

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
DECEMBER 6, 2022  
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 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.byramtpw.org/index.php/town\\_hall/township\\_council](https://www.byramtpw.org/index.php/town_hall/township_council), and has been forwarded to those persons requesting notice.

**ROLL CALL OF THE TOWNSHIP COUNCIL** – Councilman Bonker (6:45pm) here; Councilwoman Franco, here; Councilman Gallagher, 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 Gallagher, 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. Contract Negotiations
  - Shared Services – Animal Control / Shelter Services
  - Lakeland Emergency Squad
- c. Personnel

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 December 6, 2022.

Cynthia Church, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilman Bonker, second by Councilwoman Franco to return to open session at 7:35 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilwoman Franco, second by Councilman Bonker to approve the agenda with two amendments – items of discussion – court regionalization & DOT update

	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** – Mr. Sabatini attend several sessions at the New Jersey League of Municipalities. He is currently working with Rutgers to try to obtain an intern. Working to get digital code books. Online plan review is coming the current date is April 2023, however, is expected to be extended and will be required to support. Working with Mr. Collins on the lead paint law. Expressed his concerns with assembly bill 573 that is for an expedited on-demand inspection program. Attended the SWAC meeting where they voted to support the Byram Township Wastewater Management Plan. Scheduled a meeting with the Historical Society for Friday, December 9<sup>th</sup> to discuss the council’s position during the October 4<sup>th</sup> meeting regarding Byram Fest.

**Mayor Rubenstein** - Nothing to Report

**Councilman Bonker** –

**NJLM Convention:** Councilman Bonker attended the New Jersey League of Municipalities Convention in which he met with New Jersey Natural Gas at their reception. He was introduced to every manager and sub-contractor that will be responsible for the work coming into Route 206 and the Brookwood’s. They promised open communications and significant progress in 2023. He also attended a session with the majority and minority leaders of both the NJ Senate and Assembly. He was sad to say that there is no cavalry coming to our aide with respect to the broken state pension system or the broken state health care insurance system, nor the garbage contract increase. He feels that only rational approach is to avoid participating in these broken systems whenever possible. Mr. Bonker spoke with Mr. Spinelli and reported that the Highlands has approved the \$122,500 grant for the full amount of the CO Johnson Park engineering and design work. Between the Open Space grant, the Lake Management grant, and now the CO Johnson grant, they have secured almost half a million dollars in funding over the past 3 three years for Byram residents from the Highlands.

**Open Space:** Mr. Bonker along with the Mayor have a series of meetings scheduled next week with several of the sports groups to discuss the park renovation proposals.

There will be an Open Space meeting on Monday at 7pm on Zoom.

**Councilwoman Franco** – Attended the New Jersey League of Municipalities Convention and was happy with her meeting with New Jersey Natural Gas. She attended meetings on Sustainable Jersey Grant programs, Recycling & social media. Attended the Planning Board Meeting that had two residential applications. At the next Planning Board meeting the will be having the adoption on the Master Plan Reexamination. The next CAG meeting will be in January 2023.

**Councilman Gallagher** – the Recreation Committee announced there will be a new yoga and art program. They also discussed the 225<sup>th</sup> anniversary and went over survey results. The Recreation Committee would like to see the council support what the survey showed. They are looking for additional money to support programs as a result of the survey. December 4<sup>th</sup> was the tree lighting which was well attended. The next Board of Education meeting is scheduled for December 21<sup>st</sup>.

**Councilman Roseff** – The Spirit of Byram Fundraiser was sold out and was a successful night.

**RESIGNATION OF RECREATION COMMITTEE MEMBER** – Kevin Moulton

Motion by Councilwoman Franco second by Councilman Gallagher to accept the resignation and authorize the Township Clerk to send a letter of appreciation.

**PUBLIC PARTICIPATION I**

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

No comments.

Motion by Councilman Bonker, second by Councilwoman Franco to close to the public.

**APPROVAL OF MINUTES**

November 14, 2022 Regular & Closed Session Minutes – Motion by Councilwoman Franco, seconded by Councilman Gallagher 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
No					
Abstain			x		
Absent					

**CONSENT AGENDA** – All are considered to be routine by the Members of the Township Council and will be enacted on by one motion. Motion by Councilman Bonker, Second by Councilwoman Franco to approve the consent agenda.

- A. Resolution No. 223-2022 – Authorization to Acquire Tree Removal, Trimming & Stump Grinding Services under the Morris County Cooperative Pricing Council for Budget Year 2022
- B. Resolution No. 224-2022 – Resolution Appointing the Commissioner of the Statewide Insurance Fund for Byram Township
- C. Resolution No. 225-2022 – Resolution Appointing Risk Management Consultant – 2023 Fund Year

- D. Resolution No. 226-2022 – Resolution for 100% Exempt Veteran Owner of Block 365.01 Lot 19 Cancellation of Taxes for the Remainder of 2022 and the First Half of 2023 – Authorizing Taxed be Remitted (Cancelled) for 2022/2023 – 69 Brookwood Road
- E. Resolution No. 227-2022 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 365.01, Lot 19 Partial Refund of Taxes Paid for 2<sup>nd</sup> and Full Refund for 3<sup>rd</sup> & 4<sup>th</sup> Quarters – 69 Brookwood Road
- F. Resolution No. 229-2022 - Capital Budget Amendment Resolution
- G. Resolution No. 230-2022 – Resolution for 100% Exempt Veteran Owner of Block 337.12 Lot 17 Cancellation of Taxes for the Remainder of First Half 2023 “Authorizing Taxes be Remitted (Cancelled) for 2023” – 3 Stonehedge Lane
- H. Resolution No. 231-2022 – Resolution for 100% Exempt Veteran Owner of Block 307 Lot 1853 Cancellation of Taxes for the Remainder of First Half 2023 “Authorizing Taxes be Remitted (Cancelled) for 2023” – 83 Birch Parkway
- I. Resolution No. 232-2022 – Resolution for 100% Exempt Veteran Owner of Block 335 Lot 1.05 Cancellation of Taxes for the Remainder of First Half 2023 “Authorizing Taxes be Remitted (Cancelled) for 2023” – 4 Andover Mohawk Road
- J. Resolution No. 233-2022 - Resolution for 100% Exempt Veteran Owner of Block 358.02 Lot 1 Cancellation of Taxes for the Remainder of First Half 2023 “Authorizing Taxes be Remitted (Cancelled) for 2023” – 70 Tamarack Road
- K. Resolution No. 234-2022 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes Be Remitted (Cancelled) for 2023” – Block 91 Lot 299, 59 Cranberry Ledge Road
- L. Resolution No. 235-2022 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes Be Remitted (Cancelled) for 2023” – Block 181 Lot 24, 7 Rose Trail
- M. Resolution No. 236-2022 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing Taxes Be Remitted (Cancelled) for 2023” Block 181 Lot 29.01, Cranberry Lake
- N. Resolution No. 237-2022 – 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
- O. Resolution No. 238-2022 – Chapter 159 – Municipal Alliance, \$1,956.00

	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. 228-2022** – Resolution of the Byram Township Supporting Federal Legislation to Establish a Grant Program to Fund State and Local Law Enforcement Efforts to Combat Auto Thefts

Motion by Councilman Gallagher, Second by Councilwoman Franco to adopt Resolution 228-2022.

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

Motion did not pass.

**RESOLUTION NO. 239-2022** - Resolution Authorizing the 2022 donation to Lakeland Emergency Squad of \$6,000 upon the request and receipt of outstanding documents:

1. Evidence of Workers Compensation Insurance
2. Evidence of Car Insurance
3. Evidence of General Liability Insurance
4. Evidence of Ongoing Tax-Exempt status
5. Copy of 990
6. Copy of Most Recent Tax Returns.

Motion by Councilman Bonker, Second by Councilwoman Franco to adopt Resolution 239-2022.

	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** – December 6, 2022 – Motion by Councilman Bonker, second by Councilwoman Franco to approve the bill list.

	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					

**ORDINANCE – 2<sup>nd</sup> Reading / Public Hearing**

**Ordinance 011-2022** - Ordinance of the Township of Byram, County of Sussex, State of New Jersey, Creating Chapter 210 of the Municipal Code of the Township of Byram Entitled “Soil/Fill Placement” & Amending Chapter A287 of the Code of the Municipal Code of the Township of Byram to Include Soil/Fill Permit Fees and Escrows

Motion by Councilwoman Franco, second by Councilman Bonker to Adopt Ordinance No. 011-2022

	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 Ordinance No. 011-2022 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE – 1<sup>st</sup> Reading / Introduction**

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

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 20th 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**

Recreation Committee Requests – The recreation committee made a motion to request support of the council for the following:

- Increase 2023 budget for public events to \$25,000 – the consensus of the council was to support the increase.
- Request to support additional staffing to support additional programs – Councilman Bonker is not in support of this request because of budget constraints for 2023. Mayor Rubenstein said that there is data that supports the request, and it will increase the budget, yet it will provide something to the residents to show for the increase and is in support. Councilman Gallagher agreed with the mayor’s comments. Councilman Roseff feels that there is a disconnect in what was presented. He would like to see a plan and a commitment prior to supporting the request. He would like to get a definition as to what is considered a “program”. Would like to hear directly from the Recreation Committee as to how they want to see this implemented. He explained further that the Historical Society was in this position previously and decided to re construct their website to help facilitate and manage the demands. Councilwoman Franco would be in support to hire and cross train an individual in recreation, construction, and any other function they would be needed for but would like the recreation committee to come forward with a plan first. Mr. Sabatini read aloud the following statement:  
*The dichotomy that has existed for a very long time, is a request for an increase of recreational services but not the willingness to support/recognize the need for increased staffing to support this request.*  
*Instead, the focus is on how much more that can be done with the resources that exist without understanding the level of commitment of the existing Township’s resources and the work they do to support the current level of services.*

*You can't do more with less. What has become very clear to me over the years is that you get less with less and will get more with more. You need the resources for what you are trying to accomplish.*

*In 2007, the Township had a full-time recreation director with a permanent part-time assistant. Additionally, the recreation department was supported by two full-time administrative assistants.*

*Over the years, mainly due to budgetary issues, staffing was eliminated throughout the administrative offices. The following FT positions were eliminated: technical assistant in the building department, township Planner, finance support staff and two administrative assistants. This has not resulted in our ability to do more. It has created a very dependent environment that is significantly impacted when any staff member is out of the office or unexpectedly resigns in recent circumstance.*

*Both requests, that have been presented by the Recreation Committee will have impact on staffing and resources.*

*The Committee is recognizing the administration's plan for the need for additional staffing to support a recreation department that is providing expanded services to the community. Also, they are asking for an increase to the 2023 Budget for Celebration of Public Events either to enhance or add additional events. The scope and impact of this increased public events funding on staffing is not known at this time.*

*At the start of this calendar year there was a lot of discussion regarding recreation services. There had been many public attendees who presented a vocal request for a wide spectrum of increased recreation in the Township including increased number of events, programming, and the creation of recreational sporting programs. Since this was publicly presented to the Council, there has been no focused discussion about establishing a plan for future recreation in the Township. It is common for municipalities to not have enough resources to establish and operate the recreation programs that the residents desire. Around 2017/2018, recreation was defined with a focus on the delivery of events that did not require participation fees. This has continued up through our current recreation leader.*

*Recreation plays a vital part in improving the quality of life of all residents. I am very supportive and excited about establishing a fully serviced recreation department but only with the support from the Council that includes allocating the necessary funds and resource which includes the adding of additional staffing. I understand this is a difficult time with inflation and the proposed budget increase, of approximately 7% which, provides no increase in service. The Council needs to provide direction to the Recreation Committee and to the Administrative Staff regarding their short-term and long-term objectives for recreation.*

*With supportive direction from the Council, I will work to develop a plan for the short-term and long-term objectives for recreation. However, I will not support doing more with less as this is not possible with the staff that is currently allocated, and that direction would only set us up for failure.*

*I want to thank the council for their attention and understanding.*

Mr. Sabatini feels that the council should be making the decision as the Recreation Committee is not in the position to decide if a program should be delivered and what the costs would be. Councilman Bonker would like to hear more from the recreation committee. Councilman Franco is in favor of hiring additional staff but would like to see that individual be able to help in other departments as well. Councilman Bonker said he will not support a full-time recreation director, and does not support any increase in staffing in 2023. Mayor Rubenstein asked the council if they are in support of the approach to have Joe and Catherine develop a recreational program with the end goal to hire a full-time person and fund it. Councilman Bonker – No, Councilwoman Franco – Yes, Councilman Gallagher – Yes, Councilman Roseff – No, Mayor Rubenstein – Yes. Mr. Sabatini will draft a directive for Jack to present to the Recreation Committee.

Capital Budget and Budget Meeting Schedule – Mr. Sabatini said that he anticipates seeing an increase in worker comp and general liability between 6% & 7%. Mr. Sabatini provided the council with the “asks” over the next seven years. Budget meeting will be held on January 10, 2023, at 7 p.m.

Court Regionalization – Mayor Rubenstein received an email from Christine Quinn regarding a county wide regionalization meeting. The consensus of the council was that it was worth attending and having the discussion. Councilwoman Franco and Mayor Rubenstein will be participating in the call.

DOT update – Mayor Rubenstein received an email from the DOT with a drawing proposing the installation of a turning lane on Route 206 & North Shore Road. Mayor Rubenstein will forward the email to the rest of the council for their review. There will be further discussion on this at the next meeting.

**FUTURE AGENDA ITEMS** – none.

## **PUBLIC PARTICIPATION II**

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

No Comments.

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

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

### **RESOLUTION**

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**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on December 6, 2022.

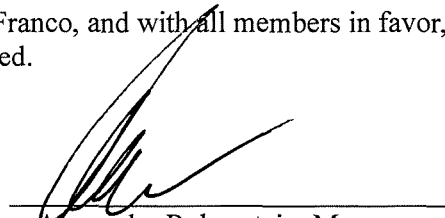
Cynthia Church, Municipal Clerk

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

**ADJOURNMENT**

On the motion of Councilman Bonker, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 10:45 p.m. All members were in favor. Motion carried.

  
 Cynthia Church, RMC  
 Township Clerk

  
 Alexander Rubenstein, Mayor