

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
MAY 4, 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 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
 - Lake Drive Complaint
- b. Personnel
 - PD Staffing
- c. Contract Negotiations
 - B.A.R.K.S. Extension

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 4, 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 Councilman Bonker, second by Councilwoman Franco 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					

PROCLAMATION - Peace Officers Memorial Day – May 15, 2021

Motion by Councilwoman Franco, Second by Councilman Gallagher to sign the proclamation.

PROCLAMATION - Municipal Clerks’ Week - May 2 - 8, 2021

Motion by Councilman Gallagher, Second by Councilwoman Franco to sign the proclamation.

PROCLAMATIONS - Eagle Scout Recognitions – Brianna Conlon, Bridget Brady, Emily Brothman, Jasmine Lutz, Katelin Hanifan, Lindsay Pugliese, Zoe Rizzo

Motion by Councilman Gallagher, Second by Councilwoman Franco to sign the proclamation.

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager - French & Parello will attend the May 18th meeting to present the final concept plan with an updated budget estimate for the construction of the proposed improvements at C.O. Johnson Park. Closed out the 2020 Statewide safety grant. A check was received for \$2,766.00. This grant was used to purchase backup cameras for the DPW vehicles. Mr. Sabatini received a small safety grant for his participation in an education program.

Mayor Rubenstein – Today was the biweekly Mayors conference call with the Sussex County Department of Health. At the meeting they went over the COVID-19 numbers. They have reported that the COVID-19 vaccinations have plateaued. If you are looking for an appointment for a vaccination, there are many appointments available. The Sussex County Health Department has access to the J&J vaccinations. They have the ability to make home visits to people who cannot get out to get a vaccination.

Councilman Bonker On Saturday May 8th Councilman Bonker will be representing the Mayor and Council at the Eagle Court of Honors for three young women (Brianna Conlon, Bridget Brady and Jasmine Lutz), who were recently elevated to Scouting’s highest rank. The ceremony will be held at the Mount Allamuchy Scout Camp. The proclamations passed tonight will be read at the event.

Energy Aggregation letters from JCP&L have gone out. Do not opt out, there is no benefit to opting out. You can always opt out later, but you can save 7.9% now.

On May 3rd Councilman Bonker attended soccer games at Tamarack Park and CO Johnson Park. Every field was being used for either games or practices between baseball, lacrosse and soccer. Councilman Bonker commended the DPW, because the fields have never looked or played better.

Councilwoman Franco – Took poll worker training with Sussex County. Tomorrow night is the EPA CAG meeting.

Councilman Gallagher – Miss Byram June 5th, with a rain date of June 6th, Garage Sale June 5th & 6th.

Councilman Roseff – Spoke with Elizabethtown Gas. They are working on their marketing efforts to bring customers into the Lake Mohawk area. Looking to hear from anyone in that area who is interested in hooking up in that area. They are not proceeding with any marketing plans to go further into Byram. They are waiting to hear from the BPU to certify new territories. Would like the administration or council to urge the BPU to take more actions for more natural gas hookups throughout the Township.

PUBLIC PARTICIPATION I

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

Tammy Retkwa, 44 Brookwood Drive – expressed that the Township residents have benefited from BARKS in our community.

Jack Moran, 7 East Waterloo Road – asked about ISO testing updates. Councilman Gallagher said that they will be out the week of May 10th to do ratings on the hydrants. Also asked about the status of Elizabethtown Gas.

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

APPROVAL OF MINUTES

- 04-20-2021 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 Gallagher, second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 117-2021 – Authorize the Purchase of One (1) 2021 F550 Regular Cab/Chassis 4X4 DRW with Optional Equipment for the Township of Byram Department of Public Works – Not to exceed \$39,231.25

	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 4, 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 by the Township of Byram in the County of Sussex, State of New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses Within its Geographical Boundaries and Amending Section 240-28 of the Byram Township Code Entitled “Prohibited Uses”

Purpose Statement: The purpose of this Ordinance is to prohibit all classes of cannabis uses in all zones as authorized by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

Motion by Councilman Bonker, second by Councilwoman Franco to adopt Ordinance No. 006-2021.

Councilman Bonker provided 7 reasons why he wants to introduce this ordinance

1. Marijuana is still illegal at the Federal level.
2. The State of NJ requires all municipalities to pass an ordinance before August 22nd. The rules for marijuana will not be published until August 23rd. This is an unacceptable risk for Byram to take. It is in the best interest of Byram to say no to everything at this time, otherwise we could end up with grandfathered situations that may be sub-optimal.
3. To allow retail sales and tax the revenue would make Byram not only a partner in the retail sale of marijuana, but it would also give Byram a continuing financial interest in promoting increasing sales of marijuana.
4. Byram has extremely limited space for commercial development. Due to the Highlands restrictions, 98% of Byram is off-limits to development. The Route 206 corridor is the only 2% of Byram that can be developed. As a result, every square inch of space along that corridor is precious. It is also very high profile for Byram’s image, as it is essentially our Main Street. We have seen significant increases in economic activity along Route 206 recently and more is on the way. We do not need to aim low for “pot shops”, just as we do not need to aim low for sexually explicit businesses or other inferior enterprises, even if they are legal. Byram can and will do better than this. The children of Byram and the grandchildren of Byram deserve better than this. Just say no.
5. Marijuana use is unhealthy. According to the American Lung Association:
 - a. Smoking marijuana clearly damages the human lung, and regular use leads to chronic bronchitis.
 - b. No one should be exposed to secondhand marijuana smoke.
 - c. Due to the risks it poses to lung health, the American Lung Association strongly cautions the public against smoking marijuana

Byram promotes healthy lifestyles by providing passive and active recreation opportunities for its citizens. Byram rightfully bans smoking in all of its public places, indoor and outdoor. We strive for the ideal of sound minds in sound bodies. Promoting marijuana use is antithetical to this sound ideal.

6. Several neighboring towns, including Green and Mount Olive, have already passed this same ordinance. We need to protect Byram in similar fashion to our neighbors. Saying no now still permits Byram to retain all options going forward.
7. We must be concerned about unanticipated opportunity costs. Councilman Bonker had spoken to developers who considered making investments in Byram because of our family friendly main street orientation. One example was a senior citizen housing proposal on Route 206. They specifically cited the nature of the Route 206 corridor

as an attraction for their clientele. He would hate to trade away a possible future quality development on Route 206 for low quality pot shops, which in turn might well chase away these better future developments.

Councilwoman Franco – Supports passing this ordinance as written. The main objective to pass the ordinance is because we are limited in the time that they can say that they will not allow dispensaries in Byram Township. If action is not taken before August 22nd everything will be grandfathered and will not have control of the business coming into our town.

Councilman Gallagher – in favor of passing this ordinance because currently the rules and regulations are not known, without knowing and not doing anything with it, could leave the Township open for a lot of liability. Can look at it again down the line when it is more apparent.

Councilman Roseff – In support of this ordinance. Thinks that the vote last November was for a decriminalization vote. Now they are faced with how to implement that process. By passing this Ordinance tonight, they are protecting their options in the future.

Mayor Rubenstein – I will be voting no on this ordinance for the following reasons:

- He believes that class 1 through 4 should be allowed in town, there is no reason to restrict this at least in the industrial zones and even in certain residential zones with conditions. This is a question of individual property rights. These types of operations are usually in non-descript buildings and the public is not able to tell what is going on within. Does not feel the township has the right to tell a property owner that they can't use their own land in this manner, with reasonable conditions.
- Is in favor of allowing class 5, retail locations, in our town, with reasonable conditions. It is likely that the township would be able to limit what the storefront looks like, or how many shops will be allowed in town or in a zone. The Township Council could craft a section of the zoning code that controls this in a way that is tasteful and not impactful to the town.
- Mayor Rubenstein does not believe that they are "under the gun", as they have at least a few more meetings that they could put some thought into this and make something happen.
- Mayor Rubenstein expressed that he recognizes that at the last election, which had 79% voter turnout in Byram, 68% of the public stated that they wanted to legalize marijuana. 68% of Byram residents voted for this. The people have spoken and feels that they should listen.

Mayor Rubenstein responded to Councilman Bonker regarding the banning of marijuana in public spaces. Questioned as to what other unhealthy things are we to ban?

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		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 15th 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

Township Meetings – Mr. Sabatini laid out a few issues with the reopening plan.

- Capacity Limit – the most that can be in the room is 10 people, after considering the council members, manager, clerk and attorney. Unless it is moved to another space that could accommodate a larger gathering, they are still restricted until the requirements for social distancing are lifted. It may be worth waiting on the physical opening and continue with Zoom meetings.
- Needs to get an understating from the council as to the expectations of future meeting may be when they do resume public meetings. Will it be a hybrid an includes zoom?
- After meeting with Gramco the cost to set up the room would be between \$10,000 – \$15,000
- There a policy issues that would still need to be delt with it they continue with hybrid meetings.
- The directive that should be focused on is what the plan will be when and if the existing meeting space could open up to increased public participation and are they going the route of the hybrid meeting and make the investment.

Mayor Rubenstein said that we can spend a lot of money and still have a room to accommodate only 10 people.

Councilman Bonker cannot imagine dropping the video participation portion of the meetings. The expense on the equipment would still be used in the future.

Mr. Sabatini asked the mayor if he thinks the equipment that they would buy now would be the best solution in a new municipal building, or if we are just satisfying the current conditions. Feels that a determination should be made to provide the best possible options for the township.

Mayor Rubenstein would like to have a follow up meeting with Gramco and find out if it is transferable to a new building. Mayor Rubenstein asked Mr. Sabatini how this will be paid for.

Mr. Sabatini said that there is a technology ordinance that was fully funded with about \$13,000 remaining in it.

Councilman Roseff would like to understand what it will look like, and how the recordings will be done before moving forward. There are lot to take into consideration prior to worrying about what budget numbers are. Should also consider when they can start public meetings. If they can get capacity back to 50% then they should get back to in person meetings.

Mayor Rubenstein said that the issue with the room is not capacity, but rather the social distancing requirements.

Councilman Roseff said that there are a lot of municipalities that have continued meeting in person throughout the last year, not sure how they are accomplishing that. Would like to divorce the technology aspect of it from an in-person meeting. Feels the Township Council should get back to in person meetings irrespective of a technology purchase.

Mayor Rubenstein said that at the mayor's conference they mentioned about a survey that will be going out to all municipalities on what they are doing about meeting. Hopefully, they will have data in the near future on what other towns are doing.

If they were to move to a gymnasium or firehouse, those locations are not conducive to a zoom meeting.

Consensus of the council is to keep zoom when they get back to in person meetings.

Mayor Rubenstein will continue the conversation with Gramco.

FUTURE AGENDA ITEMS

Councilman Roseff would like a letter to go out to the BPU who has not memorialized the service area. Alex will reach out to find out what the status is on the natural gas.

Councilwoman Franco received notification about amphibian crossing going on tonight. Will there be road closures? Mr. Sabatini does not have any information. They will need to have a solution to require traffic to flow through. Mayor Rubenstein will supply Councilwoman Franco with the contact information.

Councilman Bonker – When will we be expecting a meeting with Nader Group. Mr. Sabatini said he will not have anything from them until the week of May 17th.

PUBLIC PARTICIPATION II

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

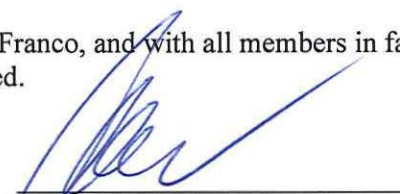
Jack Moran, 7 East Waterloo Road – asked about updates on the Cares Act. Mayor Rubenstein said we received something from Gotheimer's office but there is no clarification on when they will be receiving the money or how it can be used. Asked about the progress with Service Electric. Mayor Rubenstein said that it continues to be an issue. Recommends if you have an outage that is affecting your use, you should document this with the BPU.

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

ADJOURNMENT

On the motion of Councilman Bonker, second by Councilwoman Franco, and with all members in favor, the meeting was adjourned at 8:53 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor