

**BYRAM TOWNSHIP SPECIAL COUNCIL MEETING -JUNE 16, 2020**  
**EXECUTIVE SESSION – 6:30 P.M.**  
**REGULAR SESSION – 7:30 P.M.**

**CALL MEETING TO ORDER**

Mayor Rubenstein called the meeting to order at 6:31 p.m.

**OPEN PUBLIC MEETING STATEMENT**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting has been electronically sent to the newspapers and uploaded to Byram’s website, not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Municipal Clerk.

**ROLL CALL**

Councilman Bonker, here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins, and Municipal Clerk Doris Flynn

**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.

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:

- a. Attorney Client Privilege Communication
  - Property Maintenance – Block 220 Lot 25 & Block 336 Lot 23
  - Forest Lakes Drive
  - B.A.R.K.S.
  - General
- b. Personnel - Police Dept. Staffing

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- Motion by Councilman Bonker, second by Councilwoman Franco

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

Certification: I certify that the Byram Township Council adopted the above resolution on June 16, 2020.  
 Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - The Mayor stated that the Council meeting was called to order at 6:30 p.m. at which time the Council and came out of executive session until 7:38 pm.

**FLAG SALUTE AND MOMENT OF SILENCE**

**STATEMENT READ BY MAYOR RUBENSTEIN** - Last Thursday, June 11th, 2020, the Byram Township Administration became aware of a statement allegedly made by one of our police officers on social media that was inappropriate. The officer was immediately suspended pending an investigation and has been prohibited from entering township premises. His credentials, badge, and service weapon were revoked.

The Township Administration and this Council remain intolerant of any form of racism or prejudice. We continually strive to provide services to our residents in a fair and equitable way.

There are strict guidelines and state statutes that are set forth by the New Jersey Civil Service Commission that the Township must abide by in these situations. We are following these to the letter of the law, as every person is afforded the right to due process. Accordingly, this Council will have no other public comment on this matter until it is resolved.

**APPROVAL OF AGENDA** - Motion by Councilman Bonker, seconded by Councilwoman Franco to approve the agenda. Harvey would like the outdoor permits to be removed and discussed separately after the discussion on our policy for special use permits. Harvey would also like to remove and discuss the Forest Stewardship work Resolution No. 91-2020 and 95-2020. Motion was amended. All members in favor. Motion carried.

**PRESENTATION BY GREENER BY DESIGN – PARKS AND RECREATION PLAN**

Ben Spinelli thanked the Mayor and Council for the opportunity to work on this project. He thanked the staff and Open Space Committee for working and assisting with the plan. For the last 3-1/2 months, Ben and Frank worked closely with staff to put this all together. The Plan is a four-part document. The Open Space and Recreation Plan was updated, which is a requirement every 10 years, a Trails Master plan was developed that is designed to assist with a multi-trail system, and an economic development plan was developed to use our open space and recreational assets as part of our strategy to promote ecotourism within Byram. There was an update to our ROSI, update to our open space map and new maps that we never had before, a complete asset inventory list, and a budgeting tool which will allow us to go forward with a rational capital improvement plan. In addition, there is an updated targeted property list, and a list of proposed capital projects, which will enable the Township to decide what projects to move forward on. The plan incorporates a comprehensive list of grant sources to assist us with our goals. They produced photos and aerial drone footage that can be used to promote Byram.

The plan will take patience and commitment to see it through. It is consistent with the ideals for Byram Township.

Councilman Bonker stated he hoped that the Council had a chance to go over the report, or at least read the executive summary. This report has been labored over by many people who have put in a lot of hours. This report is much more sophisticated than the last two ten-year reports and it's very impressive. This report includes much more than open space, and incorporates an economic development plan, asset management plan, and master trails plan. Ray said it is a tremendous accomplishment, and he thanked Ben and his firm for the hard work and also acknowledged and thanked the Open Space Committee for all the work they had put into it. Alex echoed Ray's comments.

Harvey asked about available grants and what were the low hanging, easy attainable grants that the Township could get. Ben stated that there is money out there for acquisitions, but it is more difficult to find grants for projects. There are low interest loans available for projects. Ben said that we should be successful in applying for grants to assist with tying into the Highlands Trail once we develop the Town Center. Ray said that we have about \$400,000 in our planning incentive grant fund that could assist with acquisitions, and Sussex County has Open Space Maintenance funds that would be available for maintenance, but funding is limited to approximately \$10,000-15,000. Harvey asked if this grant could be used to fix the drainage problem on Field 8 at COJ. Ben said that it is possible. Joe said that we have looked into many of these grants but some we just don't qualify for, or we have to be project ready. Harvey asked about the marketing materials and if it was part of the \$80,000 grant. Ben said marketing materials are included and they have started to work on these with their graphic designer. Jack asked when will we see the marketing materials. Joe said the Council would probably see them in the fall. The Open Space Committee will review what the graphic designer came up with at the August meeting. Cris was very impressed with the plan and is looking forward to implementing some elements of it.

**RESOLUTION NO. 097-2020 - RESOLUTION OF THE BYRAM TOWNSHIP COUNCIL ENDORSING THE PARKS AND RECREATION PLAN AND RECOMMENDING THE ADOPTION OF THE PLAN BY THE PLANNING BOARD AS AN ELEMENT OF MASTER PLAN**

Motion by Councilman Bonker, second by Councilwoman Franco to adopt this resolution. Harvey asked how much of a roll did the Planning Board play in this so far. Ray stated that Planning Board member is a member of the Open Space committee. This plan has been shared with the PB and it will be reviewed in the near future with the Board.

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

**MANAGER AND COUNCIL REPORTS**

**Township Manager Joe Sabatini** - Joe and his staff have been working hard with the changes with COVID. The Township had a Soft opening on 6/16, which is by appointment only. Joe is planning on opening the doors to the public 6/29, with signage outside with rules, including people must wear masks. Joe asked the public to give consideration to continue to pay taxes on line and use the other services on line. As of yesterday, outdoor dining has started. We have given the authorization to the restaurants through our Special Use Permit in accordance with Executive Orders. EO149 allowed some outdoor activities and guidance was issued with regard to outdoor sports. Next Monday, June 22, no-contact sports will be able to start in compliance with the Governor's Executive Order, and we have approved several applications.

**Mayor Rubenstein** - Alex continues to be a part of a lot of conference calls with the County and other officials but the frequency has died down in the past week. There is a Planning Board meeting this Thursday, and again on July 2.

**Councilman Bonker** - Open Space meeting on June 8. There was a question about grants and it is true that the entire PRP was paid for by the Highlands. It is worth more because for 2 years we didn't pay for the Open Space consultant the annual fee, which has been \$12,000/year.

**Councilwoman Franco** - Cris announced that Small Business Grants called NJ 30 day fund are available now for 3-30 employees in NJ that have been in operation for at least one year and owned by a NJ resident.

**Councilman Gallagher** - Recreation committee looking for support from the Council on the following:

- Rec has announced that Celebrating Patriotism week will be July 1-July 11. Residents can decorate house/yard in red, white and blue. Be creative and involve the whole family and neighborhood. They would like to promote it on the Township’s Facebook page. This is a community building measure.
- Looking to promote a dog park in the Mohawk View park. Rec would like to send a survey to the residents in that area to see how they would feel.
- Would like to do a renovation to the COJ Fieldhouse and a pavilion and would love to see this happen by August 2021.
- Next Recreation Committee meeting is July 20.

**Councilman Roseff - No report**

**PUBLIC PARTICIPATION 1**– Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided. The Mayor instructed the audience how they can participate.

Scott Olson, 194 Glenside Trail, thanked the Council for passing the resolution on the PRP plan and for endorsing it and recommending the adoption by the Planning Board. Scott thanked Greener by Design, the Open Space Committee, Joe Sabatini, Doris Flynn and staff for all the work that was put into the plan over the past 18 months.

Scott appreciated the statement made at the beginning of the meeting and was glad that they are taking this approach and knows that the Council will do the right thing.

Loretta Williams, 164 Glenside Trail, asked if there is a date for families to use the fields for unorganized use. She said that there is a sign posted on all the fields that say “field closed” Joe said the fields can be used by individuals and will soon open up to sporting groups.

Jack Moran, 7 E. Waterloo Rd., wanted to find out about Natural Gas, Verizon, Energy Aggregation, and Altese purchasing SECTV. The Mayor asked Tom Collins if he has an update on Elizabeth Town Gas. Tom received a draft ordinance and franchise agreement, and it is being reviewed. Tom will work with staff once the review is done to move the process forward. Alex hopes to get Verizon into a meeting sometime in July or August.

Anneliese Tartell, 69 North Shore Rd., thanked Alex for all the hard work he has done with contacting officials to get her business open. She was able to open on Monday. There are a lot of restrictions but it’s working. Anneliese has gathered so much research, and she would like to work the with Township and other businesses to come up with a plan for the businesses.

At the end of the North Shore Road there is Sussex Branch Trail. A lot of cyclists have been using the trail, and it is dangerous situation. Cyclists cross over North Shore Road without stopping. Alex stated that he will contact the NJDEP regarding maintenance of this trail and discuss possibly adding signage for cyclists to yield at intersection.

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

**APPROVAL OF MINUTES**

- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the June 1, 2020 Regular & Closed Meeting 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:** These items 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.

- Resolution No. 089-2020 – Resolution Authorizing the Renewal of an Alcohol and Drug Testing Services Agreement Between the Township of Byram and Valley Physician Services (VPS)
- Resolution No. 090-2020 – Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2020-2021 Hunting Season
- Resolution No. 098-2020 – Chapter 159 – State of New Jersey, Department of Environmental Protection, Division of Parks & Forestry – 2019 NJUCF Stewardship Grant

	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					

**RESOLUTIONS:**

- Resolution No. 091-2020 - Resolution Authorizing a Professional Services Agreement with Gracie & Harrigan Consulting Foresters, Inc. for Forest Stewardship Work on Open Space Parcels in Byram Township – Not to Exceed \$6,250.00  
 Harvey Roseff stated that we have been hiring foresters over the years and we are now at a time of uncertainty and he feels we should go on a 3 year cycle with a forester. Alex opened to the public. Scott Olson, 194 Glenside Trail, stated that the OS committee has been working on a forest stewardship plan for years. Last year the committee discussed doing work on Tamarack Park/Trail. We are stewards of the properties that we purchase. They need to be safe and managed properly. The invasives are getting out of control. There is also a need to remove several ash trees along Tamarack Trail. Scott summarized the process we went through interviewing a few foresters and narrowing the choice to Gracie & Harrington. Heather Gracie provided a scope of work that is specific to Tamarack Park and would result in spending considerably less money than we have done in the past on a forester. Ray said that we don't take the changing of foresters lightly. We identified some pitfalls with the forester we had used and will be spending less money by changing vendors. Ray Bonker agreed with Harvey Roseff and said we can't ignore what is happening with the economy. In this case, we will be using open space funds. Harvey stated that this forester doesn't do the labor to remove the invasives. We could use volunteers to identify the invasives and hire the labor to remove it. He doesn't feel we should spend the money on a Forester. Scott was at a volunteer day last year and only 2 people showed up. Joe stated that someone has to do the management oversight. Part of this plan is to create a harvesting plan and identifying a timber company to remove the ash trees.

Ray Bonker stated that we have been working on our stewardship plan for decades. We need a forester to continue our work. The new vendor will coordinate a timber harvest which will result in revenue. Ray endorses moving to a new vendor.

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

- Resolution No. 095-2020 – Resolution Authorizing a Professional Service Agreement with SavATree Consulting Group for Tree Risk Assessment Inventory for Byram Township – Not to Exceed \$10,000  
 Harvey asked for more information about this. Joe stated that at the end of last year the Council submitted an application for a Stewardship Grant for a tree risk assessment on hazardous trees. The grant was accepted, and we prepared an RFP to find a company that had the qualifications outlined in the grant. They will inventory and mark trees in the right-of-way that are hazardous. We are not exceeding the cost of the grant. Harvey asked who was going to remove the trees. Joe said that we allocate funds each year for removal of hazardous trees and this inventory will allow us to prioritize what gets removed each year. Also, by having this inventory we may be eligible for additional grants that could pay for removal. Harvey asked if SavATree will inventory trees that are interfering with utilities. Joe stated that it wasn't part of the scope of work to break out trees that JCP&L would be interested in taking down. He will talk to the vendor when the project gets going to see if this can be done. Councilman Bonker said this was not a work product that came through the Open Space Committee. Joe stated that we have a Community Forestry Plan.

	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					

**APPROVAL OF JUNE 16, 2020 BILL LIST** - Motion by Councilman Gallagher, 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 - Introduction/1<sup>st</sup> Reading**

An Ordinance Amending Chapter 87 Entitled “Animals” of The Township of Byram Code to Add a New Section 87.20 Entitled “Up to Five (5) Chickens on Single Family Residential Lots” To Allow And Regulate The Keeping of Up to Five (5) Female Chickens on any Single Family Residential Lot

**Purpose Statement:** This ordinance amends Chapter 87 entitled “Animals” by adding Section 87.20 entitled “Up to Five Chickens on Residential Lots” to allow and regulate the keeping of up to five (5) female chickens on any residential lots in Byram Township.

Motion by Councilman Bonker, second by Councilwoman Franco to introduce the ordinance. Harvey Roseff thought this ordinance should go before the Planning Board before the Council takes action. Jack Gallagher stated that he isn’t sure if ¼ acre lots or less is appropriate for chickens. Joe explained that chickens are regulated in Chapter 215, section 56.2, which

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		x			
Yes	x	x	x		x
No				x	
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 6<sup>th</sup> day of July, 2020 at 7:30 p.m., on an audio conference call using Zoom and the public may call in at any of the following telephone numbers +1 646 558 8656 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free), when prompted, enter the Meeting ID Number: 828 3250 5246 followed by the # sign, 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.

**PUBLIC PARTICIPATION II**

Scott Yappen, Catherine Ter. stated that he hoped that the Council looked at what type of predators would come around. As a member of the Open Space committee, he has asked if there was a legal driver to have a Forester. He would like to hear the answer again. Scott said he liked what Councilman Roseff said about looking at other towns and he would volunteer to look into that.

Larry Rotter, 80 Tamarack Rd., asked if the Township will be doing video with zoom. Alex stated that we never discussed having video and didn’t see the need for it yet.

Harry Williams, 164 Glenside Trail, wanted to comment on the chicken ordinance. Alex stated that . He would like the Council to consider the Lake Mohawk Bi-Laws. Quality of life would be affected. There is an order issue. He has lived near chickens. He said that it could cause problems between neighbors.

Jack Moran, 7 E. Waterloo Road, stated that he thought the chicken ordinance should be reviewed by the planning board. In 2013, this type of ordinance was discussed, and the planning board was against it. Jack is against this ordinance.

**DISCUSSION ITEMS**

Temporary Special Use Permit for Relief from Township Ordinances During the COVID-19 Pandemic - Harvey would like to learn what we implemented and what our policy is. The application gives relief to the activities that the owner wanted to do. Restaurants who wanted to do outdoor dining, which isn’t presently allowed on their approved site plan, could submit an application. They submitted a plan and it was reviewed by the zoning officer. Harvey asked how we promoted this. Joe stated that we reached out to the restaurants that we thought could take advantage of this. We put a notice out by Nixle, Facebook and put it up on our website. Harvey suggested having a letter sent to all the businesses so they know about the process. Harvey would like these permits to be good for 5 years. Joe stated that these sites are very restricted and have other challenges. Joe said that once the EO’s change, their plan will have to change. Jack said that a lot of businesses are laying out a lot of money purchasing tables, umbrellas, etc. Ray said this special use permit is in particular response to COVID. He is sure that there won’t be a business who wants outside dining on January 1. Ray does not agree with 5 years. Harvey doesn’t think it should be thinking temporary, we should think long term. If a business owner can get revenue over the next few years to make up for the loss in the past few years, that is a good thing. Joe said that the Council should look at zoning and make changes in zoning to allow what the businesses want to do. Joe stated that the two restaurants have limited parking and can’t accommodate both inside and outside dining. Harvey stated that they should be allowed to have off-site parking if they get agreements with adjoining properties. Cris stated that the resolution states that the permit can be extended or terminated. Cris feels the resolution speaks for itself because it is for temporary relief for COVID 19 pandemic.

Harvey Roseff made a motion to make the temporary policy extended to 1/1/2024, second by Jack Gallagher. If the governor opens up inside dining on July 6, the temporary permits will end. Joe said what he is hearing is to ignore zoning for the next 3 years. Harvey stated that anything that gets approved through the end of August can be allowed through 1/1/2024. Ray was totally against this and feels the resolution is written correctly.

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

- Resolution No. 092-2020 – Resolution Approving a Temporary Special Use Permit to BBG Restaurant DBA Alibi Beach Bar and Grill for Relief from Township Ordinance Due to Limitations on Business Operations During the COVID-19 Pandemic - Harvey asked for clarification what we are approving, since it says outdoor entertainment. Joe explained that the new operators of this restaurant are changing their business plan and want to incorporate outdoor entertainment. We can approve this under the special use permit. They already had approval for outdoor dining. In the NC outdoor entertainment is a conditional use.
- Resolution No. 093-2020 – Resolution Approving a Temporary Special Use Permit to Salt Gastropub for Relief from Township Ordinances Due to Limitations on Business Operations During the COVID-19 Pandemic
- Resolution No. 094-2020 - Resolution Approving a Temporary Special Use Permit to Stonewood Tavern for Relief from Township Ordinances Due to Limitations on Business Operations During the COVID-19 Pandemic
- Resolution No. 096-2020 - Resolution Approving a Temporary Special Use Permit to Halulu Hibachi & Sushi for Relief from Township Ordinances Due to Limitations on Business Operations During the COVID-19 Pandemic

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

- Municipal Building Architect - Joe explained what the Nader Group was asking for which is confirmation that the DD plans will be based on the floor plan and program shown in the November 2019 report. Harvey stated that we heard a lot of concern over the past few years about the cost of the building. We have yet to assign a budget. It always seems to be avoided. The public has asked to vote on the approval of the building. Harvey is fully in support of this and would like to see the public to vote. Raymond Bonker stated that we had an extensive discussion after 2 years of the building process with the building committee. There was a vote 5 to 0 to authorize the Nader Group to proceed. Ray said we already told them at the last meeting to move forward, and he thinks it is ridiculous to now have this discussion. Alex stated that he feels we should move forward. A lot of time was spent developing the floor plan. Alex said we need to move forward. Jack is on board with the floor plan but feels we should give him a number to shoot for. Cris said the maximum number \$5.5. Ray said that we shouldn't give a number to design to. We have emphasized to the Nader Group that keeping the cost as low as possible is a priority. The majority of the Council supported the floor plan and program. Harvey said we have to ask the Nader Group and the administration to sharpen their pencils. Jack was in favor of moving forward.

Jeannie Moran, 7 E. Waterloo Rd., thinks that putting an ordinance on the books for one person isn't the right thing to do. People should go to the Planning Board for a variance. She is against this ordinance.

**EXECUTIVE SESSION**  
**RESOLUTION**

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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

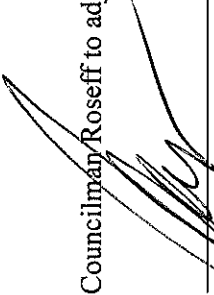
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 <sup>nd</sup>		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on June 16, 2020.  
 Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION**

**ADJOURNMENT** – Motion by Councilman Bonker, second by Councilman Roseff to adjourn the Council meeting at 11:40 pm. All members in favor. Motion carried.

  
 Doris Flynn, Municipal Clerk

  
 Alexander Rubenstein, Mayor