

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
DECEMBER 7, 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
 - Illegal Dumping - Hemlock
 - VB Developments
 - Snow Removal Private Driveways
- b. Shared Services
 - Lakeland Emergency Squad
 - School 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 December 7, 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					

PROCLAMATION – Arthur Bowles

Mayor Rubenstein read aloud the Proclamation recognizing Arthur Bowles a long-time resident of Byram Township and Firefighter on his retirement. Councilman Bonker said that he has known Arthur Bowles for 30 years not just as a dedicated volunteer to Byram, but also as a dedicated member of his church. For all of Arthur’s efforts, in both the secular and the spiritual realms, Councilman Bonker quoted in gratitude from the Gospel of Matthew 25: “Well done, you good and faithful servant.”

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

RICE NOTICE – H. Roseff

Mr. Sabatini said the Municipal Clerk was provided with a letter from Mr. Roseff dated November 19, 2021 along with a reimbursement check for the second day of his hotel stay due to a change in the NJLM policy Mr. Roseff did not attend on that day. Mr. Sabatini is looking for direction from the council on what to do with the check and reimbursement from NJLM. Mr. Roseff said that he did not feel that RICE notice was appropriate in this case and read aloud the following statement:

“I looked forward to the 2021 NJ League of Municipalities Convention. I have gone there because I have acquired knowledge making me a better Councilman, and I give up time to do so. The cost policy in place for many years is that Byram pays for the hotel stay. I’m responsible for the other half of expenses – meals, travel costs, parking, etc. And of course, I arranged my personal life to take 3 days off from work. On November 17th, I was on the road at 6:30 a.m. I booked into the hotel and then proceeded to the convention hall for the afternoon opening session only to be surprised that the League had added a new requirement for admission: a Nazi era inspired public display of personal health status. This kind of conditioning, influence and control was chilling and unacceptable to me. I have not been living my life in this way. I believe in personal health and support personal choice during these unusual times. This was a line I could not cross. I left the hall a bit in shock. Later, as Byram received a \$150,000 grant for a study, I met with two engineering firms at different, already scheduled times and locations to better understand Byram’s interests to sole source this contract. So my long day of honest work for Byram ended at 9:00 p.m. on November 17th. The next morning, I made the decision to end my work on behalf of Byram as I wasn’t going to adhere to the League’s mandate. The day after I voluntarily refunded the second night hotel cost to Byram. I’d like to add that this same medical diktat to achieve political conditioning, influence and control over others was also attempted last Thursday against elected officials at the Statehouse. Thirty Assemblypersons refused and were confronted by a cordon of State Police. The Assemblypersons psychologically and physically surmounted this tactic and the threat of a dog-assisted security sweep. Yesterday the National Guard was called up for this role. Contrary to the agenda, there is no “RICE Notice”. There should be no pretension that a policy exists as the Town Manager has stated there isn’t one. So we are here now for an unstructured discussion to develop a refund policy. Let’s remember that how I use my personal time and my excellent health status is not germane to the discussion. My labor on November 17th till 9:00 p.m. on behalf of Byram is germane. Let’s avoid a political circus.”

Mayor Rubenstein asked Mr. Roseff why he did not want to go on the show floor. Mr. Roseff said it was his personal choice. He did not read any of the emails regarding the league policies. Councilman Bonker recommends cashing the check and not to try to get reimbursement from the NJLM. Councilwoman Franco agrees with Councilman Bonker. Councilwoman Franco feels that Councilman Roseff took it upon himself to make a political statement on the taxpayer’s dime.

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – Mr. Sabatini attending the NJLM and attended seven sessions, obtained information on the American Rescue Plan, Cannabis Regulation, Public Finance, Prevailing Wage, Public Works Contracting, Public Contracts Law Regulation, and participated in a discussion by Sustainable NJ on the Municipal Fleet Electrification, earned 9 CEU’s, walked the floor and focused on speaking with vendors regarding solid waste removal.

Byram Townships Garbage Contract will be expiring the end of 2023, he participated outside of the NJLM in a session sponsored by the NJ Managers Association that talked about options of continuing to use contractors or brining it in house. He is predicting about \$100,000.00 increase in garbage removal costs. He has a meeting next week with Blue Diamond to get a better understanding of operations and concerns.

Reported on Stanhope’s Sewer Gallons that the entire process has been completed. The sewer gallons have been officially transferred from Stanhope to Byram Township effective December 1st. All new sewer user permits have been issued to the five developers and their obligation on those sewer gallons has been established.

Thanked the Byram Township Recreation Leader who put together a newsletter that went out to the public.

They Mayor and Council have been provided with the preliminary review of the Operation & Capital Budget. The documents have also been posted to the Township website. It was decided to have a special meeting on this January 10th at 6:30.

Mayor Rubenstein – Attended the NJLM. Focused on waste management. Attended a recycling seminar. Met with software companies, and vendors we currently use relevant to the township. On November 19th he attended the Sussex County Economic Development Banquet, in which Byram won the municipal award. Attended an Eagle Scout Court of Honor for both Alex McVeigh and Jacob Boden. Attended a pizza party for the retirement of Russel Voight. On November 30th attended the NJDEP Cranberry Lake Water Level presentation. He has also had some conversation with the Nader Group regarding the new Municipal Building.

Councilman Bonker – Councilman Bonker attended the NJLM and reported that he spoke with several digital platform companies regarding electronic access to municipal services, in particular construction permits. He also learned that electronic permitting is now a requirement by New Jersey, but they haven't established the deadline for it yet, and fortunately Byram Township already offers this service. He also spoke with Open Space vendors, in particular a gazebo provider for Tamarack Park as well as some providers for trail markings.

Councilman Bonker read aloud the following regarding the preliminary 2022 budget: *State Health Benefits for Early Retirees up 32%, Public Employees Retirement System PERS up 16.4% for an additional \$30,106, and all within a 2% cap. Last year I said: "This is unconscionable fiscal mismanagement by the State of NJ. It is a screaming example of why defined benefit systems – pensions – must be replaced with defined contribution systems – 401ks and IRAs." I also said "residents are being gouged and fleeced by NJ to make up for past promises which should never have been made. This is big government at its absolute worst." I repeat those words again tonight, verbatim.*

Open Space: Meeting Monday December 13th – 2022 contracts for Open Space consultant, forester, and getting feedback from French and Perrello from their DEP/Highlands meeting on the combination Dog Park/CO Johnson Parking Expansion.

Pearl Harbor Day: On this day in 1941 Democracy entered the war against both fascism and imperialism, and Democracy and Freedom prevailed, but at a terrible cost. We will never forget.

Councilwoman Franco – Attended the NJLM. She focused on Cannabis Legislation, Elected Officials Information and NJ Legislative Leaders, and software vendors. Attended Planning Board meeting regarding the CLCC boat dock. Listened to a virtual summit on PFAS in drinking water.

Councilman Gallagher – Attended the Byram 225th anniversary committee meeting. Also attended the Recreation Committee meeting. They will be coming to the council to seek an addition \$1500 in their budget to do events for the seniors. Santa around town coming up on December 18th and 19th.

Councilman Roseff – Senator Orahio is looking to set up a meeting regarding Rt. 206 expansion on January 19th. Last Thursday 30 assemblymen were denied access to their jobs at the NJ State House, state police were blocking them because they stood tall and were not going to comply with the displays of their medical history, they ended up moving through the police line. December 13th is supposed to be a hearing before the judge to see if this is legal. The assembly meets again on December 16th. Yesterday they also called in the National Guard at the State House.

PUBLIC PARTICIPATION I

David Peletier – 23 Frenches Grove Road – asked who he would need to talk to get speed limit signs. Mayor Rubenstein said to contact the Chief of Police.

APPROVAL OF MINUTES

- November 15, 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 nd		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 Gallagher, second by Councilman Bonker to approve the consent agenda.

- Resolution No. 230-2021 – Resolution Authorizing Laddy, Clark & Ryan LLP to Update the Personnel Policies and Procedures Manual – Not to exceed \$4,000.00
- Resolution No. 231-2021 – Resolution Appointing Commissioner of the Statewide Insurance Fund for Byram Township
- Resolution No. 232-2021 – Risk Management Consultant
- Resolution No. 233-2021 – Resolution of the Mayor and Council of the Township of Byram Authorizing the Transfer of Quitclaim and Merger Deed to Mr. Thomas LeClair and Mrs. Kathleen LeClair Relating to Block 70107, Lot 30 on the Tax Maps and Located at 24 Alexandra Avenue in of the Borough of Hopatcong

- E. Resolution No. 234-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 241 Lot 496, 4 Lake Drive
- F. Resolution No. 235-2021 – Resolution Authorizing the Execution of Documents for the Purchase of Telecommunication Lines from Xtel Communications
- G. Resolution No. 236-2021 – Resolution Authorizing the Execution of an Agreement Between Byram Township and Andover Township for Snow Removal Services on the Forest Lakes Section of Road of Andover Township
- H. Resolution No. 237-2021 – Authorization to Purchase Truck Accessories and Supplies under the Educational Services Commission of New Jersey Cooperative Pricing System for Budget Year 2021
- I. Resolution No. 238-2021 – Chapter 159 – First Responders Grant \$4,820.00
- J. Resolution No. 239-2021 – Authorization to Purchase Law Enforcement Firearms Equipment and Supplies under the State of New Jersey Cooperative Purchasing Program for Budget Year 2021
- K. Resolution No. 240-2021 – Resolution to Award the Bid for Proposed Improvements to Little Paint Way to Kulpeksa Land Improvements – Not to Exceed \$432,025.00
- L. Resolution No. 241-2021 – Resolution to Transfer 2021 Budget Appropriations – Current Fund

	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 7, 2021 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

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

ORDINANCE – 2nd Reading / Public Hearing

ORDINANCE 11-2021 - DEPARTMENT OF PUBLIC WORKS SALARY AND WAGE ORDINANCE FOR THE YEARS 2022-2026

Motion by Councilman Gallagher, second by Councilwoman Franco to adopt Ordinance 11-2021

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

BE IT RESOLVED that Ordinance No. 011-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 12-2021 - SALARY AND WAGE ORDINANCE FOR POLICE FOR THE YEARS 2022-2026

Motion by Councilwoman Franco, second by Councilman Gallagher to adopt Ordinance 12-2021

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

BE IT RESOLVED that Ordinance No. 012-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE 13-2021 - ORDINANCE FOR CLERICAL SALARY AND WAGES FOR THE YEAR 2022 -2026

Motion by Councilman Gallagher, second by Councilwoman Franco to adopt Ordinance 13-2021

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

BE IT RESOLVED that Ordinance No. 013-2021 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – Introduction / First Reading

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

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

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion			x		
2 nd		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 21st 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.

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 Councilman Gallagher to Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd			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 21st 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.

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 Introduce the Ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		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 21st 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

FUTURE AGENDA ITEMS

Councilman Roseff would like to have two people from Byram attend a meeting with Senator Orah as the Sparta Office regarding the DOT tunnel on January 19th at 1:30 p.m. Both Councilman Roseff and Councilwoman Franco will attend.

Councilman Roseff asked about ISO Status. Joe received a letter that he read aloud.

PUBLIC PARTICIPATION II

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

Todd Rudloff – Asked to discuss Fire Department Funding. The consensus was to have a discussion in executive session on January 18th.

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

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.

- c. Attorney Client Privilege Communication
 - General
 - Illegal Dumping - Hemlock
 - VB Developments
 - Snow Removal Private Driveways
- d. Shared Services
 - Lakeland Emergency Squad
 - School Snow Removal

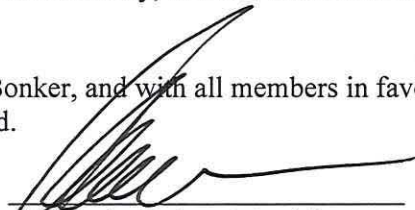
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

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.

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 9:30 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor