

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
MAY 18, 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
  - Forest Lakes Drive – Potholes
  - Affordable Housing
- b. Personnel
- c. Contract Negotiations
  - Collective Bargaining
  - Shared Services

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 May 18, 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 Gallagher 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 Gallagher, second by Councilman Bonker, 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					

**PRESENTATION BY FRENCH & PARELLO – C.O. Johnson Park Improvements by Dennis Keenan & Mike Piga of French and Parello.**

Plans and estimates provided by French & Parello are available on the Township website for the public to view.

The concept plan was brought down to one final concept.

Recommends the follow:

- Redoing the entry way
- Relocate the basketball court near the front with parking
- Adding parking spaces up to 180 spaces
- Remove the Skate Park
- Recreation Center would be centered in the park
- Overflow parking area and/or practice area
- Moving the playground to a location near the rest rooms
- Baseball fields A, B & C are existing will just need minor touch ups
- Link up the Baseball fields with pathways
- Added a pathway near Baseball Field C leading back to the Basketball Courts
- Restrooms located near the center of the field with snack stand
- Relocating detention basin allowing for more field space on the South Side (Football / Soccer)
- Lighting being place on Athletic Field A
- Addition of Softball Field A
- Nature Trail on the North side
- New parking across the street with Dog Park

Engineer Option of Preliminary Budget Costs:

- Total Budget \$645,400.00 – Option A – Relocation of Stormwater Basin and Fields 7 & 8
- Total Budget \$760,690.00 - Option B – Proposed Prefabrication Concession Stand and Bathrooms
- Total Budget \$347,875.00 - Option C – Demo Existing Building & Parking
- Total Budget \$2,083,500.00 - Option D – Proposed Recreation Center Building
- Total Budget \$ 473,500.00 – Phase E - Main Parking Lot Improvements
- Total Budget \$ 177,375.00 – Option F - Proposed Dog Park
- Total Budget \$ 125,200.00 - Phase G – Relocated Basketball Court
- Total Budget \$ 251,000.00 - Phase H – Playground
- Total Budget \$ 186,815.00 - Phase I – Proposed Walking Paths in Park

Mayor Rubenstein said it comes down to what we can afford and when we can afford it. Asked if the phasing of this project will result in the inability to build the new recreation center immediately without demolishing the old building. Mr. Keenan said that this is a discussion that Byram Township will have to have. If the parking lot is kept unpaved it will not change the impervious coverage, it will just decrease the cost. Asked if the parking area in the dog park (12 spaces) is large enough. Mr. Keenan said that most dog parks do not have large parking areas. Asked if 1 acer is large enough for a dog park. Mr. Keenan thinks this is a good size for a dog park as he has seen them much smaller. Asked why the cost went down on the dog park. Mr. Keenan said it was because of the kind of fencing that would be used.

Councilman Bonker thinks this new plan is exactly what they were asking for. This will take a long time to get the park built. Will need to decide where to start first. He believes the starting point should be with the dog park as it will not interfere with anything going on in the park, after that should be CO#6, CO#8 field alignment and drainage hole removal.

Councilwoman Franco likes how the plan has come together and believes this is the right plan. Asked if there is a give back time frame for impervious coverage. Mr. Keenan will look into that. He hopes that the Highlands will be flexible. Would like to maintain the Bocci Court. Would it be possible to start on the trails at the same time as the dog park.

Councilman Gallagher said that now that the weather is getting better, he is seeing a lot of usage on the Skate Park. Mr. Piga said that the removal of the Skate Park was to get rid of additional impervious covered areas. Asked if there is a plan for lighting. Mr. Piga said that it is a dusk to dawn type of use. Can be discussed further at a later date.

Councilman Roseff asked what duration for bonding is allowed for this sort of work. Mr. Sabatini said that this would be a question for the Bond Council. Overall, it could be between 10 and 20 years. Feels that a lot of thought went into the design of the park. Feels that they should have been given a budget prior to the design. Does not want to see a tax increase to the residents. Need to decide on how to fund the plan. This is a very ambitious plan.

Open to the public

Skip Danielson thinks they did a great job. Feels that more handicap spaces are needed as well as allowing them to have more access to the field.

Jack Moran asked if there will be a limit on the number of dogs for the dog park. Mayor Rubenstein that it is too premature at this point to know. Mr. Keenan said that some limits will be set. The upper parking lot is always busy and

feels that some people will park across at the dog park. Asked about the irrigation plan. Mr. Sabatini said that new wells will be needed if they will expand on the irrigation at the park.

Scott Yappen said we are in the highlands and do not have ratables, and a possible municipal building project may be on the horizon, hopes this is not all on the backs of the taxpayers. Asked about possible grant programs. Mr. Keenan provided a few options and gave examples of current projects being done with grants. Asked if they will reach out to other towns how they have financed these projects. Has had comments from residents that were pro skate park.

Closed to public

#### **PROPOSAL OF AN IMPERVIOUS LOT COVERAGE ORDINANCE – Kathleen Parrish, Environmental Commission**

The Byram Township Environmental Commission requested Zoning and Planning Board Review of a proposal for an Impervious Lot Coverage Ordinance. The ordinance would add lot coverage limits to the current residential zoning schedule, which will prevent runoff and help protect our lakes, rivers, and drinking water.

The Environmental Commission has reviewed many residential applications in which homeowners with small lots proposed new home additions, patios, paving, etc. that greatly increased the percentage of impervious coverage on their properties. Some properties are now almost completely covered by impervious surfaces.

This is a concern, especially in our lake communities, because rainwater runs off of these impervious surfaces, which can carry pollutants such as oil from roads, lawn fertilizer, and insecticides. In nearby Lake Hopatcong, polluted runoff contributed to the ongoing Harmful Algal Blooms that are making their lakes unusable. Runoff also increases the temperature of streams and rivers, which hurts the local trout populations and other native species.

The current zoning ordinance only addresses lot disturbance, which protects land from new development. It does not limit increases in impervious coverage on existing residential lots, making it difficult to prevent increases in runoff. After researching model ordinances in similar towns, the EC developed a proposal for an Impervious Lot Coverage Ordinance for Byram Township. Ms. Parrish presented the township with the proposal, as well as research and definitions for impervious surfaces and lot coverage.

Mayor Rubenstein said that section nine of the Township code already sets limits for lots and structure sizes. Code 240-16 sets limits of accessory structures. Much of this can be overwritten by a variance.

Mr. Sabatini is looking for guidance from the council if they would like them to look into this further.

Mayor Rubenstein it seems restrictive, and many would not comply with it today.

Councilman Bonker appreciates the efforts of the Environmental Commission, however, homes that are located right on the water's edge are highly valued. As a result, taxes are also higher for lakefront homes. The lot sizes tend to be quite tight, with any open land at a tremendous premium. The Environmental Commission should continue to educate residents on best practices, they can encourage best practices, but is opposed to any further infringement on private property rights through legislative takings. Councilman Bonker opposes any ordinance that attempts to further weaken private property rights

Councilwoman Franco does not want to restrict usage of private property rights. However, there should be some guidance. Not sure that legislating an ordinance would make it any different than it currently is.

Councilman Gallagher feels that 95% of people who live on the lake appreciate the lake and want to protect it, however, he is not in favor of this ordinance.

Councilman Roseff asked if other towns address the lake front properties differently than other parts of their town. Do they give special attention to lake front lots? Ms. Shimamoto does not believe that is the case. Councilman Roseff would be interested in the thoughts of the Planning Board.

Councilwoman Franco would be interested in the Planning Boards opinion on this.

The council is not in support of the continuation of this discussion.

Mr. Sabatini suggested that they take this to the Planning Board for feedback.

The majority of the Township Council was in favor to have this go to the Planning Board or feedback.

#### **PROCLAMATIONS – Eagle Scout Joshua Rubenstein & Adam Raffay**

Motion by Councilman Bonker, Second by Councilwoman Franco, all in favor to present the proclamations to the Eagle Scouts.

#### **TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** –Byram Township Fire Department is planning Memorial Day Parade on May 31<sup>st</sup>. A Nixel notification will go out. Primary Election is June 8<sup>th</sup>. Will start milling and paving projects this week. Nader and MJA Construction will be presenting site plan estimate at the June 1<sup>st</sup> Township Council meeting.

**Mayor Rubenstein** – This Thursday May 20<sup>th</sup> will be attending the senior of the year ceremony luncheon. Cub Scout Pack 276 is taking off, there are now 10 kids that are meeting every Monday night at Allamuchy State Park. On May 5<sup>th</sup> there was a communication action group meeting with the EPA that discussed what is going on in the Brookwood section of town. Spoke with Verizon to get an update regarding the microcell installation. One has been approved by Verizon and will be installed around 350 Amity Road. Not sure where the other two will be installed. Proved an update regarding natural gas that there was some issue with the BPU getting the map accepted. The BPU was not satisfied with the boundary map.

**Councilman Bonker** – This Saturday May 22<sup>nd</sup> Councilman Bonker will be representing the Mayor and Council at the Eagle Court of Honors for two young men (Adam Raffey and Josh Rubenstein), who were recently elevated to Scouting’s highest rank. The ceremony will be held at the Mount Allamuchy Scout Camp right here in Byram. The proclamations passed tonight will be read at the event.

**Councilwoman Franco** – CPL Hadden Harris Memorial subcommittee is looking to meet again. Board of Health Meeting is scheduled for May 25<sup>th</sup>.

**Councilman Gallagher** – May 17<sup>th</sup> was the Recreation Meeting. June 6<sup>th</sup> is the Miss Byram ceremony. The Town Wide Garage Sale on June 5<sup>th</sup> and 6<sup>th</sup>. Triathlon is June 19<sup>th</sup>.

**Councilman Roseff** – Nothing to Report.

**PUBLIC PARTICIPATION I**

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

Scott Yappen – Recreation wants to go forward with in person meetings. Mayor Rubenstein said that there is an issue with the requirements for social distancing. Only 10 people from the public would be allowed in the meeting room. If more people than that show up, the meeting would need to be cancelled. Asked about the road construction plan between Lake Mohawk / Lee Hill / Amity as it refers to the natural gas.

Skip Danielson – Confirming receipt of the Memorial Day list from previous years. Mayor Rubenstein confirmed that he has it.

Jeff King – 24 Elizabeth Parkway, Eatontown – Sorry to hear the decision of the Council on the legalization of Cannabis.

Edward Grimes – 84 Hanover Road, East Hanover – Asked the council to consider disabled persons as it concerns the legalization of Cannabis.

Hugh Giordano – 54 Argile, Blackwood NJ – UFCW Local 152 – Asking the Township Council to reconsider their take on the legalization of Cannabis. This will create jobs and hurts the educated youth. Asks to table the ordinance and reconsider.

Motion by Councilman Gallagher, Second by Councilwoman Franco Motion to Close to public.

**APPROVAL OF MINUTES**

- 05-04-2021 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 <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 Gallagher, second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 128-2021 – Resolution Authorizing the Renewal of Liquor License to Tomahawk Lake Inc., Trading as Tomahawk Lake, Valid from 7/1/2021 Through 6/30/2022
- Resolution No. 129-2021 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 7/1/2021 Through 6/30/2022
- Resolution No. 130-2021 – Resolution Renewing a Plenary Retail Consumption License Issued to Andover Wine and Liquors Inc. Trading as Liquor Factory & Lounge Valid from 07/01/2021 Through 6/30/2022
- Resolution No. 131-2021 – Resolution to Authorize Participation in the 2021 Radon Awareness Program

- E. Resolution No. 132-2021 – Resolution Authorizing the Renewal of Liquor License to Byram Beverage Inc., Valid from 7/1/2021 Through 6/30/2022
- F. Resolution No. 133-2021 – Resolution Authorizing the Renewal of Liquor License to the Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 7/1/2021 Through 6/30/2022
- G. Resolution No. 134-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 212 Lot 5, 239 Rt. 206
- H. Resolution No. 135-2021 – Resolution Authorizing Tom Dixon to Provide Temporary Zoning Official Services
- I. Resolution No. 136-2021 – Award Bid to Schifano Construction Corp. and Denville Line Painting, Inc. Under the Morris County Cooperative Pricing Council for Proposed Improvements to Continental Drive – Not to Exceed \$49,340 (Schifano) & \$1183.80 (Denville)

	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 – May 18, 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 – Introduction/First Reading**

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF BODY CAMERAS FOR USE BY THE POLICE DEPARTMENT OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$35,000.00**

Purpose Statement: Acquisition of body cameras for use by the Police Department of the Township.

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

Mayor Rubenstein asked who is paying for this given that it is state mandated. Mr. Sabatini said that the Township is paying for it to start and hopes to get the money back from the state. This is mandated effective June 1<sup>st</sup>. Councilman Bonker asked if there are grant resources for this. Mr. Sabatini said that the State of NJ is figuring out the disbursement funding. It will act as a reimbursement grant but will not be receiving the full amount back that was spent. Councilman Bonker reiterated that this is mandated by the state and there for are being forced in a position to approve the expenditure. Chief Burke said that it is being mandated effective June 1<sup>st</sup>. The grant will be award in the beginning of June. Most likely the township will not get full reimbursement for the expenditure. Councilman Gallagher asked how many cameras are being purchased. Chief Burke said 15, one for each officer. Every police officer is mandated to have them. Councilman Bonker questioned if there is a policy in place as to when the cameras are to be turned on or off. Chief Burke said that there are guidelines mandated through the Attorney General.

	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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on the 1st day of June 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.

**ITEMS FOR DISCUSSION**

Capital Projects – Bond Ordinance – There are several projects that could not be fully funded that would need to be bonded. Mr. Sabatini is looking for direction from the Township Council. These items included DPW improvements, playground equipment at Riverside Park, Fire Department new Fire Engine and the Eastwood Alternative Access. Looking for direction on the bonding for the Fire Department Fire Truck and DPW facility improvements. Mr. Sabatini would like to move forward with the DPW facility improvements with or without the fire truck. Mayor Rubenstein is in support of the improvements to the DPW facility and pole barn. Mayor Rubenstein does not feel the fire truck is a priority. Mr. Sabatini said that it is part of the Fire Departments capital improvement plan. Mr. Bonker is ready to go to

bond on the DPW project and does not feel that he knows enough at this point to go forward with the fire truck. Councilwoman Franco agrees to go forward with the DPW facility and pole barn. Councilman Roseff is not clear as to what the DPW cost structure is. Feels that the cost is high. Feels that the leaf dump structure still has more years left in it. Feels that the plows can be wrapped up with a tarp to save costs. Councilman Gallagher said he does not see electric in the plan for the DPW facility that will be storing the equipment. Mr. Sabatini will work with Mike to firm up what number would be needed for the bond ordinance. Bonding for the Fire Truck would need to have further discussion. Councilman Gallagher will bring it up at the next Fire Department meeting.

### **FUTURE AGENDA ITEMS**

Councilman Roseff would like to have a resolution sent to Sussex County regarding the 911 Dispatch Services to not allow any further increases. Councilman Bonker does not agree with Council Roseff as there was a cost savings that was received when contracting with the county. The consensus of the council was to table this discussion for a later date.

Councilwoman Franco would like to know if the in-person meetings are ready to go if the Governor lifts the indoor restrictions. Mr. Sabatini said that based on the last meeting the council meetings will stand at least through the adoption of the ordinance on cannabis. A policy would need to be discussed as to how it will affect other committees. Would like to have a discussion at the next meeting.

### **PUBLIC PARTICIPATION II**

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

Jack Moran – Asked about the money from the state and how it can be used. Mr. Sabatini said we are still waiting for a Local Finance Notice on it. The funding is very restrictive. Asked about Service Electric / Altese negotiations are going. Mayor Rubenstein said he is still waiting to hear back from them.


Scott Yappen – Asked about the June 1<sup>st</sup> meeting and the Nader Group and MJA Construction Services presentation. Asked about limitations on purchasing through Coop's.

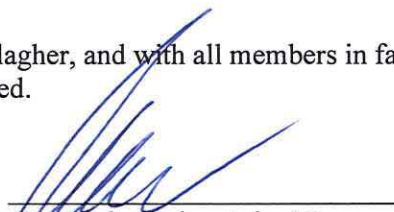
Edward Grimes – 84 Hanover Road, East Hanover – Spoke of cops and cannabis. Believes there should be a cannabis policy in place for police officers, so they feel better getting their cannabis cards.

Motion by Councilman Bonker, Second by Councilman Gallagher Motion to Close to public.

### **ADJOURNMENT**

On the motion of Councilman Bonker, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 10:52 p.m. All members were in favor. Motion carried.

  
\_\_\_\_\_  
Cynthia Church, RMC  
Township Clerk

  
\_\_\_\_\_  
Alexander Rubenstein, Mayor