

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING -JUNE 1, 2020
EXECUTIVE SESSION – 6:30 P.M.
REGULAR SESSION – 7:00 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
- Forest Lakes Drive
- c. Contract Negotiations

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 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on June 1, 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 7:00 pm.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA - Motion by Councilman Bonker, seconded by Councilman Gallagher to approve the agenda. Harvey Roseff asked if we would be opening to the public after the presentation by the Nader Group for comments and Alex stated yes. All members in favor. Motion carried.

PRESENTATION OF THE 2019 AUDIT - Ray Sarinelli, Jr., Township Auditor, was on the call to present the audit along with Byram CFO Ashleigh Frueholz.

Ray stated that the Byram audit shows that the Township is in very good shape. The Current operating fund closed at \$3,255,000, which was an increase of \$528,000. We have a strong, stable fund balance. Since the last recession, there has been a lot of planning up to this point. Trust funds operated normally. We have a strong storm recovery fund which can be used for COVID 19 emergency. Sewer utility operated very well, ending with a fund balance of \$651,855. We ended 2019 very strong which is where we would want to be. The Correction Action plan has only one comment, which is a common recommendation at many smaller townships, which is segregation of duties. Nisivoccia did a very thorough audit process, and Ray commented on the great job by Byram’s CFO Ashleigh Frueholz for always dotting her I’s and crossing her T’s in her everyday operations.

Joe stated that the increase in fund balance was credited to a few one-time events. Harvey asked what Joe anticipates happening with the interest income. Joe said we are anticipating a significant reduction in interest income. We were spot

on with tax collection compared to last year, at about 94%. Joe said we will see shortfalls across the board, especially in construction and court. Ray Bonker said in the audit there is a 3-year comparison of our tax collection rate for 2017, 2018 and 2019, varying from 97.98%-98.14%. Ray asked how does Byram compared to other towns based on Ray Sarinelli's experience. Sarinelli said that it appears other towns around our size are averaging approximately 98% also. Ray Bonker stated that he had a conversation with Ray Sarinelli about Byram's bond rating, which is AA+, and asked if we could get to a AAA rating. Ray stated that based on our demographics, AA+ is probably the best we could get, which is still very good. The towns that have AAA ratings have worldwide headquarters of major corporations. Regarding our net debt, Ray Bonker asked how our debt ratio, which is .305% compares to other towns. Ray Sarinelli stated that by law you are allowed to carry is 3.5% and stated that Byram is on the lower side of average in townships in northwest towns. He suggested that the average is probably .5%.

Ashleigh thanked Ray and his staff for being available throughout the year and stated that they are very responsive.

- Resolution No. 086-2020 – Governing Body Certification of the Annual Audit

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

- Resolution No. 087-2020 – Corrective Action Plan for the 2019 Audit

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

PRESENTATION BY NADER GROUP - Wassim Nader introduced himself. He summarized what the Nader Group was tasked with when they were hired:

- The Nader Group was retained to assess the need for a municipal building
- Investigate locations of a municipal building.
- In 2019, they were looking at the mortar building and shed building. They also looked at Open Space portion of the Byram School and the Fire House. They narrowed it down to look at Byram School and the current location.
- It was narrowed down further to just concentrate on the mortar and shed building, and Wassim outlined the reasons why the school location was ruled out.
- It was determined that the existing foundation of the shed building was not suitable to be used, and Wassim outlined the reasons why. They focused on maintaining the mortar building. The Nader Group did examine the walls of the mortar building, and it was uncovered that the walls were hollow.
- Reviewed what an essential building is, which is needed for a police department.
- In order to refine the estimate and be as close as possible to the real number, they need to advance the plans to get to the next level which is 1b - 65% of completion. This would tie down loose ends and enable them to determine where they are with the cost of construction. This is also the time when they apply for NJDEP permits.
- Once these plans are approved, they would move to the next step which would be construction documents, which is Phase 2.

Jack Gallagher asked if Council members have been to see any of the buildings that the Nader Group designed. Alex had visited Blairstown, which was done by the Nader Group. Jack asked who made the decision to go with the 1C site plan. Alex stated that the subcommittee recommended going with 1C. Jack asked if the Nader Group spent a lot of time with the subcommittee, and Alex stated that the Nader Group attended several of the subcommittee meetings throughout 2019. Jack asked what will be in the design development documents that will give us some sound information. Alex reviewed the proposal covering 1b. Wassim said that there would be a site plan, HVAC, roof line, DD's, floor design, roof design, everything but fit and finish. Harvey asked if we get that as a computer file. Wassim stated that they usually keep the CAD file in house, he can provide electronic files but we won't be able to manipulate the drawings. When the project is complete, they will provide us a CAD CD, without the layers. Jack asked about the timeframe to complete Phase 1B and was told it will take 10 weeks. Joe stated that it would include all the geotechnical and permitting, and if we only authorize a portion of it, it may take less time. Jack didn't think we needed the geo and permitting now. Wassim stated the importance of doing the geotechnical now because it provides structural information.

Joe talked about a way to do a portion of 1b to tighten up the floor plan and get us to a much tighter number.

Harvey said that Wassim sat in on the GBA proposal and asked if he learned anything from that proposal. Jack asked if the Council ever gave the Nader Group a budget to work with. Alex stated no. Cris stated that Nader was told that \$7 million was way too much to spend. Harvey stated that Wassim used the term one step above contractor grade when he described what the building would be constructed out of, and asked Wassim to define what that is. Contractor grade is the minimum you need to meet code. The Nader Group may recommend different upgrades for different reasons which would be determined when the project evolved.

Jack asked how the estimates on the Nader Group's projects in Blairstown and Washington Township compared to the actual bid results. Wassim said that the accepted bid came within his estimate and the township's budget.

Ray Bonker asked if Wassim can modify 1b to give us a document that would meet the higher level of detail that the Council is looking for.

If we are looking to do Design Documents (DD) to get a better estimate, he can do that. It isn't mandatory to have preliminary site plans along with the DD, it is complimentary. When the DD becomes real, they can then move to permitting. Wassim stated that the geotechnical should be done when doing the DD, because important information regarding footings will be discovered. Ray Bonker broke it down to \$72,500 which would be for DD and geotechnical.

Harvey Roseff doesn't understand why we can't get more detail as to what type of flooring or windows we could be getting. He stated that this is the 3rd time he is asking what is the quality of the construction that equates to \$5.5 million. Alex stated that the whole point behind 1B is to answer the questions that Harvey is asking.

Karen Wenschhof of the Nader Group stated that the design is the process in which you make decisions. You do tradeoffs to get to the desire of the Township. Byram wanted a certain functionality and asked Nader how to get there.

Open to public.

- Skip Danielson, Hunter Lane, stated that the presentation tonight has been spot on, and he stated that we need to move forward.
- Scott Yappen, asked who will be doing the estimating during the DD stage--the Nader Group or a 3rd party. Wassim stated that his company would do the estimating at this point. Alex stated that the Township has considered in the past hiring a separate estimator. This option is still open but they may do this at a later stage.

Alex read a letter that Scott Yappen sent in at 6:39 p.m.

The co-signatories to this letter represent the majority of the Byram Municipal Building Sub-Committee ("Majority"). The Sub-Committee is a volunteer group of professionals who provide Byram with guidance related to design, cost estimating, construction and related risk mitigation advisement to help steer Byram towards an optimal, cost effective solution...and away from potential pitfalls. Since 2018, the entire Sub-Committee has worked diligently to find an optimal Municipal/Police building solution at the lowest possible cost to our taxpayers. In response to recent public comments by Byram Township Council members about the Sub-Committee's positions, and due to the scheduled June 1st vote to approve another \$65,000 in expenditures, the Majority felt it appropriate to comment.

Prior to the sub-committee, Byram attempted to bond \$10.4M and \$7.4M. Byram citizens prevented this via petitions in 2016 and 2017. Since the Sub-Committee began, more cost-effective alternatives have been discovered. See graph below related to Byram. Other non-Byram projects were also reviewed.

The Majority considers total cost to be highest priority. We have stated publicly on multiple occasions that it is imperative to set and communicate a maximum project budget cost, and that our professional engineers must be accountable to achieve that budget. Byram has not defined a budget for The Nader Group (TNG) to date. In fact, TNG has defined the budget @\$5-5.5M in the minds of some. Not to us.

If TNG is awarded "Design Development" @ \$65,000, we believe **Byram must communicate a maximum allowable project budget to TNG.** The Majority believes sufficient data exists to determine a budget from projects reviewed up to, and including, the Gordon Byram Associates (GBA) alternative. With GBA, for example, we learned it's possible to construct per the "program" design and footprint @ roughly \$1.97M (<\$150/sq ft). That total cost with ownership was \$4.5M. We also learned that options exist to value engineer the "program" to achieve reduced square footage and savings. Based upon the above, and since Byram already owns the Mansfield site, the **Majority believes that a reasonable target budget range is \$4-4.5M, inclusive of 100% hard and soft costs as well as prevailing wage.**

Furthermore, Byram must demand that TNG's design plans/drawings/specs are sufficiently detailed to enable a Construction Manager or other to accurately estimate total project cost. **The cost estimates should be within 5% of the budget range.** With clear budget communication, detailed engineering design, and accurate cost estimation, we can deliver a quality, cost effective project for Byram Township and our taxpayers.

Respectfully,

Carlos Luaces, Mike Pellek, Don Robbins, David Romano, Larry Rotter, Scott Yappen

The Council members received an email from Eric Serrilli in response to Scott Yappen's letter. Alex read the email:

Well, I'm gonna break the rules here and respond to all.

I was not aware of this letter, do not agree with much of this letter's content, do not agree that it was appropriate to send without the entire committee's discussion, and since we started with 16 members who are all signatories to our report, I'm not sure how 6 people are considered a majority.

Eric P. Serrilli

Councilman Bonker would like it stated in the record that the letter is not a work product of the Building Subcommittee, but a product of the 6 people's names only who are on the letter. Alex and Cris agreed with Ray's statement. Harvey said that the subcommittee has not been allowed to meet so they wouldn't have been able to get together with the entire building subcommittee.

Cris stated that although 6 members signed on to this letter, there were several other members that were not even contacted to see if they agreed with the letter and wanted it sent.

Larry Rotter, 80 Tamarack Road, stated that he is one of the people that signed the letter, and he agrees with everything that was written. He stated that there are environmental concerns that haven't been investigated and could result in the costs escalating tremendously.

Jack Moran, 7 East Waterloo, questioned the necessity of an essential building for the police department since there will not be a jail. Alex stated that it needs to be an essential building because it is a police building. Wassim is not aware of any type waivers that could be granted because it needs to meet code. Jack asked about fire suppression, a well, and stormwater and asked if these items were incorporated into the \$5.5 million. Wassim stated that the building does not require a sprinkler system. They did estimate \$20,000 for a new well, but it was not part of the \$5.5 million. Jack agreed with Scott Yappen's letter and felt a budget needs to be given to the Nader Group.

John Morytko, Chair of the Building Subcommittee, stated that he hasn't concentrated on the \$5.5 million number. We need more information in order to get a more definitive number. John stated that the subcommittee always had a desire to have a smaller number but a number was never defined. The entire point in moving forward is to get a stronger estimate and clearer picture. Personally, he believes we should move forward.

Carlos Luaces, 7 Johnson Blvd., stated that since there are 11 members now of the committee, 6 is a majority. Carlos offered suggestions to reduce the cost with regard to circulation. He stated that it should be primarily an open floor plan. He also stated that the Council should give the Nader Group a budget.

Scott Olson, 194 Glenside Trail, totally supports moving this project forward. Many of the questions would be answered once the Council authorizes 1B. Scott stated that a small minority has been putting up roadblocks and the time to move forward is now.

Carlos Luaces, 7 Johnson Blvd., stated that he hasn't done anything to delay the municipal building process, but he recommended that we give Nader a budget to design to.

Mike Pellek, 2 Lee Hill Road, stated that nothing should be taken personally regarding comments from the building subcommittee to the Council--everyone is trying to do the best thing for Byram Township. He feels the building subcommittee has worked very hard and would like people to still talk together. He suggested putting the brakes on and examine what is happening with local, state and federal with regard to the economy and how it is affecting the budget. He stated that we should look at what 1B didn't include. Mike stated that tonight the Nader Group stated that many clients give a budget to start with. Mike stated that we can do the project in phases, and start with the PD first. He asked what will happen with the building subcommittee. Alex stated that he feels the subcommittee did what was asked of them. Alex doesn't know what the direction of the subcommittee will be. Mike would like to continue volunteering in any capacity on the building project.

The Mayor closed to the public.

- Resolution No. 088-2020 – Resolution Authorizing the Nader Group to Continue with Design Development - Motion by Councilman Bonker, second by Councilwoman Franco that in addition to the Design Development Plans for \$65,000, add \$7,500 for Geotechnical for a total of \$72,500. There was a

discussion among the Council as to the necessity of doing geotechnical now. Jack Gallagher is ok with the \$65,000 that was written into the resolution, but doesn't want to go higher and asked Wassim if he would accept \$65,000 for both DD and geotechnical. Wassim stated that most of the \$7,500 goes to the contractor who comes to the site to do the borings and also the laboratory work. Harvey Roseff stated that he wants the CD files with all the layers and pictures with the deliverables of IB. This was discussed among the Councilmembers, and Alex reminded Wassim that this was asked during the interview process and Wassim agreed to it. After talking this through, Wassim agreed that he will submit the CD files as long as the Township gives a release from the Township to allow them to withdraw as an architect. Tom Collins dictated a sentence to add to the resolution to cover this. Jack stated that he doesn't like spending the money but he knows we need to go to IB to get a more defined cost and analyze it.

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

MANAGER AND COUNCIL REPORTS

Township Manager Joe Sabatini - As a result of the last meeting, the Council implemented a special permit to give relief to businesses to allow them to operate with - get Joe's notes.

Mayor Rubenstein - Planning Board meeting has been cancelled this week.

Councilman Bonker - Open Space meeting will be on June 8, 2020 to review the final draft of the PRP plan. Ray is very impressed with the document and is looking forward to the presentation to the Council on June 16. Ray is happy to point out that today was the first day that the entire staff came back to the office.

Councilwoman Franco -

Councilman Gallagher - FD is still responding to calls, although they haven't had meetings. Recreation Committee meeting is June 15.

Councilman Roseff - Happy to see that we acted quite quickly to provide a process. Harvey attended a rally of business owners in Randolph. There were about one dozen speakers consisting of officials from Sussex and Morris County. Harvey said we have to start opening up small businesses.

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.

Shannon Mahoney, 175 Glenside Trail, asked that the Council consider changing the ordinance on having chickens. ¼ acre - 8 chickens - hens not roosters. ½ acre - 16 chickens. She has had the chickens for 3 years and is asking the Council to look into this. Alex would need to insure that the chickens do not infringe on someone else's property. She said that she knows someone in Vernon and Newton that have chickens. We can look at those ordinances. The Council was in favor or investigating this further and would consider a change to the present ordinance.

Scott Olson, 194 Glenside Trail, stated that when he was on the Council he worked on a draft chicken ordinance and he will forward the draft to the Council. He would be supportive of this ordinance.

Skip Danielson, 18 Hunters Lane, stated his support of reducing the acreage size to allow chickens. He also stated that he thought the discussion that took place regarding the resolution authorizing the Nader Group to move forward.

Jack Moran, 7 East Waterloo Road, asked about Natural gas. Elizabethtown Gas has contacted Byram because they want to extend their gas line into Byram in the East Shore Trail area. Tom Collins has started working with the attorney for Elizabethtown Gas. He asked if Verizon will be coming to a meeting. Alex will contact Verizon and get them on the calendar. Joe stated that staff has been working with ISO but we are dependent on some other groups coming to the table.

Larry Rotter, 80 Tamarack Rd., asked about the potholes on Forest Lakes Drive. He asked if there was any way that we could get the residents of Byram to vote on the Byram Board of Education budget. If the BOE election was moved back to April people could vote on their budget. When the BOE moved to November, the law changed and the public didn't vote if the increase did not go over 2%.

Jeanne Moran, 7 East Waterloo, stated that there were issues with chickens when Ron Gatti was the Township Manager because chickens were roaming the neighborhood. Jeanne questioned the budget process for the schools.

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

APPROVAL OF MINUTES

- Motion by Councilman Bonker, second by Councilwoman Franco to approve the May 19, 2020 Regular & Closed Meeting Minutes - Page 7, 4th paragraph change word from minutes to meetings - Amended the motion.

	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: These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda. Motion by CF, second by RB - Harvey asked what happened to the Police pick up truck. The new chief gave it to the detective to use. Jack asked if we need another admin vehicle. This new vehicle will go Chief Burke. Joe explained the replacement schedule for police vehicles.

- Resolution No. 084-2020 – Authorization to Purchase salters & Associated Accessories Under the Sourcewell National Cooperative Purchasing System for Budget Year 2020 – Not to Exceed \$20,934.50
- Resolution No. 085-2020 – Authorize the Purchase of One (1) 2020 Dodge Durango Pursuit AWD with Optional Equipment for the Township of Byram Police Department – Not to Exceed \$29,294.00

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

APPROVAL OF JUNE 1, 2020 BILL LIST - Motion by Councilman Gallagher, second by Councilman Roseff to approve the bill list.

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

FUTURE AGENDA ITEMS - Alex will contact Verizon.

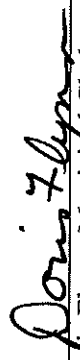
PUBLIC PARTICIPATION II

Jeanne Moran, 7 East Waterloo Rd., asked what the Council thinks about the effects of the pandemic on the municipal budget. Alex stated that he feels we have to keep the process moving. He feels it is too early to know the long term effects of the pandemic. So far, there hasn't been any measurable difference in tax collection this year compared to last year. Future quarters may be affected but we won't know until we get there. There is a long way to go before we make a decision whether to move forward on the building once we have the results from 1B. Ray Bonker stated that as a result of the pandemic we have extremely low interest rates and contractors could be hungry for work and bids could come in favorably if we decide to move forward. Cris stated that if there was financial collapse the Council would take the action necessary at the time.

Skip Danielson, 18 Hunters Lane, stated that on June 10 his son would have been 54 years old. He is hoping that the Judge's decision is upheld.

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

ADJOURNMENT – Motion by Councilman Bonker, second by Councilman Roseff to adjourn at 10:55 pm. All members in favor. Motion carried.


Doris Flynn, Municipal Clerk


Alexander Rubenstein, Mayor