

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JUNE 18, 2024
TRAINING 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 Act. 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.byrampwp.org/index.php/town_hall/township_council, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL –Councilwoman Franco, here; Councilman Gallagher, here; Councilman Proctor, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joseph Sabatini, Attorney Tom Collins and Township Clerk, Cynthia Church

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Franco, second by Councilman Proctor, 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.

- Attorney Client Privilege Communication
 - General
 - Council Reports

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 June 18, 2024.

Cynthia Church, Municipal Clerk

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	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 Proctor to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

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

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

PRESENTATION OF AWARDS TO MISS BYRAM AND HER COURT

A week ago all participants were interviewed.

Miss Byram 2024 – Victoria Roth

Young Miss Byram 2024 – Emily Outz
 Little Miss Byram 2024 – Serena Mason

RESOLUTION NO. 117-2024 – 2024 Miss Byram Winner – Victoria Roth

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

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The estimated tax bills for the 3rd quarter went out yesterday. The DPW brush building public bids went out and was published in the paper. Tennis Courts bids will be published at the second meeting in July. Attended the Planning and Zoning conference, and they had a session about COAH.

Mayor Rubenstein – Attended the June 6th Planning Board meeting. Next Thursday the Planning Board will be hearing on a couple of residential applications. Mosaic is anticipating opening soon.

Councilwoman Franco – The recreation committee met on Tuesday, June 11th and finalized Byram Fest. The event will be Saturday August 24 from 4pm to 9pm with the band, “Subject to Change” from 7pm-9pm followed by fireworks all to be held at CO Johnson Field. There will also be food trucks, games for all, inflatable rides, non-profit tables, and Magic Touch DJ’s.

Summer Concert - July 20th on the basketball courts in between the schools. The band is “Radio Stranger”. This will be a free event with an ice cream truck.

Summer Movie - August 17th at CO Johnson Field, showing “Minions the Rise of Gru”. Free popcorn and Marty’s Ice Cream truck will be on hand selling ice cream.

The Recreation Committee, Environmental Commission and the Science Club at the school are planning a scavenger hunt in the fall. All three entities will get together next week to continue the planning of this event.

Recreation sponsored a trip to see the Sussex County Miners on June 15th, it was well attended, and everyone had a great time.

One of three Byram Days at Frog Falls has been scheduled for Sunday June 23rd.

Councilman Gallagher – Attended the Byram School Graduation. He was questioned by a homeowner regarding gas not running to Little Paint Way. Suggested getting ETG in to ask why they are not going down certain roads.

Councilman Proctor – There will be a commercial application on the upcoming Planning Board agenda for Mosaic to add outdoor dining.

Councilman Roseff – Byram Historical Society will be participating in Waterloo Canal Day on Saturday. The BOE meeting will be on Thursday to discuss implementing an additional 3.5% tax increase. ETG is installing gas lines in Forest Lakes, there were several complaints about road closures.

Tom Collins – gave update on A4 program for COAH. Has to do with continued immunity and keeping a housing trust fund. This is something that the Planning Board should start discussing.

PUBLIC PARTICIPATION I

Motion by Councilwoman Franco second by Councilman Proctor to open to the public. All members were in favor.

Chris Cartwright – asked to move the time frame for noise regarding landscaping activities. Feels that 10pm is far too late to allow the activities to take place. Mayor Rubenstein suggests a phone call with the police to have them approach the neighbor. Councilman Roseff said that we follow state standards. Mayor Rubenstein said that this should not occur after 8pm per township code 171-9A.

Deborah Finnis & Jim Concklin –Board Ave – Properties are flooding from a storm drain that pipe is being rushed by the roots of a tree. Called the DPW Superintendent several times. They have removed roots several times in the past. There has been several thousand of dollars in damage.

Motion by Councilwoman Franco, second by Councilman Proctor to close to the public. All members were in favor.

APPROVAL OF MINUTES

June 5, 2024, Regular & Closed Session Meeting Minutes - Motion by Councilwoman Franco, seconded by Councilman Proctor to approve the minutes. With a correction to the first paragraph under tax assessment and the third paragraph from the bottom on the same section.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			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 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 Councilwoman Franco, second by Councilman Proctor to approve the consent agenda as presented.

- Resolution No. 115-2024 – Resolution Renewing a Plenary Retail Consumption License Issued to Mosaico Tavern LLC Valid From 7/1/2024 Through 6/30/2025
- Resolution No. 116-2024 – Resolution Authorizing the Renewal of Liquor License to Plan Two LLC Valid from 07/01/2024 Through 06/30/2025
- Resolution No. 118-2024 – Resolution Authorizing the Renewal of Liquor License to Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 07-01-2024 Through 6/30/2025
- Resolution No. 119-2024 – Resolution Authorizing the Renewal of Liquor License to BBG Restaurant LLC, Trading as Alibi Beach Bar, Valid from 07/01/2024 Through 6/30/2025
- Resolution No. 120-2024 – Authorization to Allow Residents to Pay Property Taxes & Sewer Charges Through the use of Credit Cards
- Resolution No. 121-2024 – Authorization to Purchase Electronic Message Board under the Somerset County Cooperative Pricing System for Budget Year 2024
- Resolution No. 122-2024 – Chapter 159 – 2024 Local Recreation Improvement Grant \$65,000.00
- Resolution No. 123-2024 – Authorizing Appointment of the Township Hearing Officer and Award of Professional Service Contract in Connection Therewith
- Resolution No. 124-2024 – A Resolution Authorizing the Renewal of the Group Life Insurance Policy for Eligible Employees through the Standard Life Insurance Company
- Resolution No. 125-2024 – A Resolution of the Governing Body of the Township of Byram for Deer Hunting on Municipally-Owned Property for the 2024-2025 Hunting Season
- Resolution No. 126-2024 – Chapter 159 – 2024 Completely Inclusive Playground Grant \$464,120.00
- Resolution No. 127-2024 – Chapter 159- American Rescue Plan \$35,792.76
- Resolution No. 128-2024 – Authorization to Purchase Two (2) Sewer Pumps for the Daily Operations of the Byram Township Sewer Utility Department – Not to exceed \$25,830.00
- Resolution No. 129-2024 – Authorization for the Purchase of Playground Equipment and Rubber Surfacing for the Improvements to CO Johnson Park – Not to Exceed \$312,462.76 & \$187,450.00

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

BILL LIST – June 18, 2024 – Motion by Councilwoman Franco, second by Councilman Proctor to approve the bill list.

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

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE NO. 011-2024 - BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE TRUCK BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,235,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.**

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

BE IT RESOLVED that Ordinance No. 011-2024 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

- **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 BYRAM 206 DEVELOPERS, LLC, FOR A WAWA FOOD MARKET AND FUELING STATION, LOCATED AT 75 ROUTE 206, BLOCK 34, LOTS 14 AND 15, IN THE TOWNSHIP OF BYRAM**

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	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 July 2, 2024, 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

Recreation Projects Summary (CO Johnson Park Improvements):

Mayor Rubenstein presented the council will the following email to be discussed:

Members of the Council:

As you know, the Township has received what is known as “ARP funds” in the amount of about \$830k. This is also widely known as “COVID Money.” Conditions imposed on us by the state and federal government require this money to be encumbered by the end of CY 2024, and completely paid out by end of CY 2026. If these conditions are not met, we will need to return the unused portions of the money. It has been agreed by the Council that this money shall be used for recreational purposes only. To date, it has been the consensus of the Council to use it for field improvements at CO Johnson Park, specifically Field 8. There was an authorization for expenditure to engineer this solution with FPA amounting about \$67k.

As you know, we have received notification that we have the full 75% of the matching grant for the completely inclusive playground (CIP). Our 25% will amount to about \$155k, now leaving about \$608k in ARP funds. This \$155k expenditure has already been agreed upon by the Council.

Further, we have also received notification that we received a \$65k LRIG towards the reconstruction of our tennis courts located at the municipal complex. Total project cost is estimated to be around \$306k; subtracting the \$65k in grant we’ve been awarded leaves another \$241k needed from municipal funds. This now leaves \$367k in ARP funds that need to be encumbered by the end of year.

At our last Council meeting, it was also agreed that we should perform maintenance and repairs on the COJ tennis courts, to repair some cracks that have recently formed. It is estimated that this will be around \$10k, now leaving about \$357k in ARP funds.

Additionally, as shown in the email from Mr. Sabatini, the town has about \$438k available in open space funds that can be used for recreational projects. So, after consideration of the above expenditures, this leaves around \$800k available to us for use of recreation projects and improvements, should we choose to include OSC funds in projects upcoming. I am not suggesting we drain the OSC fund, I am only illustrating to the council what is present and available.

As the Council knows, the engineering of field 8, which has been the result of the council subcommittee, shows that this project will now exceed \$1.5m in cost. From my view, there does not seem to be consensus of the council to follow through with this project at this time, and I am gravely concerned that this position will result in delay which may in turn result in us not using the ARP funds by end of year and subsequently losing access to them.

Therefore, it is my opinion and position that we pivot our approach on this project, forthwith. I have spoken to Mr. Keenan of FPA and asked him a few questions, so that I can get an understanding if what I am going to propose herein is possible.

First, I think we should immediately have administration instruct FPA to modify the engineering plans for field 8 repairs to become a phased approach. The first phase should only incorporate fixing the problem that we have with the field: drainage. The focus should be on stripping the field, installing new irrigation, a proper drainage base, introducing material (likely sand) into the existing field material to promote proper drainage, and sodding the field. If we step back, and remember what the problem with this field is, it's all about drainage. This will fix this issue and will cost us around \$500k. This can be paid for by the remainder of ARP funds and then use a small portion of OSC funds.

The second phase of engineering can then be for field 8 improvements – lighting, bleachers, press box, and so forth. We can then identify different methods for funding each of these projects by themselves (or combined), by either bonding using OSC proceeds, grants, or sponsorships. Delaying this aspect of the project will give us time to explore those options without rushing.

I hope the Council considers my viewpoint on this topic and I look forward to meaningful discussion about it tonight. It is my opinion that if we can come to consensus on this tonight, that we instruct administration by motion, second and vote, tonight, to get this change and project underway.

Councilman Roseff agreed with using the APR for phase one to get an operational field #8.

Councilwoman Franco would prefer that they go out to bond to do the entire project and not just a portion of it.

Councilman Gallagher would like to get things moving on Field #8. Doing this is not tying us down, and we will allow us extra time.

Councilman Proctor – he is okay with this approach as he is concerned with losing the ARP funding otherwise.

Motion by Mayor Rubenstein, Seconded by Councilman Proctor to instruct administration to proceed with engineering and improvement of field 8, to include repairing the drainage problem, replacing irrigation, and replacing the grass surface with sod, and using the ARP money as first money in and backstop with open space funds, as described in the mayors memo of June 18th.

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

Lake Management Plan:

Mr. Sabatini has been working with Mr. Mikolajczyk from Princeton Hydro. They presented a draft and reached out to all stakeholders with the plan. Mr. Sabatini has received feedback from the stakeholders. Mr. Mikolajczyk will be in town on September 17th and would like to present the plan for adoption at that meeting. Mr. Sabatini asked the council what they need to be prepared to adopt the plan. Mayor Rubenstein would like him to be present at a meeting prior to the September 17th meeting. Mr. Sabatini will see if he is available at the last meeting in July. The goal is to have the final draft ready by the end of July. Mr. Sabatini asked if they have any comments, please provide them so he can hand them off to Mr. Mikolajczyk.

Mr. Roseff agreed that it would be good to have Mr. Mikolajczyk provide a zoom meeting for the stakeholders. The stormwater side of this is so very important and is disappointing that it is not present in this study.

FUTURE AGENDA ITEMS

Mr. Sabatini will reach out to ETG to see where they are with the plan for gas lines going down Little Paint Way.

Mayor Rubenstein reported that NJ Transit will be coming in to repair the washed-out bike trail within the next couple of weeks.

PUBLIC PARTICIPATION II

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

Scott Yappen – Applauded the council on their approach towards the CO Johnson Field 8 project and coming up with a solution.

Jacqueline Richards – Asked if they can get updated natural gas maps. Commented on the discussion that took place on CO Johnson Park field #8.

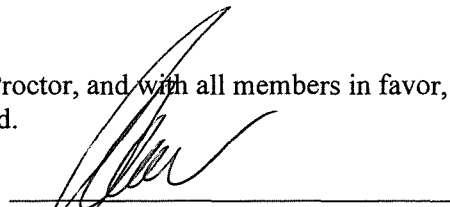
Motion by Councilwoman Franco, Second by Councilman Proctor to close to the public.

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 9:19 p.m. All members were in favor. Motion carried.



Cynthia Church, RMC
Township Clerk



Alexander Rubenstein, Mayor