

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
JULY 20, 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
  - Property Maintenance Block 220 Lot 25 & Block 336 Lot 23
- b. Personnel
  - Collective Bargaining Agreements – DPW & Clerical

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 July 20, 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 Bonker, second by Councilman Gallagher, 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					

**TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** – The next Township Council meeting is August 17<sup>th</sup>. Mr. Sabatini emailed the Mayor and Council asking them to provide their goals and objectives for 2022. These are needed by August 6<sup>th</sup>. This will be on for discussion for the August the 17<sup>th</sup> meeting.

**Mayor Rubenstein** – Working on quotes for the hybrid meetings. On July 11<sup>th</sup> Mayor Rubenstein attended an event at Wild West City honoring Mr. Storch. Noted that over the last few years the township has been presented with very complicated zoning and property maintenance issues. He recognized the administrative staff for the work they are doing to get some of the complicated situations resolved.

**Councilman Bonker** – On Friday July 16, Ben Spinelli from Greener By Design, Open Space Chair John Morytko and Councilman Bonker met with a Byram property owner to walk a section of his property with the objective of developing an important trail connection via an easement. The Application for the Green Acres Loan was submitted. It was 650 pages. The process will be competitive but believes Byram put in a high-quality application to be proud of, regardless of the outcome.

**Councilwoman Franco** – Nothing to Report.

**Councilman Gallagher** – The Recreation Committee meeting met on July 19<sup>th</sup>. There will be a movie in the park in August either the 13<sup>th</sup> or the 20<sup>th</sup>.

**Councilman Roseff** – At last months Environmental Commission meeting, a non-governmental agency met with them seeking the regulation of water bodies. The group they meet with had experience in getting grants for those purposes. There was also a discussion on impervious surfaces. The July 22<sup>nd</sup> Environmental Commission meeting has been canceled due to the summer schedule.

**PUBLIC PARTICIPATION I**

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

Carlos Luaces – 7 Johnson Blvd. Was affected by the zoning violation next to him. Thanked the administration for their follow through. Asked about items on the consent agenda. Joe provided the explanation.

Eduard Jimenez, Attorney at Law - 89 Headquarters Plaza, Suite 1214 – Representing Alessi Incorporated whose CEO was also present, regarding a request for Township Council Approval for DCA Community Housing Development Organization Funds to rehabilitate a property at 370 Route 206 in Byram Township. They are seeking to rehabilitate the property for use by low and moderate income veterans. She has requested a zoning board and planning board letter and is seeking tax limitation at \$5,000.00. Mr. Sabatini stated that they have replied via email and several phone calls regarding the Townships position of not being willing to be involved. No further action was taken. Mr. Collins said a letter was sent stating that the Township was not interested.

Jack Moran, 7 East Waterloo Rd – Asked if the Altice issue was resolved. Mayor Rubenstein said they are still waiting to hear back from them. He asked about the status of the Verizon towers. Mayor Rubenstein said there will be one on Amity Road, Roseville Road, and Tamarack Road. Asked about ISO, Councilman Gallagher did not hear anything more on that issue.

Luanne Byrne – Richmond Road – Asked about if they are taking advantage of the bond rates to finance the municipal building. Thanked the council for their dedication and expertise.

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

**APPROVAL OF MINUTES**

- 07-6-2021 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 Bonker, second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 172-2021 – Authorization to Purchase Law Enforcement Firearms Equipment and Supplies under the State of New Jersey Cooperative Purchasing Program for Budget Year 2021
- Resolution No. 173-2021- Resolution Authorizing the Issuance of Not Exceeding \$1,030,300 Bond Anticipation Notes of the Township of Byram, In the County of Sussex, New Jersey

- Resolution No. 174-2021 – Award a Professional Service Contract to Van Cleef Engineering Associates, LLC for Wastewater Management Engineering Services for the Byram Township Wastewater Management Plan – Not to Exceed \$9,260.00
- Resolution No. 175-2021 – Resolution Extending Grace Period for Payment of 2021 Third Quarter Taxes
- Resolution No. 176-2021 – Resolution Authorizing the Acceptance of Funding from the Department of State, Division of Elections in the Amount of \$8,433.72 for Polling Place Accessibility Funding under the Help America Vote Act (HAVA) 2018/20 Election Security Grant
- Resolution No. 177-2021 – Chapter 159 – HAVA - \$8,433.72
- Resolution No. 180-2021 – Resolution Granting a Partial License for 2021 to Raimo of Stanhope, Inc. to Operate Facility Pursuant to Chapter 156 of the Byram Township Code

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

Councilman Roseff asked to discuss Resolution 174-2021 – He said that the quote refers to a septic maintenance program and a septic inventory. Mr. Sabatini said that the septic inventory cannot be done because we do not manage the septic's, as the Sussex County Health Department does that. Until the County collects the data the Township cannot complete the inventory. Regarding the septic maintenance program, the only thing that will be included is the existing septic management program that is the Township Ordinance for the lake communities.

**RESOLUTION NO. 178-2021** – Resolution Authorizing the Nader Group Provide Architectural Civil Engineering, Environmental / Permitting & Construction Administration Services for the New Byram Township Municipal Building – Not to Exceed \$131,500

Mayor Rubenstein explained that the \$131,500 is the quotation that represents phase 1B and phase II of the original quote to bring it to the point of construction & bid documents. At the last meeting there was a discussion as to whether it is best to retain the walls of the building or to bring it down to the foundation. The consensus of the council was to ask for a proposal from the Nader Group to provide a cost for modifying the plans to provide an alternate plan (referenced in Resolution 179-2021), to see if there is a better way to lay out the space.

Councilman Bonker said he is committed to moving this municipal building project forward. The Township Council has talked for years and now it is time to act. The cost estimates have not changed. They already have the design documents, and now have the site plan. They need to get the construction documents and all the permits so this can be bid this out. Councilman Bonker feels that everyone has agreed to this location, and the building subcommittee recommended it; there is no reason to delay. Interest rates are still at rock bottom, but that will not last much longer. They now have an \$800k federal grant with the ARP money. They need to do the right thing for the long-term interests of Byram Township. Councilman Bonker is in support of this resolution to move forward with the Nader Group on Phase 2 and to produce construction documents.

Councilwoman Franco agreed with Councilman Bonkers statement and said that at the beginning of these discussions everyone agreed unanimously that doing nothing was not an option. Everyone has worked very long and hard and have had many meetings and it is now time to act and start the journey. Councilman Franco is in favor of this resolution.

Councilman Gallagher said that it is time to move forward.

Councilman Roseff stated that they are looking between \$4.7 and \$5.1 as a budget for the project. Confirmed that this is both soft and hard costs. Asked if this is the target for the detailed engineering study. Stated that they should not see these numbers creeping up. This is what they should be achieving.

Councilman Bonker added that the number that the estimator provided were for his estimates of what the average bid that may be received would be. Under the law they would not be accepting the average bid, yet they would be accepting the lowest responsible bid. It is reasonable to assume that it will come in lower than what the estimator provided as the average bid.

Jack Moran, 7 East Waterloo Road – Asked if there was an addition feedback from the Planning Board. Mayor Rubenstein said other than what was provided, there has not been anything additional. Everything provided has been incorporated into this agenda packet available on the Township website. Mr. Moran stated that as a Faulkner Act township, that the public may weigh in later on this.

	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. 179-2021** - Resolution Authorizing the Nader Group Provide Architectural Civil Engineering. Environmental / Permitting & Construction Administration Services (Extra Work) for the New Byram Township Municipal Building – Not to Exceed \$19,800

Mayor Rubenstein’s explained that this is an additional expense that was not originally anticipated but was based on discussion at previous council meetings. This is the amount of money that the architect is requesting to provide the alternate plan set.

Councilman Roseff said that it is an addition benefit to what he was expecting. This is an option to get the best construction bid and feels that is beneficial.

Councilwoman Franco is not in favor of this plan. This could change the whole staging plan. Does not think that it is necessary. Feels we are spending money to see if we are saving money.

Jack Moran, 7 East Waterloo – Asked if this included an option for fire suppression.

	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** – July 20, 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		
2 <sup>nd</sup>		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Councilman Roseff asked for the administration to send out a letter regarding the ISO issue. There were no objections.

**ITEMS FOR DISCUSSION**

**FUTURE AGENDA ITEMS**

**PUBLIC PARTICIPATION II**

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

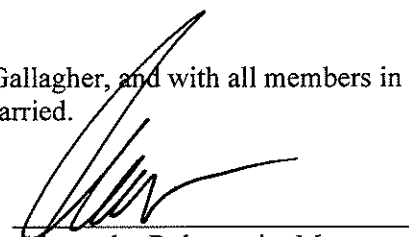
No Comments

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

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 8:30 p.m. All members were in favor. Motion carried.

  
Cynthia Church, RMC  
Township Clerk

  
Alexander Rubenstein, Mayor