

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
DECEMBER 21, 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
- b. Shared Services
  - Lakeland Emergency Squad

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 21, 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 Councilman Bonker, second by Councilwoman Franco to return to open session at 7:36 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilwoman Franco, second by Councilman Gallagher, 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					

**TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** – Announced the following winners of the Holiday Lights Contest: 3<sup>rd</sup> place – Spring Brook St., 2<sup>nd</sup> place – 24 Lynn Drive, and 1<sup>st</sup> place – 33 Sherwood Forest Drive. The winners will be notified and will be posted on the Byram Township Facebook page. The reorganization meeting is scheduled for January 4<sup>th</sup> at 7:30 p.m., the budget workshop meeting is scheduled for January 10<sup>th</sup> at 6:30 p.m. Would like the township council to think about the upcoming

required Master Plan. Mr. Sabatini has started reviewing the garbage and recycling contract and will have a public discussion about it in 2022. Wished everyone a happy and healthy New Year.

**Mayor Rubenstein** – Attended the Planning Board Meeting on December 16<sup>th</sup>, and the local luncheon for the employees on December 17<sup>th</sup>. December 21<sup>st</sup> he was on a zoom call with the NJDOT regarding waterflow issues that occurred on the Mansfield Bike Path. On January 6<sup>th</sup> there will a Planning Board meeting. Wished everyone a Happy Holiday and a healthy New Year.

**Councilman Bonker** – Was happy to attend the employee Christmas Party on Friday, December 17<sup>th</sup>.

Recognized the passing of George Micklesavage at the age of 92. George served as the Byram Township Tax Collector for decades, from 1969 to 1993. He was also a 9 year Navy veteran, and he owned the very first house built on Tomahawk Trail back in 1964. He loved computers and the stock market and spreadsheets, and he was enthusiastic about everything. He served Byram long and well.

There was an Open Space meeting on Monday December 13<sup>th</sup>. It was a spirited meeting, with several goals and objectives proposed for 2022. The Open Space Committee decided to hold a special meeting on Thursday January 13<sup>th</sup> and agreed on the 2022 goals and to discuss arrangements for the consultants. They also forwarded the recommendation on tonight’s agenda for the historic marker requested by the Byram Historical Society. They took the time to discuss next year’s activities, and capital planning for the rest of this decade. Finally, they received an update from French and Perrello that the DEP pre-application meeting for the Dog Park/CO Johnson Park expansion will not occur until January.

Thanked the Byram Township Fire Department for opening up their Route 206 firehouse last Wednesday afternoon for a Covid clinic, run by the Sussex County Health Department in partnership with Sparta Pharmacy. There were about 100 people who took advantage of the opportunity to get either Pfizer or Moderna shots, along with flu shots as well.

**Councilwoman Franco** – Attended the Southern Sussex Chamber of Conference meeting on Dec 10<sup>th</sup>. Attended the holiday party at the municipal building. Wished everyone a happy holiday season and new year.

**Councilman Gallagher** – The Fire Department hosted a Covid Clinic giving out vaccinations. Fire Department held the annual Santa around town. Announced that last night’s Recreation Committee meeting was canceled.

**Councilman Roseff** – Nothing to Report.

**PUBLIC PARTICIPATION I**

David Pelletier – 23 Frenches Grove Road – Looking for updates to the complaints about the abandoned homes.

**APPROVAL OF MINUTES**

- December 7, 2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, 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					

**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.

- Resolution No. 242-2021 - Cancellation of Grant Receivables and Reserves
- Resolution No. 243-2021 – Resolution Authorizing the Execution of an Inter-Local Animal Control / Shelter Services Agreement between the Borough of Hopatcong (Provider), Borough of Wharton, Borough of Mount Arlington, Brought of Stanhope, and the Township of Byram
- Resolution No. 244-2021 – Township of Byram Resolution to Transfer 2021 Budget Appropriations Current Fund
- Resolution No. 245-2021 – Authorization to Purchase Audio Equipment for the Township Council Room – Not to Exceed \$22,300.20
- Resolution No. 246-2021 – Granting of Funds to Come Out of the Byram Township Open Space Trust Fund for the Lost Hamlet of Byram, Sussex County Historic Marker

	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** – December 21, 2021 – Motion by Councilman Bonker, second by Councilwoman Franco to approve the bill list as presented.

	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					

Councilman Roseff questioned the Nader bill and asked where they stand with the total spent, and where they are in the process. Mr. Sabatini said that on phase II they spent \$78,500 (about 2/3 of billing).

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

**ORDINANCE 10-2021 - ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS SALARY AND WAGES FOR THE YEAR 2021-2026**

Motion by Councilman Gallagher, second by Councilwoman Franco to adopt Ordinance 10-2021

	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. 010-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE 14-2021 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AUTHORIZING THE ENFORCEMENT OF SUBTITLE 1, TITLE 39 OF THE REVISED STATUTES OF THE STATE OF NEW JERSEY TO BE APPLIED TO THE PROPERTY OWNED BY TOMAHAWK LAKE, INC., 155 TOMAHAWK TRAIL, IN THE TOWNSHIP OF BYRAM**

Motion by Councilman Bonker, second by Councilwoman Franco to adopt Ordinance 14-2021

	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. 014-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ORDINANCE 15-2021 - AN ORDINANCE TO AUTHORIZE THE SALE OF NON-CONFORMING TOWNSHIP-OWNED PARCELS TO CONTIGUOUS PROPERTY OWNERS WHICH ARE NOT NEEDED FOR PUBLIC USE**

**PURPOSE STATEMENT:** The purpose of this ordinance is to authorize the Mayor and Council of the Township of Byram to convey non-conforming Township owned properties to contiguous property owners because they are not needed or required for public use.

Motion by Councilman Bonker, second by Councilwoman Franco to adopt Ordinance 15-2021

	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. 015-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ITEMS FOR DISCUSSION**

**Municipal Building** – Mayor Rubenstein discussed the alterative option for the Municipal Building Project. He read aloud an email that he provided to the Township Council:

*July of this year we decided to authorize an additional \$19,800 of work to explore an alternative method of construction on the administrative building. The idea here was that we should get an opinion from the estimator as to whether this would be a benefit, economically.*

*For purposes of discussion, the original proposal should be referred to as “selective demolition”, and this new, alternate method we have authorized should be referred to as “complete demolition”.*

During the development of the complete demolition plans, the estimator (Mark Alpaugh) was kept in the loop. As the plans moved along, Mark expressed this opinion in the attached email:

*"The cost of the project for this study shows a small cost benefit to the new layout with complete demolition of the building. (5/26/21 estimate = \$5,535,830 vs. 9/17/21 estimate = \$5,520,006). This is a comparison of the costs as estimated in May of 2021."*

*In essence, he has said that a complete demolition will be cheaper by about \$15k in his expert opinion. Also discussed is that there is a distinct benefit to the Township, as we are no longer beholden to the confines of structure left behind with the selective demolition. This allows more freedom in the development of the floor plan. To that end, there has been work on revising the floor plan in this regard, and they are also attached. These revisions are the result of several iterations between Nader and township administration.*

Mr. Sabatini said the outer boundaries did not change, just the internal floorplan.

Mayor Rubenstein asked if it is worth exploring the alternative demolition option and the changes of the floor plan.

Councilman Bonker said based on what the estimator is showing, the full demo will save the township money.

Councilwoman Franco wanted to reiterate that the plan presented will make the result better and cheaper.

Mr. Sabatini explained the floor plan has not changed other than the lay out of the window to the construction office and ADA compliance space.

Councilman Roseff asked about the previous discussions about having two sets to plans with different options. Asked if the engineering work will be reduced.

George Shivas – 361 Amity Road – asked if there will be one entrance, will there be additional exits. Mayor Rubenstein said there will be four exits.

Mike Pellek – 2 Lee Hill Road – Asked about the status of the Building Subcommittee. Mayor Rubenstein said that the committee has done their work and has done what was asked of them. Mayor Rubenstein said that there may be a place in the future to where they will be asked to review the plans either as a subcommittee or a subset of the subcommittee. Councilman Roseff responded that the Municipal Building Committee's most important work is coming up as their construction expertise is needed to review plans to minimize mistakes and change orders.

Richard Schneider – 73 River Road – asked for explanation on the demolition.

Scott Yappen – 5 Catherine Terrace – Asked who the Nader Group is using for Electrical and Plumbing Engineers. Mayor Rubenstein said he can provide that information within the next few days. Wants to make sure that the plans are being signed and sealed by competent engineers. Mr. Sabatini said the subcommittee received an email with the changes.

The consensus of the Township Council was to move forward with the plan presented tonight.

## **FUTURE AGENDA ITEMS**

### **PUBLIC PARTICIPATION II**

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

Scott Yappen – 5 Catherine Terrace - Questioned more about the decision that was made, and the teams used formerly. Asked why that team was dismantled.

Motion by Councilman Bonker, Second by Councilwoman Franco Motion to Close to 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 21, 2021.

Cynthia Church, Municipal Clerk

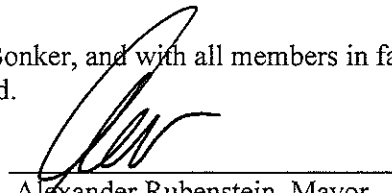
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

**RETURN TO OPEN SESSION** - Motion by Councilman Bonker, second by Councilwoman Franco to return to open session at 9:39 p.m. All members were in favor. Motion Carried.

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 9:39 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor