

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - JULY 6, 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 6:33 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, absent; 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. Attorney Client Privilege Communication
 - General
 - Property Maintenance – Block 220 Lot 25 & Block 336 Lot 23
 - Forest Lakes Drive Update
 - SHBP grievance update

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- Motion by Councilman Bonker, second by Councilwoman Franco

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

Certification: I certify that the Byram Township Council adopted the above resolution on July 6, 2020.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - The Mayor stated that the Council meeting was called to order at 6:33 p.m. at which time the Council went into executive session. The Mayor reopened the meeting at 7:30 pm.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA - Motion by Councilman Roseff, seconded by Councilwoman Franco to approve the agenda. All members in favor. Motion carried.

MANAGER AND COUNCIL REPORTS

Township Manager Joe Sabatini - In accordance with Chapter 48, the Manager appointed Phil Crosson as special officer Class II from July 1, 2020 to December 31, 2020.

Mayor Rubenstein

- Alex reported that Stonewood Tavern submitted a change to their special use permit to allow additional outside seating, which the Zoning Officer reviewed and approved.
- Alex has been talking with the Freeholders regarding a Resolution to the governor to treat rural counties differently than urban counties to enable additional businesses to open. Sussex County may join forces with Warren and Hunterdon.
- The Planning Board had a virtual meeting via zoom on July 2 and approved an application for a swimming pool.
- On June 23 Alex met with Todd Rudloff regarding the FD’s request for a new fire truck. Alex asked for some additional data, and when he receives it, he will share with the Council.
- Alex stated that he just found out the Lakeland Emergency Squad is doing mutual aid with Blue Ridge Emergency Squad.

Councilman Bonker - Was asked by the Mayor to fill in for him as Deputy Mayor for a meeting a few weeks back with a company that is looking to invest in our town. This is the second meeting this year that Ray has had the privilege to attend of this nature. As Ray has said many times, we need to promote the development of the 2% of Byram which can still be developed, along Route 206. The other 98% of Byram can also provide benefits to our town through the economic development plan within the new Open Space documents currently sitting with the Planning Board for inclusion in our Master Plan.

Councilwoman Franco - Reminded everyone that tomorrow is Election Day for New Jersey Primaries. Governor Murphy signed Executive Order 144 that our primary election is a mail-in ballot only, except that a visually impaired voter may vote on an ADA-accessible voting machine. If you prefer not to mail your ballot, you can bring it to the Board of Elections office in Newton, NJ. Cris brought hers in this morning, and it was very simple, and she feels confident that her ballot made it to its destination.

Councilman Roseff - The EC met last week. They received an ANJEC Grant for the identification of invasive species. Targeting August 22 as the first meeting. The other 2 meetings will be in September and October.

Attorney Collins - The State enacted a local permit extension act similar to the extension given in the last recession. He will keep us updated.

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 and opened to the public.

Jeanne Moran, 7 E. Waterloo Road, stated that Byram Township is the only polling place open in Byram for the Primary Election.

Kerri Luaces, 7 Johnson Blvd., looking for an update on 10 Johnson Blvd. and 367 Amity Road. Joe provided an update received from the attorney handling the case, which summarized 3 matters. Joe read sections from Special Counsel Megan Ward's letter:

- *Complaints by Zoning Officer regarding alleged violations of the property maintenance and zoning codes – these were returned from Wantage to the Ogdensburg court. A first appearance has been scheduled and rescheduled numerous times but did not occur most recently due to the court shut down. The municipal court appointed a public defender to represent Mr. Alvarez. Discovery on the charges has been provided to his lawyer. Judge Gavan has conducted 3 virtual case management conferences, most recently on June 25. The prosecutor, Mr. Alvarez's public defender and I have participated. It is Judge Gavan's intention to schedule these matters as soon as the Administrative Office of the Courts authorizes live municipal court sessions, which is anticipated to be in July. The Judge and other 2 attorneys concur that a virtual hearing would not be appropriate. At the court date Judge Gavan will conduct first appearances and then immediately commence trial of the complaints filed by the Zoning Officer, meaning that we will be present and ready to proceed to trial at that time.*
- *2020 complaints – It is my understanding that the in-person first appearances will include the more recent charges filed by Det. Tierney and that trial will follow trial of the property maintenance and zoning matters. To the best of my knowledge Prosecutor McMeen has provided the discovery to Mr. Alvarez's lawyer.*

Joe Sabatini also informed the neighbors that due to recent complaints the Sussex County Health Department inspected 10 Johnson Blvd. and issued 2 additional summons addressing the public health nuisance issues. The Zoning Officer also inspected the site and took additional photos and provided them to Attorney Ward.

Dave Reamer, 6 Johnson Blvd. asked for an update on the harassment charges for 10 Johnson Blvd. Joe read the section of Megan's letter that addressed this:

- *October 30, 2019 sentencing Order – Mr. Alvarez filed an appeal of the sentence in the Superior Court. It was scheduled to be heard on 04/24/2020. The courts were shut down prior to that due to the covid-19 pandemic and have not reopened. The current expectation is that in-person court appearances (including trials) will not take place before 2021. Since an appeal is based on the transcript of the municipal court proceeding and legal briefs it is possible that the Court will have it proceed virtually. I am not aware that a determination on that has been made yet. The plenary hearing on the request to lift the stay of the jail sentences based upon alleged violations of the conditions of the 10/31/2019 Order is likewise stayed and will not be addressed until the appeal is done.*

Jack Moran, 7 E. Waterloo Rd., asked for updates on NJ Natural Gas and Altese. Alex stated that there hasn't been any action. He also asked about Energy Aggregation. Joe stated that JCP&L will not provide the data that is needed until the Township adopts the ordinance. The Council has to decide if they want to bring in the energy aggregator to go over the process. If so, we will have them at a meeting and decide whether we are moving forward. Jack asked about Verizon. Verizon is ready to come in but we just have to set a date with the Council.

Richmond Salmon, 36 River Road, stated that there is construction on Route 206 and Ash Way and asked what was going on there. Alex stated that it is actually Stanhope Borough. There was an approval at the Stanhope Planning Board last year given to a developer for a gas station and convenience store. We were concerned with drainage, site distance and lighting, and we had engaged our engineer to be involved as the development moves forward.

APPROVAL OF MINUTES

- Motion by Councilwoman Franco, second by Council to approve the June 16, 2020 Regular & Closed Meeting Minutes

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

- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the Special Meeting Minutes from June 29, 2020

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

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.

- A. Resolution No. 100-2020 – Resolution Authorizing the Acceptance of a 2020 Grant from the Association of New Jersey Environmental Commissions in the Amount of \$1,450.00
- B. Resolution No. 101-2020 – Resolution Authorizing the Renewal of Liquor License to Tomahawk Lake Inc., Trading as Tomahawk Lake, Valid from 10/1/2020 Through 6/30/2021
- C. Resolution No. 102-2020 – Resolution Authorizing the Renewal of Liquor License to The Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon, Valid from 10/1/2020 Through 6/30/2021
- D. Resolution No. 103-2020 – Resolution Authorizing the Renewal of Liquor License to Venture Two LLC Valid from 10/1/2020 Through 6/30/2021
- E. Resolution No. 104-2020 – Resolution Authorizing the Renewal of Liquor License to Byram Beverage, Inc. Valid from 10/1/2020 Through 6/30/2021
- F. Resolution No. 105-2020 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – 126 Lackawanna Drive, Block 273 Lot 306
- G. Resolution No. 106-2020 – Confirming the Redemption of TTL #2019-004 – 125 Lackawanna Drive, Block 228 Lot 306
- H. Resolution No. 107-2020 – Confirmation of Redemption of TTL # 2015-004 – Waterloo Road, Block 103 Lot 397
- I. Resolution No. 108-2020 – Chapter 159 – 2020 Clean Communities Grant
- J. Resolution No. 109-2020 – Resolution for Removal of Deer Carcass from Byram Township Municipal Roadways
- K. Resolution No. 110-2020 – Chapter 159 – ANJEC – 2020 Open Space Stewardship Project
- L. Resolution No. 111-2020 – Resolution Authorizing the Execution of a Mutual Aid and Assistance Agreement with the County of Sussex
- M. Resolution No. 112-2020 – Approval to Submit a Grant Application and Executive Grant Contract with the New Jersey Department of Transportation for the Fieldstone Trail Improvement Project

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

APPROVAL OF JULY 6, 2020 BILL LIST - Motion by Councilwoman Franco, second by Councilman Bonker 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
No					
Abstain					
Absent			x		

- **ORDINANCE – 2nd Reading / Public Hearing**

Ordinance No. 006-2020 - An Ordinance Amending Chapter 87 Entitled “Animals” of The Township of Byram Code to Add a New Section 87.20 Entitled “Up to Five (5) Chickens on Single Family Residential Lots” to Allow and Regulate the Keeping of Up to Five (5) Female Chickens on any Single-Family Residential Lot

Purpose Statement: This ordinance amends Chapter 87 entitled “Animals” by adding Section 87.20 entitled “Up to Five Chickens on Residential Lots” to allow and regulate the keeping of up to five (5) female chickens on any residential lots in Byram Township.

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

Comments from Councilman Bonker:

At our June 16th Council meeting we introduced an ordinance to extend the keeping of female chickens to lots of less than 5 acres. This issue was brought to the attention of the Council by one of our residents, Shannon Mahoney, who has kept chickens on her property in town for the past 3 years. She has been technically in violation of our code for these past 3 years. She has spoken at a past Council meeting, made phone calls to Council members, circulated a petition, and produced research for us to consider regarding how other NJ towns are handling this issue. Regardless of anyone’s position on this particular issue, I want to commend Shannon’s approach to petitioning the government for change. What she is doing is one of our fundamental rights as a people, and in particular I want to thank you Shannon for doing it in a civil manner.

Now, specifically to Ordinance 006-2020. I have read the research provided by Shannon. I have also read the commentary provided by the opponents of this ordinance. I have read the materials from 2013 when a past Council considered a similar Ordinance but did not proceed with it. I can respect the opinions on all sides, but ultimately it is the responsibility of the Council to decide. I will vote to accept the Ordinance, but I join with both past and present Council members in asking that it be reviewed by the Planning Board before the Council finally adopts it. I need to be precise in why I am asking for Planning Board review. It is often the case when a controversial issue arises that a legislative body will send the issue to a sub-committee for it to die a slow, miserable and obscure death. That is NOT what I am seeking. I am explicitly saying in public, right now, that I want this ordinance to pass, and in a timely fashion. I have two specific reasons to ask for a brief Planning Board review.

- 1. I do not believe this Council has the same subject matter expertise as the Planning Board when it comes to the specific language in the ordinance. Dealing with lot set back regulations, the management of waste, and provisions for enforcement by a Zoning officer are all issues where the Planning Board has better expertise. We should leverage their expertise.*
- 2. Before I became a Council member, I spent 20 years on the Open Space sub-committee. The only time I ever got upset over those 20 years was when I thought the Council was not valuing the experience, expertise and advice it was receiving from their own all-volunteer subcommittees. I have spoken to some of the members of our Planning Board regarding this particular issue, and they would like to review it, but they cannot unless the Council gives them the opportunity. They should get that opportunity.*

I want to be clear about something else. It is the responsibility of the Council to set policies such as Ordinance 006-2020. I would ask that the Planning Board review the Ordinance with an eye to improving it. I am not asking for the Planning Board to make the decision as to whether we adopt this more permissive policy about keeping chickens. I am prepared to vote to make our policy more permissive. I want to respect private property rights. I want to encourage 4-H style animal husbandry activities. I want to acknowledge that we live in Sussex County with the motto of “People and Nature Together.” As I have often said, I have lived in Byram my whole life. As a kid, I had 3 rabbits in our backyard, and we lived on a small little lot. And until the bear ate all 3 of them one night, they lived outside, in an enclosure, in harmony with the neighbors for many years and it was a great part of growing up in Byram. Chickens should be the same experience.

I have listened to the opponents of this ordinance who have cited concerns about free-range chickens running around the neighborhood. This ordinance clearly states the hens must be in an enclosure “at all times.” I do not believe the concerns about avian flu rise to the level that should prevent this ordinance from being adopted. I do not believe that concerns about predatory animals should prevent this ordinance from

being adopted (although I still miss my 3 rabbits!) The only concern that the opponents raised that I do believe has some merit is the odor concern. The ordinance does address manure storage and disposal, and it does state that the Zoning officer will enforce it. Perhaps the Planning Board might add language to codify the process a neighbor would go through if they wish to lodge a formal odor complaint.

I believe a responsible hen owner should be able to keep some small number of hens on lots of less than 5 acres without impinging upon the rights of their neighbors to enjoy their own private property rights. Problems caused by irresponsible hen owners, such as odor, should be dealt with just like noise complaints or other unwelcome intrusions. They should not be used a priori to deny the opportunity for some members of our town to keep hens on less than 5 acres. I will vote to accept this ordinance, but first I ask that we briefly table the ordinance to give the Planning Board an opportunity to improve it, but not to kill it. I don't want citizens to have to go through a variance process. If we need to regulate chickens on parcels under 5 acres, we should do it with a light hand, not the classic dead hand of government. Yes, protect the neighbors, but yes, permit the hens.

Councilman Gallagher's Comments - Jack thinks sending this to the planning board is a good thing. On some of the smaller lots, Jack feels that 5 chickens may be too many.

The Mayor asked Tom Collins a question about any changes to the ordinance. Tom said that between 1st and 2nd reading there can't be any substantial change without reintroducing the ordinance and following the procedures. In this particular case, it could be provided to the Planning Board for an advisory review, but it is not legally required. It is the Council's job to decide whether to adopt an ordinance or not. The Council can continue the public hearing to a future meeting, or they could reintroduce the ordinance.

Comments from Councilwoman Franco:

At our June 16th Council meeting, we introduced an ordinance to extend the keeping of female chickens to lots of less than 5 acres. Councilman Roseff had thought that this ordinance should go before the Planning Board before the Council takes action. I agree with him.

Since our last meeting, we have had a lot of input from our residents, including news articles from other NJ towns proposing ordinances, many of which are much more detailed than what we have proposed. I have reviewed our proposed Ordinance and I believe we need to make several changes before we move forward with the approval of this Ordinance including the chapter being amended. Chickens should come under Livestock, rather than Animals, and we already have provisions for Site Plan Review for Standards for raising/harboring of livestock.

Chapter 215-56.2 provides standards for raising/harboring of livestock. Section B – Poultry (chickens, ducks, turkeys, geese and game birds such as pheasants and quail) describes the specific standards. B(1) provides calculations for bird units, starting at 32 bird units for one acre. Since many residential lots requesting to raise chickens for Home Agriculture are smaller than one acre, perhaps we can have a sliding scale for smaller lots. B(2) provides management recommendations for home flocks including specific applications for poultry manure. B(3) provides for specifications regarding fencing. The measurement for smaller lots would have to be adjusted (50 feet from neighboring property lines wouldn't be possible on a smaller lot). In the current climate with people worried about Coronavirus and future illnesses, lockdowns, etc., I can understand that residents would be interested in providing for their own food, and the convenience of fresh eggs outside of your back door sounds like a great solution. I would want our residents to be able to take advantage of that opportunity.

We have residents that have concerns regarding predatory animals. I would say that a family of rabbits would attract the same predators. We live in a county that is home to many animals – foxes, bears, deer, coyotes to name a few. We all need to respect nature and do our best to keep our community safe. We have residents complaining about the odor of manure – Our ordinance has specifications for containing waste so as not to be offensive to our neighbors. We have residents concerned about their neighbor's chickens roaming free in the neighborhood and causing a nuisance. Our ordinance addresses those concerns. I agree with Councilmen Roseff and Bonker that we should ask for review by the Planning Board. I think we need to adjust the Ordinance and consider the suggestions of the Planning Board before passing this Ordinance.

Also, we may want to create an Application for Backyard Chicken/Home Agriculture, so that residents are made aware of the ordinance and the rules therein. I am not suggesting a need to charge a fee for this permit; but it would be a good way to ensure the applicant understands the rules for this activity. I am in favor of passing the Ordinance to allow Chickens on Residential lots but would like to perfect the Ordinance before passing it.

Harvey Roseff's Comments: Harvey would like to see the Planning Board review this ordinance. He echoes a lot of the comments from Councilman Bonker and Councilwoman Franco. He does think we could relax the conditions that are stated in Chapter 215. Harvey stated that we do have some cluster communities and what works in one part of town may not work in another part. He feels if we are going to relax an ordinance, we should do it in the right way. The Planning Board can review it and provide us with their opinion and comments.

Mayor Rubenstein's Comments: Alex stated that he does respect the work that the Planning Board does, but we need to remember that it is the Council's job to set policy. He doesn't feel chickens are livestock. Alex spoke to several people on Glenside Trail that are located near the property that has the chickens and a few people didn't even know they existed. Alex asked the Council how they wanted to handle the residents that have already received violation notices for having chickens.

Joe said if that if we were going to give this to the Planning Board on July 16, the Council would need to give specific direction to the Planning Board in order to get immediate comments back.

Ray Bonker wants the Planning Board to narrowly review it and give feedback. Ray thinks the violations should be held until we hear any recommendations from the Planning Board and reintroduce the ordinance. Cris agreed and said that the people who had received violations should know that people are watching, and they should be mindful of noise and smell.

Mayor Rubenstein opened to the public.

Joseph VanFleet, 2 Bank Street, stated that he brought this up years ago when he was told to get rid of his chickens. People would not even know that chickens were in a yard with only 5. He encouraged the Council to move forward and pass the ordinance.

Harry Williams, 164 Glenside Trail, appreciated all the comments he has heard so far. He is in support of people who raise chickens on appropriate-sized properties. He feels we are not just relaxing the existing ordinance, but we are basically eliminating most of the restrictions. Sparta requires 2 acres, and Stanhope requires 5 acres. In the proposed ordinance, there is no lot size restriction. The set back is 40 feet from an adjacent dwelling, which is equal to 2 car lengths. He doesn't feel that 50 feet from lakes and streams is enough.

Amanda Beelitz, 167 Glenside Trail, agrees with the statements made by Harry Williams. She stated that Lake Mohawk has property in Sparta and Byram and Sparta has a 2-acre minimum. The houses are too close together to have chickens. The smell and noise are intrusive.

Anthony Coppolella, 231 Lackawanna Drive, stated that he did not feel 5 chickens were a lot and there should not be an odor if the owner is being responsible. It is the same as taking care of a dog.

Joanne Smith, 57 Lake Drive, felt that the ordinance should be written with more concrete details, such as lot size. If everyone on Lake Lackawanna had chickens, it would be crazy. She said that chickens attracts rats.

Jessie Barton, West Lake Drive, agrees with a lot of the comments. She said that she lives near Lubbers Run and she has concerns about the distance to the lake. She feels there needs to be more concrete details.

Amanda Beelitz, 167 Glenside Trail, asked if we have checked with Lake Mohawk Country Club because they have a lot of restrictions. Alex stated that homeowners that are governed by LMCC would need to check with them.

Scott Olson, 194 Glenside Trail, is in favor of having an ordinance to allow chickens. Scott investigated the area for smell and did not smell anything from chickens. He said that the smell could be coming from failed septic systems in the area. He has more concern about fertilizer running off into the lake and the dog waste on roads running into the lake. He thinks the Council should vote on this ordinance as presented. If the Council does send it to the Planning Board, Scott is on the board and he will support it.

Jack Moran, 7 E. Waterloo, thinks this ordinance should be sent to the Planning Board review. He doesn't feel we should handcuff the Planning Board in any way. Let them speak their mind. The Planning Board discussed it several years ago and did not want to change the existing ordinance. He feels a person should be required to report where they are getting the chickens from. There should be more enforcement. He stated that the Council should take the time to do this ordinance right.

Shannon Mahoney, 175 Glenside Trail, thanked Ray for acknowledging the work she has done. She said that some of the problems that she has heard this evening, falls on the owner. She said that sustainability is important to consider. Shannon feels the ordinance is clear and provides accountability. She hopes the ordinance gets passed.

Jeanne Moran, 7 E. Waterloo Road, is taken back by the acceptance of referring it to the Planning Board because at the previous Council meeting they did not express any interest. Jeanne provided a name of a contact from the State Agriculture Department. Lisa De Lambert did say that chickens are livestock and shouldn't be listed under animals. Alex informed Jeanne that he did contact Lisa and he will report on his discussion when he gives his comments. Jeanne talked about many of the surrounding towns and the requirement of a much larger lot size, except for Newton. She feels very strongly that we should keep it at a larger acreage. Jeanne asked if a person can get a variance to allow chickens on a

smaller lot under the present livestock ordinance. Jeanne does feel that if an ordinance is passed on chickens, there should be a requirement to show proof of origin of the chickens.

Carma Van Fleet, 2 Bank Street, stated that she lived in bigger cities than Byram Township with small acreage. In bigger cities, it is common to see 2-3 chickens per ¼ acre. In 2013, she had 5 chickens which they purchased from Tractor Supply. Two of them were roosters, and they got rid of them. Having chickens is a lot of work. She feels in the midst of this pandemic, people should be allowed to have chickens. She suggested 3 chickens maximum instead of 5.

Marie Raffay, 2 Lake Drive, stated that she was part of the ordinance writing in 2013. It was in response to citizens in the township who wanted to have chickens. She doesn't understand why we would send this to the Planning Board when it is not in the zoning section--it is not under the Planning Board's purview to review. She does think it is important to allow people to have chickens especially during the pandemic, because it provides food for their families. Marie encouraged the Council to pass this ordinance.

Scott Olson, 194 Glenside Trail, stated that the previous ordinance that was brought forward in 2013 had a permit requirement. He doesn't feel that the smell is obtrusive. Scott welcomes people to come up to Glenside Trail to see for themselves. He thinks the Council should pass this ordinance tonight. Scott does not think it should be referred to the Planning Board since it is not a land use ordinance.

The Mayor closed to the public.

Alex Rubenstein researched other towns throughout the State, and many towns allows chickens, including Newark. Alex talked with Lisa De Lambert at the State Agriculture Department. Alex shared our ordinance with her, and she thought our ordinance looked reasonable.

Ray Bonker would still like to carry the public hearing to a future meeting to allow the Planning Board to comment on it. Ray said that the Planning Board has subject matter expertise, and he would like their feedback.

Alex asked Tom Collins about the procedure, and Tom stated that the public hearing could be carried and continued at a future meeting. Ray amended his motion to carry the public hearing to the July 21 meeting at 7:30 pm and refer it to the Planning Board. Councilman Franco seconded the motion.

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

• **ORDINANCE - Introduction/1st Reading**

Ordinance Authorizing the Conveyance of a Bridge Easement to the County of Sussex of Part of Block 331, Tax Lot 2 And Part of Block 331, Tax Lot 6 for the Replacement and Maintenance of County Bridge C-09 Located in the Township of Byram, County of Sussex and State of New Jersey Located on North Shore Road

Purpose Statement: The purpose of this Ordinance is to convey a bridge easement of part of Block 331, Lot 2 and part of Block 331, Lot 6 to the County of Sussex for the replacement and maintenance of County Bridge C-09

Motion by Councilman Bonker, second by Councilwoman Franco to introduce the ordinance. Cris Franco asked for an explanation of the ordinance. The County is responsible for the bridges throughout the County. We received notice several years ago that they have to replace the bridge. As part of the repair, the County needs an easement to work on bridge which is located on property owned by Byram Township.

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

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 21st day of July, 2020 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.

DISCUSSION ITEMS

Future Township Council Meetings - Meetings in July and August should continue to be held virtually because we still have a substantial limitation on people allowed in the building. In August we can discuss what will happen in September, depending on any changes to the Executive Orders. Harvey asked if we could have a hybrid meeting. Tom is concerned about how many would show up because you can't limit the amount of people that can come to the meeting and right now the limit capacity is set at 24. The Council agreed to continue virtual meetings through August.

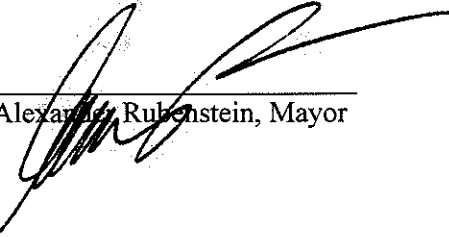
PUBLIC PARTICIPATION II

No comments were made.

ADJOURNMENT – Motion by Councilman Bonker, second by Councilwoman Franco to adjourn the Council meeting at 9:48 pm. All members in favor. Motion carried.



Doris Flynn, Municipal Clerk



Alexander Rubenstein, Mayor