

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - JULY 21, 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. Attorney Client Privilege Communication
 - General
 - Elizabethtown Gas Petition & Ordinance
 - LES
 - Property Maintenance – Block 220 Lot 25 & Block 336 Lot 23

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 July 21, 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. The Mayor reopened the meeting at 7:30 pm.

FLAG SALUTE AND MOMENT OF SILENCE

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

MANAGER AND COUNCIL REPORTS

Township Manager Joe Sabatini - Joe announced that due to our summer schedule we will only have one meeting in August which is Tuesday, August 11. The following Council meeting will be Tuesday, September 1. Joe kicked off the budget process with the department heads. Budget requests are due July 31, and Joe and Ashleigh will set up department head meetings to review in August and September. Joe is targeting his first budget meeting with the Council in October. Joe asked the Council to submit their goals and objectives by July 31--Joe will put together a memo for discussion at August 11th meeting.

Mayor Rubenstein - Verizon will be at the August meeting and we will be able to get an update on the services they are providing in the area. We will also be having Elizabeth Town Gas at the August 11 meeting to discuss their plan to come into Byram and answer any questions. We plan to have a public hearing for the ETG’s petition on September 1, as well as an introduction of an ordinance. The Mayor expressed kudos to our Township Manager, who is a part of the New Jersey Municipal Manager’s Association. Joe was recognized on 7/1 for the first responder signs fundraiser, which raised over \$6000, that was used to by gift cards from local restaurants for the first responders and essential workers in Byram.

Councilman Bonker’s prepared comments:

We will hold an Open Space meeting on August 10th to get updates from Greener by Design on the promotional materials associated with the new Parks and Recreation Plan documents, along with some initial planning with our new forester.

Our Town Manager has asked the Council members to provide him with our guidance for the upcoming budget cycle by August 1st. I encourage my fellow Council members to take this opportunity to help set the priorities for our town. I know that I will.

Tonight, we will talk about two issues that have attracted a lot of attention, the chicken ordinance and the Municipal Building project. In both cases I want to point out the value of the deliberative process and iteration. I believe we will make better decisions on both topics precisely because we have deliberated instead of trying to get them done quickly. When multiple people work together as a team, each iteration adds value to the final product. We will talk specifically about the Municipal Building project later tonight, but I want to commend the Manager and his staff for proactively reducing the overall square footage by 10%. By looking closely at the proposed design, the team has saved us money while maintaining the critical functionality necessary. This is quality public service, and the very opposite of 'edifice complex.' Similarly, with the chicken ordinance, I believe we will be incorporating feedback we received from the Planning Board and the public to make the ordinance even better. In both cases, teamwork and patience have produced superior outcomes.

The Parks and Recreation Plan is now being reviewed by the Planning Board. It contains several project requests, ONE of which is a dog park. I am encouraged that we got some additional materials in our packets this weekend regarding the dog park, but we need to remember the dog park is a project within a larger context. I still believe the Planning Board needs to approve the Open Space document, and then this Council needs to prioritize all of the capital improvements recommended. Any Byram dog park will be for ALL Byram residents, not just a particular neighborhood. As we go forward, we will see where the data leads us.

Finally, a Point of Order to you, Mr. Mayor. During the Great Chicken Debate at our last Council Meeting, one public participant spoke continuously for 15 and a half minutes during the public comment portion (and yes, I went back to the tape of the meeting and I timed it.) Permitting this length of public commentary does NOT serve the public interest. Yes, we will always permit public participation. But legislative bodies at every level of government set reasonable limits to testimony. And honestly, I am much more persuaded by a short, well-reasoned public appeal than by a mini filibuster. Mr. Mayor, it is your prerogative how you choose to conduct this meeting, but out of respect for the Council and the public, please consider a 3- or 5-minute limit.

Councilwoman Franco - No report

Councilman Gallagher - At the Planning Board meeting of July 16, there was a presentation by Greener by Design of the Open Space and Rec plan, and we discussed the proposed chicken ordinance. There was a good debate back and forth. There was a Recreation Committee meeting on July 20. They decided to cancel Byram Fest 2020 because of COVID and will concentrate on Byram Fest 2021. Talked about improvements to the fieldhouse. Halloween decoration

Councilman Roseff - Potholes on Forest Lakes Drive - Harvey OPRA'd Andover Borough for the communication from the NJDOT to Andover Borough. Andover did not provide the record to Harvey Roseff, claiming that this document was exempt from release. He wanted the public and Council to be aware of this response. Alex Rubenstein stated that he will reach out to his NJDOT contact.

PUBLIC PARTICIPATION 1– Motion by Councilwoman Franco, second by Councilman Bonker to open to the public. 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.

Scott Olson, 194 Glenside Trail, thanked for the Council for having the Lee Hill Fire Safety Building parking lot paved. It looks great. There was supposed to be an upgrade to handicap access to this building. Joe said that the Township is still working with the County for the grant to do these upgrades. We want to put a sidewalk along the right side of the building, a ramp and a new door for handicap access. If we don't make any progress on the grant, DPW will do the work themselves hopefully in time for the November election.

Scott asked about the status of Altese who acquired SECTV. It was announced last Thursday that the closing occurred. The attorney for Altese reached out to Alex to have a meeting to discuss steps to move forward. Alex stated there will be a lot of changes very soon.

Jack Moran, 7 E. Waterloo Rd., asked for an update on NJ Natural Gas. Alex stated that Elizabeth Town Gas will be at the August 11th meeting to discuss the franchise agreement. Alex has reached out to NJ Natural Gas to discuss the map. Jack also asked for a status on the East Brookwood Ingress/Egress. Joe stated that we are expecting a report from Cory soon.

Jeanne Moran, 7 E. Waterloo Rd., thought a meeting was going to take place about the potholes on Forest Lakes Drive. Alex stated that a meeting did take place several months ago, and there has been continued conversations with the parties involved but there hasn't been any plans made yet.

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

APPROVAL OF MINUTES

- Motion by Councilman Gallagher, second by Councilman Roseff to approve the July 6, 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	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 Councilwoman Franco, second by Councilman Roseff

- Resolution No. 113-2020 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 7/1/2017 Through 6/30/2018
- Resolution No. 114-2020 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 7/1/2018 Through 6/30/2019
- Resolution No. 115-2020 – Resolution Authorizing the Renewal of Liquor License to Lockwood Tavern Liquor License LLC Valid from 7/1/2019 Through 6/30/2020
- Resolution No. 116-2020 – Resolution Approving a Temporary Special Use Permit to Stonewood Tavern for Relief from Township Ordinances due to Limitations on Business Operations During the COVID-19 Pandemic
- Resolution No. 117-2020 – Refund State Tax Appeal for 2019 – 3 Adair Street, Block 16 Lot 56
- Resolution No. 118-2020 – A Resolution Authorizing the Renewal of the Group Life Insurance Policy for Eligible Employees through The Standard Life Insurance Company
- Resolution No. 119-2020 – Authorization for the Purchase of Recycling Containers for the Daily Operations of the Township of Byram Department of Public Works – Not to exceed \$19,236.09
- Resolution No. 120-2020 – Appointment of Byram Township Police Officer – Christopher T. Spaldo
- Resolution No. 121-2020 - Appointment of Byram Township Police Officer – Derek J. Kuncken

	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 JULY 21, 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	x
No					
Abstain					
Absent					

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.

Councilman Bonker referred to comments from the Planning Board. Ray was in favor of 50’ from a dwelling because a house should be as important as a body of water, and that distance is 50’. Chickens are social animals and you need to have at least 3. Ray stated that a sliding scale would work. He said we should make it legal and make sure people are doing the responsible thing. He would like to table the ordinance, send it back to the Manager and staff to rework it and bring it back. Alex stated that the ordinance can’t be tabled. We could vote it down and then reintroduce it. Cris Franco stated that another the planning board recommended larger acreage. She thinks we should increase the set back to property line to 20 or 25 feet from property line. She thinks there should be a minimum acreage. She feels we should have an application for chickens so that the Township is aware which property has chickens. She agreed with Ray to have a sliding scale for amount of chickens depending on lot size. Alex said that during the planning board meeting, Paul Gleitz who is our planner was in attendance. Joe and Alex thoroughly went through the code

book with regards to farm animals, poultry, etc. The code book is very old and has been modified many times over the years. It was recommended by the Township Planner to spend some time going through the Code book looking at the sections that pertain to farming. Harvey isn't too familiar with chickens. He does agree that we have a lot of sections in our code book that overlap or are contradictory. Harvey stated that setbacks need to be much larger -- distance to neighbors is critically important. He thinks it should be 100'-150'. He would like to hear from the Zoning Officer, and to avoid at all cost conflicts with neighbors. Jack said we should have records about the chickens, and he is in favor of the larger setbacks, distance to adjacent dwellings, and an application process so that it can be checked on.

Mayor opened to the public.

Carma VanFleet, 2 Bank Street, stated that she thought the application process was a waste of personnel time to process this--unnecessary use of resources. We license dogs because they could get lose and bite someone. We need to trust people to do the right thing. She stated that 3-5 chickens is acceptable. The distance from water is important.

Scott Olson, 194 Glenside Trail, agreed with everything Carma VanFleet said. We need to trust our neighbors to do the right thing. Scott thinks the setbacks as proposed is acceptable. He spoke to someone in Nutley where they have small lots, and he said he knows several people that have them and there is no problems. Scott does think that permits should be given to allow chickens and then if there is a problem it can be stopped.

Shannon Mahoney, 175 Glenside Trail, stated that she agreed with the prior comments and we need to trust people. She thinks the ordinance is appropriate the way it is.

Harry Williams, 164 Glenside Trail, stated that he is favor of passing a chicken ordinance that's appropriate. He has concerns regarding setback and acreage. The Planning Board did recommend changes to increase the setbacks and acreage and he agreed with those recommendations. Reasonable setbacks respects neighbor's quality of life. Surrounding towns have much larger acreage.

167 Glenside Trail, supports everything Mr. Williams said. She feels ¼ acre is too small for chickens. She feels there should be a permit fee to offset administrative costs and more parameters.

Jack Moran, 7 E. Waterloo Rd., feels ¼ acre is way too small for chickens. He reiterated that surrounding towns only allow chickens on much larger acreage. He said there are predator issues, waste issues, order, noise, etc. Jack feels there should be an application process.

Jeanne Moran, 7 E. Waterloo Rd., is in favor of keeping the present ordinance the way it is at 5 acres. If someone wanted chickens on a smaller lot, they should go for a variance. She said chickens should be certified.

Motion by Councilman Bonker, second by Councilman Gallagher to close to the public. Ray Bonker said that it is clear that there will not be unity on this subject among the Council and the residents. Ray does not think it is the role of government to deny something because someone might not follow the rules. Ray does not agree with the larger acreage or huge setbacks. He feels 50 feet from an adjacent dwelling is sufficient. He would go along with an application process, but he would want it to be perpetual and at a low cost. Harvey stated that we don't need zoning if there is trust between neighbors. We have to be aware of neighbors that are close together. Everyone has a right to open their windows and not have a smell coming in their window. Cris stated that the idea of having an application would take care of two things--it would give someone guidelines and it could be regulated. She is in favor of a larger setbacks and acreage. Alex thinks that the draft ordinance was a good start and we learned some things over the past few meetings. He thinks it can tweak a little bit, figure out the numbers and move forward. Alex sees reviewing the code book as a separate issue and we should clear up the ambiguities. We should figure out what the best approach is and move forward.

Motion to table the ordinance by Councilman Bonker, second by Councilwoman Franco. By doing this, the ordinance will die and the Council can work on a revised ordinance. Ray would like the Manager to draft a revised ordinance based on all the comments made over the past several meetings. Alex asked if we wanted to get our Planner involved. Joe stated that he wasn't comfortable with drafting an ordinance because there wasn't any agreement. Joe suggested that each council member send him their individual requirements on this ordinance. Joe will compile them and see if there is any common ground and then draft an ordinance to present to the Council in September. The Council should send this to Joe by August 15. All members in favor. Motion carried. The Council is asking the administration not to enforce the complaints against the homeowners who have chickens.

- **Ordinance No. 007-2020** - 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 Gallagher, second by Councilwoman Franco to adopt the ordinance. The Mayor opened to the public for comments on this ordinance.

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

Be It Resolved that Ordinance 7-2020 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

DISCUSSION ITEMS

- **Dog Park Survey** - Harvey stated that he thought open space funds would be used a dog park. Joe said that it hasn't been decided where the funding would come from. Harvey stated that there would not be a tax increase if it came out of open space funds, but there would be if we bonded or used municipal funds. No other comments were made. This survey will go out as presented.

- **Municipal Building – Approval of Floor Plans** - Updated plans were submitted to the Council. Ray Bonker thinks the revised plans are great and stated that reducing the floor plan by 10% is a win. Cris asked why the walkway was eliminated from the municipal building to the police building.

- Joe stated that he met with the Chief and the Nader Group to review the police department layout. The big change that enabled the Nader Group to rework the layout was removing the sally port from the building and have it be a standalone sally port. We eliminated some circulation within the PD.
- Eliminated the extra lobby space, relocated the staircase to the attic.
- Cris applauded the effort of reducing the size.
- Joe said that the plan could be tweaked to have an additional access to make it more convenient for the employees.
- Alex stated that with the addition of a staircase in the police department, we could gain an attic for storage. Many comments from visiting other sites was that there wasn't enough storage. We could ask the architect to add truss and an attic.
- Harvey stated that we passed the chicken ordinance to the planning board, the dog park to the recreation committee, we should pass this through the building subcommittee.
- Jack didn't have a problem with passing it to the building subcommittee because they may have some good comments.
- Ray adamantly objected to this because the plan was already reviewed by the subcommittee and tweaked by administration to reduce the floorplan by 10%.
- Cris agreed with Ray and passing it back to the building subcommittee will just result in delays. She agrees with putting in a staircase and an attic in the police department.
- Alex agreed with Ray and said the subcommittee did what we asked them to do.
- Jack thought involving the building committee wouldn't be a big delay, although Jack does want to keep moving forward so we can get some hard numbers.
- Harvey thinks the proper process is getting the opinion of the building subcommittee. He doesn't have an opinion on the floor plan.
- Jack, Alex, Cris and Ray like the floorplan and are in favor of moving forward.

- **NJLM Conference** - Alex talked about the value of the conference at the League of Municipalities and the benefits of it. Ray does recognize the value of conferences but amidst COVID he is not sure. Cris stated if there was a convention she would like to go. Harvey is interested. Ray would make a reservation but hasn't made a decision. Jack can't go. Alex would like to go.

FUTURE DISCUSSION ITEMS - Jack would like to discuss upgrades to the fieldhouse at a future meeting. Ray said that we should talk about all 11 items that were outlined in the PRP plan. Joe stated that he has already asked his departments to submit a capital plan. This should be part of a capital discussion. Alex suggested having a special meeting of the Council to review the projects outlined in the plan and put them in priority order. Harvey stated that 2 years ago the Council came together and decided that we wanted to concentrate on infrastructure instead of acquisition. He thinks it is time to address the fieldhouse. Alex stated that several projects at COJ are related and we can't just move forward with the fieldhouse, we need to look at all the projects at COJ and come up with a plan. The Council agreed on a special meeting on September 8 at 7 p.m. which will be a joint meeting with the Recreation Committee and Open Space Committee, and the agenda will be a discussion on goals and objectives for prioritizing the future capital recreation/open space projects.

PUBLIC PARTICIPATION II - Motion by Councilwoman Franco, second by Councilman Gallagher to open to the public.

Scott Olson, 194 Glenside Trail, stated that he agreed with Harvey Roseff regarding referring the floor plan back to the building subcommittee for input. Scott thinks it is ridiculous for employees to walk back and forth to separate buildings. He stated that the entry area to the administration is too small. He stated that he would vote no on this plan if it went to referendum. Jack said that the police chief and administrator agreed on the square footage reduction. We need to let the architect move forward so we can get real numbers. Jack said we can always move walls around and make changes within the footprint. Harvey reemphasized that the talent of the people on the building subcommittee could be very beneficial at this point. Scott stated that the program spacing was reviewed by three different Councils and the square

footage stayed the same. Scott feels by cutting it down we are being foolish, and the amount saved will not be worth what we are giving up. Alex stated that it was a collaborative process over the past 3 weeks with the Township staff and the architect. A lot of work and thought went into the revised floor plan to realize a 10% reduction in square footage and making the building rectangular shape which should also reduce the cost.

Scott Yappen, 5 Catherine Terrace, stated that at the last meeting with the building subcommittee they asked the Nader Group to optimize the space to possibly lower the square footage and that was done, and Scott expressed his thanks. Scott urged the Council to hire a separate estimator for the project. Scott said that the recreation committee should be given backup materials to prepare for the joint meeting about the 11 capital projects outlined in the Plan. Scott commented on the dog park survey and stated that the recreation committee asked to survey the area around Mohawk View not the whole town. He asked if his questions were incorporated into the dog survey. Joe stated that a few of Scott's questions were incorporated.

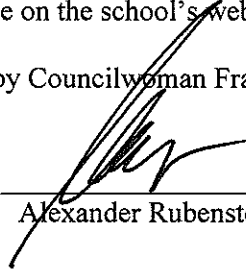
Motion by Councilman Bonker, second by Councilwoman Franco to close to public.

ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

Councilman Gallagher asked if the Council knows the plan for school in the fall. Alex stated that the next board meeting is July 29 at 7 p.m., and they will be presenting the plan to the public. Andrew McElroy confirmed that it will be a virtual meeting and the agenda with call in information will be on the school's website.

ADJOURNMENT – Motion by Councilman Gallagher, second by Councilwoman Franco to adjourn the Council meeting at 10:40 pm. All members in favor. Motion carried.


Doris Flynn, Municipal Clerk


Alexander Rubenstein, Mayor