

**BYRAM TOWNSHIP SPECIAL COUNCIL MEETING -MAY 19, 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 6:30 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. General
- b. Attorney Client Privilege Communication  
- SHBP
- c. Contract Negotiations  
- LES
- d. Anticipated Litigation

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 May 19, 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 went into executive session until 7:30 pm.

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** - Motion by Councilman Bonker, seconded by Councilman Gallagher to approve the agenda . All members in favor. Motion carried.

**MANAGER AND COUNCIL REPORTS**

**Township Manager Joe Sabatini** - There will be a rabies clinic being sponsored by Hopatcong Borough on May 29 from 10-1. We are partnering with them and will assist

**Mayor Rubenstein** - A Planning Board meeting was held on May 7 via zoom. Because of the COVID19, the PB carried the Tomahawk hearing to June 18. There was a site plan waiver granted to the new owners of the Frogmore building for an adult day care center.

**Councilman Bonker**

1. Open Space: we held an online Open Space meeting on Monday, May 11<sup>th</sup>. The committee conducted an extensive review of the trails plan and proposed future activities. Greener by Design will have a Parks and Recreation Plan for presentation to this Council on June 16<sup>th</sup> either virtually or in person.
2. As Deputy Mayor I had the honor to attend the online Arrow of Light ceremony for all of the Byram Cub Scouts in both Troops 151 and 276 as they were welcomed into their new Boy Scout Troops. I want to thank the Mayor for having a conflict last Friday night so I could represent the town. It was heartwarming to see all of the Scouts and their families showing such pride in their son’s achievements.

- NJ Assembly Speaker Craig Couglin announced the membership of the Assembly's Economic Advisory Council, which was formed to advise the Speaker and NJ Assembly leadership on efforts to ensure the State's responsible recovery from COVID-19. The advisory panel will be chaired by George Zoffinger. Just for the record, George Zoffinger was also the Mayor of Byram Township back in the late 1970's and early 1980's.

**Councilwoman Franco** - Reminder to the residents, while you are home during the COVID19 pandemic, make sure you fill out your census. Alex stated that it is very important that we get as much response as possible.

**Councilman Gallagher** - Recreation meeting 5/18. They discussed possibly sending a survey out to people who live near Mohawk View Park and see how they feel about having a dog park in that area. A new date for Byram Fest was tentatively set for October 7, 2020, which won't interfere with football. They discussed the fieldhouse at COJ, and the repairs they would like to see.

**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.

Rob Kline, resident of Long Valley, and Athletic Director of Lenape Valley Regional High School, stated that the lighting was in the original proposal for the multi-purpose field. Conduit was installed in preparation for future lighting of the multi-purpose field. Lighting would allow them to schedule back to back games or practices. Alex stated that he was making two points in his letter to LVR; he asked if there has been a feasibility study done as to the need for these lights and if this was the best time to be doing this.

Scott Olson, 194 Glenside Trail, stated that he appreciated Alex's letter to LVR. During the interview process by Greener by Design for the creation of the Open Space and Rec Plan, there was discussion on sharing fields at LVR. There has been a lot of talk about the dog park, but there hasn't been a decision made by the Council. He doesn't think the Recreation Committee should get too far ahead. Scott wanted to commend Joe Sabatini for his Hero's recognition project, which raised a lot of money that has went back into the businesses. Scott appreciates all the work Joe has done on his own time. Harvey asked if there has been an inclusion of a dog park by Greener by Design. Scott stated that Greener by Design has included this in their plan, but the section has not been completed yet. Harvey stated that it seems that every 2-3 years there is a capital expense paid for out of cash at LVR. Scott stated that the BOE can put their surplus at the end of the year into a capital improvement fund, which is something the municipality can't do. Alex stated that the school can now spend that money without any authorization.

Jack Moran, 7 East Waterloo, asked if there was any developments on natural gas. Alex stated that his contact has not been responsive to any of Alex's communications. If Alex can't get in touch with him in the next week, he will contact the BPU to put pressure on the natural gas company. Jack asked about the energy aggregation process. Joe said the agreement was sent to the Coop. We still need to do an ordinance. Joe's contact was going to try to get an estimate on the amount of savings we could see. We will follow up on this.

The Planning Board found the Ordinance on driveways consistent with the Master Plan. Alex explained that Jack was on the Planning Board meeting call and asked us if we could address driveways at the end of a cul-de-sac. Joe stated that he the Council could direct him to look into this. Cris stated that she was confused as to what would be improved if additional language was put into the ordinance now. Any new change to the code would not affect what is existing now. Alex said the Council will consider his comments.

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

**APPROVAL OF MINUTES**

- Motion by Councilwoman Franco, second by Councilman Roseff to approve the May 5, 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.

- Resolution No. 074-2020 – Award of Bid to Tilcon, New York, Inc. Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Strawberry Point Drive & Associated Roadways – Not to Exceed \$65,847.00
- Resolution No. 075-2020 – Award of Bid to Tilcon, New York, Inc. Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Various Streets – Not to Exceed \$170,762.50

- Resolution No. 076-2020 – Resolution Granting an Extension of Junk Yard License for 2020 to Raimo of Stanhope, Inc. To Operate Facility Pursuant to Chapter 156 of the Byram Township Code through December 31, 2020
- Resolution No. 077-2020 – Authorization for the Purchase of One (1) Ford F-550 Cab Chassis: XLWD Reg Cab 145” WB 60” VA and Optional Equipment for the daily operations of the Township of Byram Department of Public Works – Not to Exceed \$40,415.62
- Resolution No. 078-2020 – Award of Bid to Tilcon, New York, Inc. and Denville Line Painting, Inc. Under the Morris County Cooperative Pricing Council for Proposed Improvements to Lee Hill Road EMS Building – Not to Exceed \$14,666.25 (Tilcon, New York, Inc.) and \$395.00 (Denville Line Painting, Inc.)
- Resolution No. 079-2020 - Award of Bid to Tilcon, New York, Inc., and Denville Line Painting, Inc. Under the Morris County Cooperative Pricing Council for Proposed Improvements to Mohawk View Parking Lot – Not to Exceed \$23,480.00 (Tilcon, New York, Inc.) and \$739.00 (Denville Line Painting, Inc.)
- Resolution No. 080-2020 – Award of Bid to Tilcon, New York, Inc., and Denville Line Painting, Inc. Under the Morris County Cooperative Pricing Council for Proposed Improvements to North Shore Road – Not to Exceed \$328,598.00 (Tilcon, New York, Inc.) and \$8,803.20 (Denville Line Painting, Inc.)
- Resolution No. 081-2020 – Authorization to Purchase One (1) 2021 Kenworth T370 4x2 (Hooklift Chassis) Under the Sourcwell National Cooperative Purchasing System for Budget Year 2020 – Not to Exceed \$104,122.75
- Resolution No. 082-2020 – Resolution to Authorize Estimated Property Tax Billing for the 3<sup>rd</sup> Quarter of 2020
- Resolution No. 083-2020 – Authorization for the Purchase of Flatbed, Hooklift & Optional Accessories for the Daily Operations of the Township of Byram Department of Public Works – Not to Exceed \$132,122.93

	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 MAY 19, 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 - 2<sup>nd</sup> Reading / Public Hearing**

**ORDINANCE NO. 005-2020 - AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE**

Purpose Statement: Section 240-40 General requirements; driveways was repealed by Ordinance 10-2017 and requirements were placed in Section 215-30.2. Inadvertently, the change omitted any reference to residential zones for which it was previously intended. This ordinance corrects the omission by adding Section 240-40, General Requirements; residential driveways.

Motion by Councilman Bonker, second by Councilwoman Franco to adopt the ordinance.

Mayor Rubenstein opened to the public. No comments were made. The clerk called the vote.

	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					

Be It Resolved that Ordinance 005-2020 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

**ITEMS FOR DISCUSSION**

**Letter to Governor regarding Opening of Businesses** - Cris stated that we were asked on behalf of the Chamber of Commerce to have the Council write a letter to our Governor, similar to the Chamber letter. It has been 8 weeks that we have been shuttered and it has been extremely difficult for our businesses. Some businesses are being forced to close. Cris thinks it would be a good thing for the Council to come together and show support to our businesses and ask the Governor to allow non-essential businesses to open. The letter that was circulated by the Chamber was dated May 5. Ray stated that Cris did forward this to the Council and this request really hit home. Ray did consider the impact on businesses, and he feels in this particular case, it is worth the endorsement of every Council member. It is a balanced, short scientific letter. Ray would like to endorse this letter as written. Harvey is definitely in support of this letter. Our business district is relatively small, and he feels we should do everything we can to assist them. Jack and Alex are both in support of this letter. Alex has been talking to a Byram resident who owns the daycare center in town. She has kids enrolled in her daycare center whose parents are essential workers, and she can't get a waiver to open. Alex stated that the Governor is carving out a select few types of businesses that are being allowed to open; i.e., boat rental, motorcycle rentals, etc. Alex doesn't feel the Governor is handling this correctly. Alex said that Cris brought up a good point. We know a lot more now than we did 8 weeks ago, and businesses are ready to open using all the guidelines necessary for social distancing. Ray stated that Government shouldn't be picking winners and losers. Ray would prefer that we don't wordsmith the letter written by the Chamber, but

Motion by Councilwoman Franco, second by Councilman Roseff to authorize a letter sent from the Council to the governor stating that the Council supports the letter written by the Chamber of Commerce dated May 5, 2020. Harvey would like to add a few words referencing what the Chamber's letter was about and authorize the Mayor to sign on behalf of the full Council. All members were in favor.

**Municipal Building Project** - Alex recused himself from the conversation and turned the meeting over to Deputy Mayor Raymond Bonker. To follow standard parliamentary procedures, he is asking for a motion to begin this discussion. Motion by Councilwoman Franco, second by Councilman Gallagher to discuss the municipal building project. Councilman Bonker started the conversation with the following:

*The decision about the site of our future municipal building is the most consequential decision we will make as a Council.*

*This process has played out over several years. An initial proposal for up to \$11 million was rejected. A subsequent proposal for approximately \$7.3 million to build a new building between the DPW building and the old school house was also rejected. Now we are on the third iteration, and this time Byram did it right. This time a sub-committee of citizens was established to assist the Council in its deliberations. Alternative sites around town were visited. Other municipal buildings were visited. The bottom line is Byram did its homework. The township owes the Building Sub-committee a huge thank you. These citizen volunteers put in an extraordinary number of hours over 2 years and their work is the basis for my decision.*

*The sub-committee focused on two specific locations: the Byram Open Space building, and the current building. They ultimately decided that the Open Space building had too many re-construction cost issues, and also had operational issues in relation to the attached Byram Intermediate School. There was also analysis indicating that there would NOT be significant cost savings in retro-fitting that 46-year-old space.*

*The sub-committee worked with the Nader group to develop the re-build option, using much of the existing footprint instead of the area between the DPW and historic school buildings. The Nader group presented this option in June of 2019, with revisions provided in August of 2019, with an estimated cost of \$5.5 million. At that point an alternative was presented by Mr. Romano, who had been a member of the sub-committee but stepped down in order to begin negotiating with the Council on a lease option, located within the Byram ShopRite Plaza, on behalf of Gordon Byram Associates (GBA). Unfortunately for the rest of the sub-committee, this negotiation process had to be conducted within executive sessions of the previous Council, which meant the sub-committee would not meet again in 2019.*

*At the beginning of 2020 the lease option was changed by GBA to a condo option at the Plaza, as a result of Council negotiations. This condo option was presented in detail to the current Council and sub-committee and the public on February 4<sup>th</sup>.*

*With a month to review the voluminous materials provided by GBA, the sub-committee was re-convened with the Council on March 2<sup>nd</sup>. Each of the sub-committee members presented their analysis, information, and opinions. The public was also invited to provide their input, and several members of the public provided their analysis, information and opinions.*

*I had the pleasure of conducting that meeting. I said it at the end of that meeting, and I want to repeat this again tonight. My fellow Council members and I appreciate all of the time and effort that every volunteer gave to improve Byram, not just at that meeting but over the past 2 years. We appreciate all of the opinions provided. We asked for each member's analysis, and we got it.*

*Based upon what I heard at that meeting, and what I have read from the voluminous materials available to everyone on the Byram website, there is only one unanimous opinion shared by virtually everyone: the status quo is unacceptable. Doing nothing is not an option. The municipal building as it currently exists cannot continue.*

*I heard three options expressed by the sub-committee members:*

- 1. Re-examine the Byram Open Space location*
- 2. Accept the GBA condo option*

### 3. Proceed with the Nader re-development of the Mansfield location

*Before I go through my thoughts on these 3 options, I want to say something about GBA and Mr. Romano. If I were Mr. Romano, I would have done exactly what he has been doing. He is not doing something nefarious. He is offering Byram another option. Having options forces us to think harder. Mr. Romano is to be commended for all of the work and expense he has taken on, in his own enlightened self-interest, to give us another choice.*

#### **Option 1: Byram Open Space**

*The Byram Open Space building is a 46-year old addition to the original Intermediate School. Using the Byram Open Space building has been cited as an opportunity for shared services between the Byram Board of Education and the Council. The subcommittee early in the process determined that we would only need about half of the square footage available in the Open Space building, although retrofitting it would necessitate some additional work, even on the 50% of the space that we would not occupy. It was also quickly decided that locating the police within the Open Space would not be beneficial, so the police department would be moved into a renovated space in the front of the current municipal complex.*

*There were other operational issues identified during the sub-committee's work. There would be limited parking available at the Open Space building. The current Municipal Building parking lot would need to service many of the employees who would be walking to work within Open Space. The cost to retrofit the building, however, to the standards required by the law for a new Municipal location were ultimately deemed to be the determining factor by the sub-committee to reject this option in favor of the Nader re-build. I recognize that this choice was made BEFORE the GBA Condo option was presented. I specifically recognize that some of the building sub-committee members voiced their opinion that we should go back to the Byram Open Space option now that we have the experience of the data from the GBA option. I have considered their testimony, and I have considered the testimony of the chair of the committee, John Morytko, who stated publicly that he does not consider re-examining the Open Space option as useful. I have concluded that I agree with the Chairman in this assessment.*

#### **Option 2: GBA Condo Option**

*One of the aspects of the GBA condo offer that I really like is the fixed-price approach. Having GBA take on the risk of managing the vendors who will do the actual work is fantastic. I think prevailing wage laws are bad public policy and raise the cost of all public projects in NJ, but unfortunately that is currently the law. The GBA condo option will also be ready to occupy more quickly than the other options. Conversely, I believe that putting the police department in the Plaza compared to remaining near the schools and the DPW is sub-optimal. I have to agree with the comments we received from Chief Burke in this regard. There was also some commentary from the public, focused on the ability of police cars to quickly exit the plaza, which I found compelling.*

*One of the most extensively discussed materials at the last two sub-committee meetings has been the spreadsheet, initially prepared by the administration and then re-posted to the website with a few minor modifications recommended by GBA. I know spreadsheets very well. I understand Net Present Value (NPV) calculations very well. I understand that the initial costs for the GBA Condo would be about \$4.5 million expensed across 15 years, instead of the Nader re-build estimated at \$5.5 million expensed across 20 years. The GBA Condo option might well be \$1 million cheaper in terms of the initial development/acquisition cost, but the impact on the median household in Byram over a 50-year life is de minimis. (And by the way, we might use 50 years as the useful life but we got 50 years out of a bunch of trailers, so I believe it will be MUCH MORE THAN 50 years.)*

*The lost tax revenues inherent in the Condo option are very important to my analysis. Taking a 10% chunk out of Byram Plaza is not in our long-term interest, and I further believe it is also not in the long-term interest of GBA. We asked the New Jersey State League of Municipalities (NJSLM) if they had any examples in NJ of a municipality entering into a condo arrangement for their municipal building, but they had none. The Police Chief's group was also asked, by sub-committee member Danielson, but they had none. I believe GBA can find another Atlantic Health-like tenant, and that it will be better for GBA AND for Byram long-term when they do, and they won't have to convert to a condo structure either. But I would never presume to tell GBA how to run their affairs.*

*However, despite my confidence in Byram Plaza, my responsibility as a Council member is to make decisions that are in the best long-term interests of ALL Byram residents. I remain concerned about becoming a junior partner to GBA, as the owner of a condo representing about 10% of the current Plaza. I remain concerned about who and how the CAM (Common Area Maintenance) charges will be determined in the out years. I remain concerned about even the remote possibility that GBA would go through a significant change over the next 25 to 50 years, either in ownership or structure or in economic fortunes, or even, God forbid, bankruptcy. It would be perfectly rational for a 90% senior partner to shift costs over time to the "deep-pocketed" 10% condo junior partner, not necessarily Mr. Romano today, but whoever or whatever GBA might become or be sold into in the future. That junior partner condo arrangement is an unacceptable risk, especially given that the costs between the condo option and the Nader re-build option are NOT significantly different in the long run.*

*I want to emphasize this point: the spreadsheet itself was very useful in helping me to understand that this was ultimately NOT a primarily financial decision. Initially, I was hoping that this decision WOULD be primarily financial. In this regard, I have to agree with the comments made by the Mayor when he was speaking solely as a citizen in his February 4<sup>th</sup> testimony. Given the many years (50+) we are looking at, and given the decreasing accuracy of any assumptions made over that length of time, and given that the assumptions we DID make on the spreadsheet did not reveal either option to be significantly cheaper, I have to place more emphasis on the non-financial risks and operational issues in comparing the GBA condo option and the Nader re-build option.*

***Option 3: The Nader Re-Build of the Mansfield Building***

*The Nader proposal is NOT “edifice complex.” It is not the initial \$11 million proposal, nor the \$7.3 million second proposal. It is a third proposal for \$5.5 million, and it is using much of the existing footprint, NOT building between the DPW and the historic schoolhouse.*

*Fifty years ago, we spent \$1 for 6 trailers, put a roof over them, and called it a municipal building. Fifty years later, we got our dollar’s worth. Now we have inefficient windows, heating, cooling, outdated plumbing and electric, expensive non-LED lighting, a very sub-standard police facility. In other words, and I say this as lovingly as possible as a 57 year resident: the place is a dump.*

*I want a real answer, a long-term, cost effective, practical answer. I don’t want to put lipstick on a pig. I don’t want lipstick on the Byram Open Space. I don’t want to limit our long-term flexibility. I don’t want to erode our tax base. I don’t want to become a junior partner in the premier commercial plaza on Route 206. We will never have a unanimous decision, not from 8000 residents, not from all the subcommittee members, and maybe not even from all the Council members. But we were elected to make decisions, not to get stuck in “analysis paralysis.” Leadership is not about making popular decisions; it is about making necessary decisions. I affectionately called our current building a dump. It is not anyone’s fault that the place is now a dump. For 5 decades we have squeezed out as much value as possible, patching and modifying as we went, adding computers and networks, specialized police equipment, even space heaters. But just like an old car hitting 200,000 or even 300,000 miles on the odometer, we get to a point where it is uneconomic to patch it up any more. We are at that point, if not past it. The fact the place is now a dump is no one’s fault. But if the place is still here in a couple years, and it is still a dump, then it WILL be someone’s fault. It will be our fault, for failing to act.*

*So, with all of my analysis now revealed, I will listen to my fellow Council members for their analysis. Based upon the work of the sub-committee, and in combination with the work of the previous Council and now this Council, I will be supporting a vote to terminate the discussions with GBA, rejecting the condo option. Only 4 members of the Council can vote on that request, excluding the Mayor who must remain silent on matters for which he is deemed to have a conflict. I will also support a resolution to begin implementing the Phase 1-b and Phase 2 stages of the Nader proposal. The estimates for Phase 1-b were \$149,000 and for Phase 2 were \$125,000. The money for the Phase 1-b and Phase 2 was already bonded by the previous Council (Ordinance 11-2019), and the period of time for any referendum to block that decision has already passed.*

*Time is of the essence. Doing nothing is not an option. The Nader re-build proposal is the best long-term option for the citizens of Byram. I will be voting to terminate the negotiations with GBA and to proceed with Phase 1-b and Phase 2.*

*I thank you all for your patience as I have detailed why I am supporting these actions tonight.*

Councilwoman Franco thanked Councilman Bonker for all his comments. She thanked GBA for their proposal but stated that she did not feel that was the best option to the taxpayers of Byram.

Councilman Gallagher stated that he doesn’t feel Byram Plaza is the best spot for our Town Hall. He feels keeping town hall where it is, is the best place for it. He also feels the DPW building needs rehabbing.

Harvey Roseff says that he has been with this process for years. He was a part of the subcommittee which started 2 years ago. It ran well for the first year but the second year the group hasn’t work well as a working group. When GBA brought forward their proposal, it was full of details and had a fixed price. When the Nader proposal first came forward, Harvey asked about the quality of the building materials. He was told that it was one grade about contractor level. Harvey stated that it has been common practice for the construction of a building to escalate in price over time--starting at 5.5 million and ending at 7 million or more. With GBA we have a fixed price. Harvey said we have 5.5 million proposal that is not anchored. He feels we should wait another month or two and bring the architect back before the subcommittee. He remembers there were a number of issues brought up, such as fire suppression, which were not answered. Harvey feels that the Nader Group needs to justify their price like GBA has done. He feels the subcommittee has a lot more insight and can be very useful at this point. Harvey is asking the Council to allow the architect to return to the subcommittee.

Councilman Bonker turned it back to Councilman Franco for her motion.

Councilwoman France made a motion to terminate negotiations with GBA regarding the use of Byram Plaza for the municipal offices and Byram police department. Councilman Gallagher seconded the motion.



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

Alex was able to resume participation in the meeting. Alex stated that we have to now focus on next steps.

Alex stated that the reason we formed the subcommittee was for advice. We received advice from the subcommittee to move forward. The Council now needs to decide what to do with the subcommittee and how do we proceed with the architect.

Councilman Bonker stated that he and Councilman Gallagher are not as experienced as the Mayor, Councilman Roseff and Councilwoman Franco are with the Nader Plan. Ray would like to have an opportunity with Jack to have a meeting with the architect to be brought up to speed. Harvey would be against that because we have been following a timeline as a group. He highly recommends that it should occur in the same format that it did before. The architect should come before the Council and subcommittee and make a presentation as the Nader Group originally did. Ray stated that he doesn't want to change the plan in any way. Alex agreed with Harvey that conversation should happen as a group. Alex stated that we could invite the Nader Group in to have an abbreviated discussion with the Council and we could have a resolution to go forward if we are in agreement with the next phase. Councilwoman Franco thought this was a good idea and stated that we all could benefit from a refresher. Alex would like to have the meeting with the architect in person, but Tom Collins stated that there is a strong possibility that physical meetings with continue to have a very tight limit on gatherings, which will most likely result in the continuance of virtual meetings. After some discussion, the Council agreed to have a meeting on June 1 with the architect. Harvey asked if the meeting is without the subcommittee. Alex stated that the Council needs to decide what will happen with the subcommittee. Harvey stated that this meeting is very important and should include the subcommittee. Cris Franco says it is important for Ray and Jack to be brought up to speed. Jack would like to have a full set of the plan. The Council decided to have an executive from 6:30-7, and the regular meeting would start at 7. We will have the audit first and then a discussion with the architect.

Mayor Rubenstein stated that we need to have a discussion on the Building Subcommittee - Jack asked why the building subcommittee was created. Alex summarized the reasons why it was created, the process it went through, and presented a report with their recommendation. Alex feels the group was extremely valuable and did a great job. He would suggest that possibly a smaller group is formed to be used as reference tool. Cris said that a smaller group could look at different aspects of the project going forward, concentrating on cost, etc. Ray Bonker said that he came to his conclusion because of the work that the subcommittee did and he highly commends them. He thought Cris's idea of bringing in select people from the group, possibly individually, for assistance when needed. Harvey stated that he feels the committee could still be extremely valuable especially in the next few meetings. Harvey stated that the committee should continue to exist. Cris stated that there is nothing preventing any of the members, who are taxpayers of the town, can listen to the meeting and comment at public participation. RB stated that the Nader group presented in front of the subcommittee in June 2019. Ray stated that there isn't a reason to have the committee go over it again. Ray said it is time for the Council to stand up now and make a decision. Harvey stated that the Council and the subcommittee were given additional information by GBA that could result in asking more questions to the Nader Group. Jack doesn't have a problem with have the building committee participate. Joe stated that the building subcommittee has done a great job and we decided to make this a very transparent process and feels they should be included. Alex stated that we can include them, but the main purpose of the meeting is to recap the presentation for the Council.

#### FUTURE AGENDA DISCUSSION ITEMS

- Harvey would like to challenge the Council as to what we might want to change in Zoning as it relates to businesses with the changes we are facing with the outcome of COVID19. He would like to allow a fast track process to allow patios and decks, and possibly waive fees. We need to think of ways to allow the businesses to function. Alex asked if someone had brought this to Harvey. Harvey said no one in particular. Tom said there are two problems with changing it in zoning. Once we make a change, it isn't temporary. Another issue is the changes we may have to make will take time to get an ordinance prepared and approved. Some towns are using special use permits. It allows it under special use conditions, not permanently. It is useful for outside dining on the ground. We could consider special use for particular restaurants, done at a Council meeting, with conditions given. Tom recommends involving the Township Engineer, Zoning Officer and Fire Official. Retail establishments could be allowed to have an outside cash register and spread out their goods - which could be a special use. Another use could be allowing cars to pull up curb side, marked off with cones, so they can text the retail establishment and pick up their goods. Any special use permits would be subject to the executive orders. Harvey said that we should try to make it as simple as possible.
- Harvey asked for a letter to the governor to allow drinks to be made to go along with take out order. Joe said a law was just passed for that.
- Path to Progress - He would like to Council to relook at this and talk about revenue, consolidation, etc. He would like to pass another resolution and he offered to write it. Ray said there is a time and place for this but in the middle of this fire storm, he doesn't feel it would be worth anything now. Harvey said now is the time that the

government should be taking action. Cris Franco was not familiar with it and Alex offered to send her a summary report.

- Ray would like to hear the plan at the next meeting about getting our municipal building back open. It would be good to share this info with the public. Joe says that he can speak on it now. We have done some changes for when the public is allowed in. We did some reconfiguring, added plexiglass, and changed the construction department access, among other things. We are working on a plan to bring the employees back, and he plans to have all employees working out of the municipal building on June 1. With the staff back in, Joe will need to develop a policy over the next week to address the CDC guidelines. Joe will wait for further direction from the governor as to the opening of the municipal building. It is a living process, and we hope to get back to normal as quickly as possible--both for our municipal complex and our businesses. Ray thanked Joe for the update.

### PUBLIC PARTICIPATION II

Scott Olson, 194 Glenside Trail, wished Tom Collins a belated Happy Birthday. He applauded the Council for the decision on the building. He thinks we made the right decision to keep the municipal building at this site. He also thought it was important to get Ray and Jack up to speed. It's important to get them all the documents that the other members have had. Scott said that the public should continue to be involved, and he plans on making comments along the way and being actively involved.

Annelise Tartell, 69 North Shore Road, thanked Alex for the help he has given her. She stated that Sussex and Warren has not been counted in. She made a decision not to apply for the waiver to be allowed to stay open for essential workers. The rules and regulations didn't come out until April 6. If she would have had that information at the time she had to make the decision on the waiver, she would have applied for the waiver. She found out that she has 64 children who have parents who are essential workers. Annelise applied on May 6 for a special waiver. Now she found out that they are not issuing any more waivers. She has contacted all of our legislators. Alex asked if she knows the percent of daycares open vs. closed. Alex encouraged Annelise to tell any other daycares that are not open to contact their Mayors and urge them to contact the Governor's office. Anneliese would appreciate any help that the Mayor and Council can give.

Scott Yappen, 5 Catherine Terrace, said he was surprised that the committee wasn't allowed to speak when the council discussed the municipal building project and voted to terminate discussions with GBA. Ray Bonker stated that he has made public comment at recent meetings that he wanted to discuss the project and at the last meeting he asked for it to be on the March 19<sup>th</sup> meeting. It has been advertised in accordance with the law. Ray said that we voted 3 to 1 to move forward. Scott Yappen stated that he appreciated Cris Franco's participation in the building subcommittee. He wanted to hear why she voted for terminating negotiations with GBA. She stated that she doesn't feel it is in the best interest to have the municipal building at Byram Plaza. She didn't like the set up of the space. There was one window in the police department, and she stated that you would be putting police officers in closets. She said that retail is different than office space. The space was bigger than we needed. Cris stated that the Nader group's plan reflected an office environment and not a retail environment. Cris felt that the path that we are on with the Nader Group was the right process. Scott Yappen stated that Harvey said the Nader plans were very nebulous, and he feels that is what several of the building committee members thought. Scott stated that the Council should do their due diligence now. Harvey stated that at this point in time we should have much more detail. They need to prove to us that they can deliver what the proposal says.

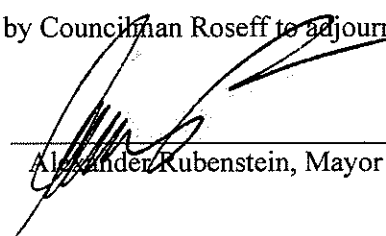
Carlos Luaces, 7 Johnson Blvd., stated that for \$50,000 the Nader Group did not provide architectural plans, schematics, or other pertinent plans, and there isn't anything except a basic floor plan to review. The Nader Group didn't provide pricing on a lot of the items--on a \$5.5 million estimate. Carlos stated that too many variables that are left open. The Mayor said they were hired to help guide the subcommittee and council through the analysis, and they gave us exactly what we asked them for.

Motion by Councilman Bonker, second by Councilman Gallagher to close to the public. All members were in favor.

Councilman Bonker stated that at our last meeting we agreed to extend the grace period and asked where we are at with collections. Joe stated that we are at the same place as May 2019 with collections on the last day of the grace period. Numbers are final yet, and he will share more information with the Council when he gets the numbers from Ashleigh.

**ADJOURNMENT** – Motion by Councilwoman Franco, second by Councilman Roseff to adjourn at 11:12 pm. All members in favor. Motion carried.

  
Doris Flynn, Municipal Clerk

  
Alexander Rubenstein, Mayor