

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
APRIL 6, 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 Mr. Sabatini, Attorney Tom Collins and Municipal Clerk Cynthia Church, Mr. Ray Saranelli, Jr, and Ashleigh Fruholz

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Bonker, 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
 - Cannabis Legalization
 - Acorn Plaza Easement
- b. Personnel
 - Recreation
 - Complaint Policy
- c. Contract Negotiations
 - Collective Bargaining

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 April 6, 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 7:32 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilman Gallagher, second by Councilwoman Franco, to approve the agenda 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					

2021 BUDGET HEARING - Mr. Sabatini Provided a statement, and directed everyone to the Township's Website and under the 2021 Municipal Budget Information for all the documentation and details supporting the 2021 Budget Process and Plan. Mr. Sabatini stated the Mayor and Council will be asked to adopt the budget for calendar year 2021. Through the adoption of the budget the Mayor and Council are establishing the municipal policy for 2021 and beyond and must ensure the adopted budget adequately satisfies the needs of the community and serves the best interests of the Township. The past year was challenging for everyone due to the COVID-19 Pandemic which had a significant impact on the 2021 calendar year budget. Mr. Sabatini thanked CFO, Ashleigh Frueholz and the department heads for their hard work to hold the line on departmental expenses. Mr. Sabatini offered a few highlights from the 2021 budget introduction:

The COVID-19 Pandemic had a significant impact on the amounts of interest income and court revenues that could be anticipated in 2021. Also, this plan reduces the dependency of Fund Balance to support operations.

The reduction of Fund Balance was recommended due to the revenue changes for the 2021 budget year.

The Township is not expecting revenues in-excess of anticipated amounts which have a direct impact on the regeneration of fund balance. The cancellation of unexpended balances is expected to be less since we have taken breakage of savings in various appropriations.

There were some one-time items on the appropriation side that helps offset the reduction of anticipated revenues. This includes the following:

- Elimination of one full-time administration position coupled with other appointments including budgeting for a part-time recreation leader has resulted in salary and wage savings of \$20,000 and elimination of health benefits for full time employee.
- This plan includes the salaries for the current census of the Police Department which includes the breakage of salaries from retiring officers as well as reduction of the police overtime budget which results in a savings of \$73,000.
- This plan includes taking the savings of the move to the State Health Benefits Program which supports an overall reduction of the group insurance budget totaling \$106,000.
- First aid contributions were reduced \$19,500.

Mr. Sabatini explained that the main areas of increase in this budget was pension obligations which has increased \$84,844 or 12.65%.

The Budget plan includes a three-year capital improvement program and an aggressive Capital Budget for 2021. This plan unfortunately reduces the amount of funding by \$284,400 to support capital projects which will be an increasing issue in future budgets.

The budget includes the approval of the Open Space Tax, and anticipates raising \$110,430.

Mr. Sabatini concluded that this budget plan results in an \$76,722 or a .89% increase of the municipal tax levy. This is an estimated increase of \$17.18 for the averaged assessed home of \$254,154. This is a responsible budget plan with significant consideration to future projections and preserves the services the residents expect.

Councilman Bonker said that this budget is only an increase of only .89% with an increase of \$17.18 on the average assess home. It includes the part time recreation leader position; it also includes full sports equality. It is a .89% despite the pandemic, and the state 13% pension increase that was out of their control. Overall, the administration did a through job with the budget and it serves Byram well. The budget should pass as written.

Councilwoman Franco said that they did an excellent job with the budget and keeping the increase very low. We should pass the budget as written.

Councilman Gallagher said that they did an excellent job.

Councilman Roseff thinks a better job could have been done as it relates to recreation, and thinks they should look at other ways to deliver recreation services to the community. Not sure that a full time nor part time position is the way to go. He is prepared to discuss other options.

Mayor Rubenstein said that a lot of work goes into preparing the budget by all involved. Considering all the challenges over the last year, thinks this is a very respectable budget and will be voting to pass the budget.

Councilman Bonker stated that Byram Township has an AA rating overall. He asked Mr. Saranelli about how they can become a AAA rating. Mr. Saranelli said that the Township is limited on ratables. The average AAA town has about \$5.2 billion of ratables. Byram is far too shy of that. The total assessed value of all of Byram is just under \$1 billion.

RESOLUTION NO. 110 - 2021 - BUDGET ADOPTION RESOLUTION

Motion by Councilman Bonker, second by Councilwoman Franco to approve the adoption of the 2021 Budget.

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

ACKNOWLEDGEMENT OF RESIGNATION OF ENVIRONMENTAL COMMISSION MEMBER – Gerald Murphy, Motion by Councilman Gallagher second my Councilman Roseff to accept the resignation.

PROCLAMATION – Child Abuse Prevention Month, Motion by Councilwoman Franco, Second by Councilman Roseff to sign the proclamation.

PROCLAMATION – Autism Awareness Month, Motion by Councilman Bonker, Second by Councilwoman Franco to sign the proclamation.

Councilman Bonker said that in the proclamation it says the following: “It is well-documented that if an individual with autism receives treatment early in their lives, it is often possible for those individuals to lead significantly improved lives.” Councilman Bonker was able to speak to this on a personal level as he has two autistic children, who both participated in early intervention programs through Byram public schools. He said that due in part to those early interventions, his son is now a college graduate, an internet entrepreneur, and a taxpayer. His daughter will graduate college this time next year and is currently competing for graduate school scholarships. Councilman Bonker encourages everyone to not see the autism, yet see the child, and the soul locked within the autistic shell.

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – Explored a 2022 Community focus grant program. Unfortunately, after much effort, he learned that they do not qualify for the grant. Notification was received from the DCA that Governor Murphy has appropriated \$2.5 million dollars in a competitive grant program for 2021 recreation improvement grant. The time period for applying for the grant is short and would need to apply by May 24th. He is hoping to get an application together soon.

Mayor Rubenstein – On a conference call with Micky Sherill’s office discussing the ARC money that is due to come in at some point, will get more information on how the funds can be used, they are trying to make the criteria easier to meet as to what the money can be used for. Had two zoom information sessions regarding Energy Aggregation, other than that he has only had a few phone calls and emails, generally it seems to be a good acceptance of the program. March 27th participated in a cub scout hike for the newly formed pack 276. The Altese franchise agreement continues to be negotiated.

Councilman Bonker – The April 12th Open Space meeting has a full agenda. They will be focusing on potential acquisitions, developments, and grant funding opportunities for both CO Johnson Park and for some of the other parks in town. They will also discuss the continuing rollout of the Byram Outdoors branding efforts to encourage addition visitors to our “green infrastructure” of lakes, parks, trails, and the additional business activity such visits generate. He said that is why they changed the town logo. Byram has 98% locked up by the Highlands, and therefore must leverage those natural resources and the active and passive recreational opportunities presented by that 98%. If done right, the commercial 2% of Byram will also benefit from those visitors. That is why the new logo was designed.

Councilwoman Franco – On March 31st had a Haden Harris subcommittee meeting. There was discussion at that meeting about either a bronze statue or granite slab to be placed at one of the parks. They are looking currently at pricing.

Councilman Gallagher – March 25th the Fire Department celebrated a 55-year member (Mr. Zimmerman). He represents what it means to volunteer to the community. Thanked Lakeland for bringing the Easter Bunny around town. There is a Recreation meeting scheduled for April 19th. Still looking for Fire Department volunteers.

Councilman Roseff –At the EC meeting the following items were discussed: April 24th – Arbor Day Event. Seedlings will be distributed at no cost. May 8th – spring clean up event. Gerry Murphy has resigned, and Kathleen is the new Chair.

PUBLIC PARTICIPATION I

No comments.

APPROVAL OF MINUTES

- 03-16-2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes as presented.

	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 Bonker, second by Councilman Gallagher to approve the consent agenda.

- A. Approval of Raffle License for Byram Education Foundation – April 24-2021 – C.O. Johnson Park
- B. Resolution No. 097-2021 – Resolution Authorizing the Renewal of Liquor License to Venture Two LLC Valid from 07/01/2020 through 06/30/2021
- C. Resolution No. 099-2021 – A Resolution of the Township Council of the Township of Byram Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website
- D. Resolution No. 100-2021 – Chapter 159 - \$166,200.00 – NJ DOT 2021 Municipal Aid Program
- E. Resolution No. 101-2021 – Chapter 159 - \$13,445.98 – 2021 Recycling Tonnage Grant
- F. Resolution No. 102-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside lien Holder
- G. Resolution No. 103-2021 – Governors Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2022
- H. Resolution No. 104-2021 – 2021 Capital Budget Amendment Resolution
- I. Resolution No. 106-2021 – Authorization to Purchase Rock Salt Under the Sussex County Cooperative Pricing System for Budget Year 2021 – Not to Exceed \$200,000.00
- J. Resolution No. 107-2021 – Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2021 – Not to Exceed \$120,000.00
- K. Resolution No. 108-2021 – Authorization to Purchase Fuel Oil #2 (Heating Oil) under the Morris County Cooperative Pricing Council for Budget Year 2021 – Not to Exceed \$70,000.00
- L. Resolution No. 109-2021 – Resolution Authorizing the Procurement of Sewer Pump Station Maintenance / Repair for the Byram Township Sewer utility Pursuant to N.J.S.A. 40A:11-5(GG)

	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. 098-2021 – Resolution Authorizing a Contract to Air Group, LLC for the Purchase and Installation of Two (2) Fujitsu Ductless Heat/Cool Systems for the Council Meeting Room – Not to exceed \$14,955.00
Motion by Councilman Gallagher, second by Councilwoman Franco to approve Resolution No. 098-2021.

	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. 105-2021 – Approving the Small Wireless Communications Facilities Master License Agreement
Motion by Councilman Bonker, second by Councilwoman Franco to approve Resolution No. 105-2021.

	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 – April 6, 2021 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented. Mayor Rubenstein Recused from PO # 23244.

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

ORDINANCE – Introduction/First Reading

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF NEW EQUIPMENT FOR USE BY THE DEPARTMENT OF PUBLIC WORKS OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$193,000.00**

Purpose Statement: Acquisition of new equipment for use by the Department of Public Works of the Township.

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 the 20th day of April 2021 at 7:30 p.m., on an audio conference call using Zoom at which time and place a public hearing will be held thereon and all persons and citizens interested shall have an opportunity to be heard.

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$353,443.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Continental Drive, Deer Hill Run and Cranberry Lake Community including reconstruction of culverts and headwalls and all curbing, drainage facilities/inlets, landscaping, reclamation, milling, structures, roadway surfaces including paving, oil and stone, cape sealing or similar application, materials, equipment, site work and engineering costs.

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 the 20th day of April 2021 at 7:30 p.m., on an audio conference call using Zoom at which time and place a public hearing will be held thereon and all persons and citizens interested shall have an opportunity to be heard.

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$370,000.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, the Route 206 Corridor and Forest Lakes Community including reconstruction of culverts and headwalls and all curbing, drainage facilities/inlets, landscaping, reclamation, milling, structures, roadway surfaces including paving, oil and stone, cape sealing or similar application, materials, equipment, site work and engineering costs.

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					

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ITEMS FOR DISCUSSION

Internet Services to Byram Township Resolution – Harvey circulated an email regarding the draft resolution. Joe said that the packet also included the request from Altese, that may tie into this discussion item. Councilman Roseff said that he proposed the resolution because State Senator Oraho, Assemblyman Wirths, Assemblyman Space and Congressional Representative Gottheimer called upon Governor Murphy to use federal funding and invest it on more rural parts of the state who are left behind on broad band services. The tone of the resolution is that all three of these companies have walked away from the more rural parts of the state. The basis of this resolution is to support the efforts of Senator Oraho, Assemblyman Wirths, Assemblyman Space and Representative Gottheimer. Councilman Bonker said he does not support the resolution. He finds the language to be negative. Councilman Gallagher said our internet service has been horrible and feels we need to do something to help the Byram people. Councilwoman Franco said that many are having issues with Altese and Byram needs stronger internet service. Would like our state representative to help us obtain better service but is not sure that a resolution is the best way to go about it. Mayor Rubenstein said he does not think a resolution is the right approach, yet believes it is time to exploit the relationship and stay engaged. Harvey said that in the last few weeks a large amount of money came into the State and to raise our voice now will solve a lot of the problems. Councilwoman Franco is in favor of the legislature sending money to the Township; however, the wording should be re-worded. Mayor Rubenstein asked if there is a desire to express to the State that attention is needed to be paid to Byram Township. All agreed. Mayor Rubenstein suggested a letter may be received better. Councilwoman Franco will work with Harvey to re-word the resolution, to be put on the next agenda.

FUTURE AGENDA DISCUSSION ITEMS

PUBLIC PARTICIPATION II

Jacqueline Richards, asked for updates on Natural Gas in Byram Township. Mayor Rubenstein gave an explanation as to where Byram stands with getting Natural Gas into the Township.

Patricia Moschella, 3 Mountain Ave – heard disheartening news about breaking ties from BARKS and wants to know why it was not discussed in public session. Mayor Rubenstein said that it was a contract negotiation and therefor they are always held in executive session. Wants to know who our shelter for animals will be for Byram Township. Mayor Rubenstein said that we entered into an agreement with Hopatcong. Asked about Acorn Plaza easement and said that it is not helpful to the East Brookwood section of town.

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
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BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution on April 6, 2021.

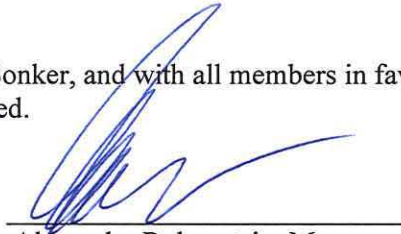
Cynthia Church, Municipal Clerk

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 10:50 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor