROVAL OF DECEMBER 1, 2020 BILL LIST - Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list.

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

ORDINANCE – 2nd Reading / Public Hearing

ORDINANCE NO. 015-2020 - INITIATIVE ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY REPEALING ORDINANCE #009-2020

Purpose Statement: The purpose of this Initiative Ordinance is to repeal “Ordinance #009-2020 an Ordinance Amending Chapter 87 Entitled “Animals” of the Township of Byram Code to Add a New Section 87.20 Entitled “Backyard Chickens”.

Motion by Councilman Gallagher, second by Councilman Roseff to adopt Ordinance No. 015-2020.

Councilman Bonker’s Remarks: *We produced a superior solution by including everyone in the democratic process: the public, the Council, the Planning Board, and the administration. By the law of unintended consequences, if the original ordinance is repealed, we will use zoning to implement the same outcome but WITHOUT the same protections. There will be no permits and fewer remedies available to our Zoning officer. Repealing our original ordinance is NOT in the public interest. This is not “people and nature together.” It is anti-liberty, anti-freedom, anti-private property rights and perversely, it will DILUTE the power of the zoning officer to address the very small minority of chicken keepers who might not follow all of the rules so carefully laid out by this inclusive democratic process. Perversely enough, I argued strongly against the permits and I lost, in an effort to build a compromise that got majority support of this Council. If we rescind the original ordinance, my original objection to permits will prevail.*

So, you might wonder why I am so against this referendum repeal? I am against it because the democratic system worked, even if I didn’t get everything I wanted. We produced a superior solution. These five petitioners, Jeannie Moran, Jack Moran, Frank Gonzalez, Harry Williams and Anne Marie Coleman, then used fear and misinformation about noise, odor and disease to scare 300 of our citizens into signing on to this deeply flawed petition. I repeat what I said at the last meeting: these people are not evil, they are not the enemy, but they are not acting in the best interest of Byram. The Council is acting in the best interest of Byram. Yes, the petitioners have the democratic right to float inferior petitions like this. But the Council also has the democratic right to stick to what we produced using a completely transparent, open and honest process. I believe the Council must stand behind its decisions. We all know full well the municipal building decision will also be challenged in similar fashion. Do not fold like a cheap suit, stand up and vote NO to repealing the original ordinance.

Councilwoman Franco stated that when the idea first came up to allow people to have chickens on their property, she found out that there were people who already had chickens that no one even knew were there. This came to light because there was a neighbor dispute. She stated that a lot of work and thought went into crafting this ordinance, taking into account neighboring properties and how we could protect them. There were many guidelines set. Cris was very disappointed that the petitioners initiated the repeal of the ordinance.

Councilman Roseff stated that the limits or guidelines that were put into the ordinance were not enough. A neighbor dispute is what started this. He does not feel 40’ feet setbacks are sufficient. Harvey would rather move on then think about creating a zoning ordinance to regulate chickens.

Mayor Rubenstein’s comments: *I will be voting in support of repealing this ordinance – not because I do not want there to be chickens in town, but because in retrospect and analysis, it seems clear to me that we do not need this ordinance to allow them in the first place.*

I feel it is important to say that I was wrong in supporting the original ordinance. I am disappointed in myself for responding to the situation too quickly, rather than sitting back and really investigating the current laws in our municipal code book, and our zoning law with our professionals. If I had done that originally, rather than subsequently, I would have learned that it appears there is no section of our code book that disallows township residents in any residential zone to possess and keep any animal that would be used on what is described as a “family farm.” It is my opinion that myself and the council acted too quickly on this matter, and this was a situation that never needed solving in the first place.

Mayor Rubenstein open to the public for comment.

Scott Olson, 194 Glenside Trail, applauded Alex for the comments he made. Scott Olson thinks if someone wants to have chickens they should be allowed. Scott gave his reasons as to why chickens should be allowed and agreed that our zoning ordinance does not prohibit chickens.

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

Be It Resolved that Ordinance 015-2020 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

DISCUSSION ITEMS

- **Byram Municipal Building Project** - Design documents were received 2 weeks ago. Yesterday, we received the report on the core samples. Joe will load the design documents onto the website if directed by the Council. Alex agreed that the design documents should be shared with the public. Nader’s combined number for the two buildings was \$5.3 million and did not include site costs. There was an error on the estimate Nader provided for the administrative building. Wassim said he would correct the error and resubmit it. Harvey said we don’t have all the pieces yet. We received a proposal from MJA Construction Services to provide an independent estimate. Harvey has a problem with assigning this to an independent estimator at this time. He feels we are not at the point yet to get an independent estimate when we didn’t even go over the design documents. Joe suggested that we bring Nader in to explain the documents submitted. Alex wants to move forward with the independent estimator because he feels we will get the most accurate numbers. Harvey would like to bring back the building subcommittee to participate in the meeting because they are very experienced. Alex doesn’t have a problem with bringing in the building subcommittee to meet with Nader. Alex and Ray want to go forward with getting a 3rd party estimate now so that we have this estimate prior to a meeting. Harvey does not agree moving forward with the estimator at this time. He feels that the architect should give a presentation so that we can fully understand what he has submitted. The Council agreed on a special joint meeting with the Building Subcommittee at 7 p.m. January 12, 2021. Alex stated that we will have the design documents and estimates, and we could have both present at the joint meeting. Joe will post all the available information on the website and post the revised Nader estimate when received and the independent estimate which we should receive in a few weeks if authorized. The Building subcommittee will be informed that all the materials will be loaded up to the website.

RESOLUTION NO. 192-2020 – Award a Professional Service Contract to MJA Construction Services and Authorization to Prepare a Schematic Design Estimate for the Proposed New Byram Township Police Department & Renovations to the Municipal Building – Not to exceed \$3,550.00 - Motion by Councilman Bonker, second by Councilwoman Franco to adopt this resolution. Jack asked if there is any change in the design by Nader. Alex said there was no change to the design.

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

Future Agenda Discussion Items: Alex would like to discuss changing the council meetings to video format instead of audio only. Ray would like to know when Cory will be back in front of the Council regarding the East Brookwood Access/ingress. Cory has been asked to get his report to Joe by December 11. If we receive it, we will add it to December 15 agenda. If we do not receive it, it will be carried to January. Harvey asked about the ETG ordinance and map outlining territory. Tom Collins stated that the map was incorporated into the ordinance. ETG’s next step was to petition the BPU.

PUBLIC PARTICIPATION II - The Mayor opened to the public.

Scott Yappen, 5 Catherine Terr., asked what JCP&L is doing at the Mohawk View substation. He also had questions about ETG and where Forest West section of Byram stood.

Luann Byrne, 34 Richmond Road, asked questions about SDL. Alex explained that SDL provides software to municipalities for a variety of workflow processes, such as construction, dog licensing, zoning, etc. Luanne asked what cloud does SDL use. Alex said they use Google Cloud. Luanne would like to see the Township pass a resolution to improve the election process.

EXECUTIVE SESSION
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.

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:

- a. Attorney Client Privilege Communication
 - General
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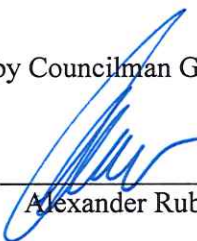
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on December 1, 2020.
Doris Flynn, Municipal Clerk

ADJOURNMENT – Motion by Councilwoman Franco, second by Councilman Gallagher to adjourn the Council meeting at 10:14 pm. All members in favor. Motion carried.



Doris Flynn, Municipal Clerk



Alexander Rubenstein, Mayor