

**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING  
SEPTEMBER 21, 2021  
EXECUTIVE SESSION – 6:30 P.M.  
REGULAR SESSION - 7:30 P.M.**

**CALL MEETING TO ORDER** – Mayor Rubenstein called the meeting to order.

**OPEN PUBLIC MEETING STATEMENT**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Both adequate and electronic notice of the meeting has been provided, specifying the time, place. In addition, a copy of this notice is available to the public and is on file in the office of the Municipal Clerk, posted on the main door, the bulletin board of the Municipal Building, on the Township website at: [https://www.byramtwp.org/index.php/town\\_hall/township\\_council](https://www.byramtwp.org/index.php/town_hall/township_council), and has been forwarded to those persons requesting notice.

**ROLL CALL OF THE TOWNSHIP COUNCIL** – Councilman Bonker here; Councilwoman Franco, here; Councilman Gallagher, absent; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joseph Sabatini, Attorney Tom Collins and Municipal Clerk Cynthia Church

**RESOLUTION FOR EXECUTIVE SESSION** – Motion by Councilman Bonker, second by Councilwoman Franco, to go into executive session and adopt the below resolution.

**RESOLUTION**

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

- a. Attorney Client Privilege Communication
  - General
- b. Personnel – Collective Bargaining Agreements

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

BE IT FURTHER RESOLVED that Minutes will be kept on file in the Municipal Clerk’s office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

**BYRAM TOWNSHIP COUNCIL**

Certification: I certify that the Byram Township Council adopted the above resolution on September 21, 2021.

Cynthia Church, Municipal Clerk

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

**RETURN TO OPEN SESSION** - Motion by Councilwoman Franco, second by Councilman Roseff to return to open session at 7:30 p.m. All members were in favor. Motion Carried.

**FLAG SALUTE**

**APPROVAL OF AGENDA** – Motion by Councilman Bonker, second by Councilwoman Franco, to approve the agenda with addition Comprehensive Debt Management under section 14B. Councilman Roseff would like the amendment to be tabled until they have a chance to review it.

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

**APPOINTMENT OF OPEN SPACE MEMBER – ALEX RUBENSTEIN**

Councilman Bonker said that Mr. Rubenstein has been coming to the Open Space meetings, and has added a lot of value. He has expertise in real estate transactions, the dog park and C.O. Johnson Park. Councilman Roseff disagreed with Councilman Bonker and believes that the committees should be independent and not be loaded with township employees and council people and now the mayor. He expressed that he feels by this appointment they are squashing alternative viewpoints. Councilman Bonker said that the Open Space Committee has had an open seat for over a year and have had no applicants. He is not asking for the mayor to be on Open Space, he is asking for Alex to be on Open Space. All the members of the Open Space Committee who were at the last committee meeting endorsed the idea.

Motion by Councilwoman Franco Second by Councilman Bonker to appoint Alexander Rubenstein as a member of the Open Space Committee.

	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			x		

**TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS**

**Township Manager** – In 2019 the M&C authorized the completion of the water use and conservation management plan with CDM Smith. This is required as part of the conformance with the Highlands act as part of the opt in. This plan sets the priorities for use of available water and establishes methods to reduce and eliminate deficits where they exist. The Mayor and Council don't have to approve the plan, but there will be a resolution prepared to support it, and will be presented by the Township Engineer Cory Stoner at the next meeting.

**Mayor Rubenstein** – Joyce Clouse passed away. She is the wife of Leon Clouse, one of Byram's' first full-time officers and an Animal Control Officer. Joyce also helped out in town with various functions such as being a backup ACO and keeping the kennels clean. Christina Stopa, known as Tina also passed away recently. She worked for the Byram Township Police Department for 25 years as an administrative assistant and Police Matron.

Mayor Rubenstein reported that they have been in negotiations with Verizon to fix a dead zone. Verizon turned in their application to install three small cell sites. This should be completed by the end of the year.

Natural Gas update Elizabeth Town Gas, nothing preventing residents in that area from getting natural gas in those areas. New Jersey Natural Gas will serve the southern section of town, they will meet to discuss status.

Has had conversations with BARKS, hopes to hear back from them soon.

Has had a discussion with JCP&L regarding tree removal in Forest Lakes, they will be coming through removing 56 trees.

There was a Municipal Building Financing Subcommittee kick off meeting on September 16<sup>th</sup> in which they met with a financial advisor. Councilman Bonker will report more on this later in the meeting.

On September 17<sup>th</sup>, there was the Shoprite Bag for Hunger event that he attended.

Today was the employee appreciation luncheon in which they showed their appreciation for the township employees and their work throughout the year.

**Councilman Bonker** – There was a meeting on the dog park with the Mayor, the Township Manager, the DPW Superintendent, the chairs of the Recreation Committee and Open Space Committee, himself, and French and Perella. They reviewed the latest iteration of the dog park design, made a few more minor changes to the layout and the parking lot, and asked French and Perella to come back with the final design. French and Perella has also continued to discuss this project with the Highlands.

The Sussex County trails grant proposals were pushed out to December 2<sup>nd</sup>. It will be discussed at the October 11<sup>th</sup> Open Space meeting.

**Councilwoman Franco** – Was happy to have been part of the Bag for Hunger event at Shoprite. Attended the chamber of commerce meeting in which they discussed Sussex County Day. Councilwoman Franco feels it will be a great opportunity for Byram Township to be part of. There is a plastic bag collection being done through the Environmental Commission. If 700 pounds of plastic bags are collected, they will get a Trex bench.

**Councilman Roseff** – Councilman Roseff provided the following report: *Over the past month, I have met with many of our residents and unsurprisingly many are expressing concerns regarding taxes and the cost of the municipal building. Having listened to the thoughts of my fellow Councilpersons regarding the municipal building, I'd like to put some of my thoughts on the record.*

Five years ago, I was a Petitioner, and led the Faulkner Referendum Petition drive, to put an \$11 million municipal project to a referendum vote.

Four years ago, I did likewise regarding a \$7+million building project.

Each time the public was denied a referendum vote.

For the past 3 years, I have participated in a Town Council process that redefined the municipal building project. The overall project cost has now been assured by this Council, administration and our professionals to be \$5.5million. The building hard cost has been assured to be \$4.9million. We have walked away from a leased space option based on these assurances. These costings are based on considerable professional oversight and even testing. These cost estimates have been consistent for a year now and were last confirmed just this past July.

Based on these promises, this project is now with the architect/engineering group for detailed engineering that is to conform to the firm cost estimates that we have received. I believe we should now be actively looking for grants, an activity the Council has been funding for 4 years, to help alleviate the taxpayer burden.

We should also recognize that the Byram public has twice requested a referendum vote on whether the tax burden that a municipal building project brings is acceptable by the public we serve. The public should not be denied a referendum vote for a third time.

**PUBLIC PARTICIPATION I**

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

Peter Smith – Weasaug Trail – Has been having an ongoing issue with parking that prevents garbage pickup on his road. Would like to get a no parking zone for about 100 feet. Mr. Sabatini will have a discussion with the Chief of Police.

Deborah Finnis – 33 Broad Ave – From June to present has been having issues with flooding. There is a broken pipe in the street. Wondering if there is a timeline for the repair. Mr. Sabatini will follow up with the DPW Superintendent.

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

**APPROVAL OF MINUTES**

- 09-7-2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes as with corrections as presented by Councilman Roseff as stated below: *The minutes, the Discussion portion - part B Fire Hydrants, change with the following two sentences added before the sentence "After a lengthy discussion..." :Councilman Roseff suggested that before establishing a hydrant snow removal policy Byram should determine what hydrants are working. In response, it was stated that the town does not know the operational status of the hydrants and cisterns.*

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

**CONSENT AGENDA** – All are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda. Motion by Councilman Bonker, second by Councilwoman Franco to approve the consent agenda.

Councilman Bonker gave the following statement regarding the two employee contracts on the consent agenda: *Tonight we will ratify 2 of our 3 public employee contracts. I want to highlight that all three contracts are being ratified a full three months in advance of the usual year-end deadlines. I also want to highlight that all three contracts were negotiated by our Town Manager using a non-confrontational approach and without the need to call in outside counsel for purposes of negotiation. All three contracts reflect a good balance of respect for our workers and respect for our taxpayers. This may seem like a quiet accomplishment, but I believe it is Byram at our very best, and I specifically wish to thank our Manager for his leadership to get all three contracts done without acrimony and without excessive legal billings. Good job Mr. Sabatini, and thank you.*

- Resolution No. 202-2021 - Authorization to Purchase Rock Salt under the Sussex County Cooperative Pricing System for Budget Year 2021 – Not to Exceed \$50,000
- Resolution No. 203-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 110 Lot 13, 8 Weaver House Cove Road
- Resolution No. 204-2021 – Resolution Executing Contract Agreement by and between Byram Township and OPIEU 32 Clerical Unit for January 1, 2022 Through December 31, 2026
- Resolution No. 205-2021 – Resolution to Award the Bid for Proposed Improvements to Fieldstone Trail – Concrete Sidewalk & Detachable Warning Surface – Not to Exceed \$26,550.00
- Resolution No. 206-2021 – Resolution Executing the Contract Agreement by and Between Byram Township and DPW OPIEU Local 32 for January 1, 2022 Through December 31, 2026

- F. Resolution No. 207-2021 – Authorize the Purchase of One (1) 2022 Ford Police Interceptor Utility (K8A) AWD with Optional Equipment for the Township of Byram Police Department – Not to Exceed \$36,555.18
- G. Resolution No. 208-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 337 lot 9.07, 12 Catalina Drive

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

**BILL LIST** – September 21, 2021 – Motion by Councilwoman Franco, second by Councilman Bonker to approve the bill list as presented.

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

**ITEMS FOR DISCUSSION**

Route 206 over Pequest – NJDOT will be doing major construction on the route 206 over Pequest tunnel in Andover Township in 2025 which will cause a closure of the tunnel for up to 18 months. This will cause a backup through the Byram Township Roads especially on Tamarack Road and Roseville Road. There will be a virtual informational session, that will allow for public comment. The NJDOT is asking the township to publish this information on all forms of Township social media and website. Mr. Sabatini would like a message to go out to the public to encourage public input. Mayor Rubenstein said that it is very important for the public to provide their comments. Councilman Roseff thinks they should also have a meeting with Knowlton Township and the towns that have fought like this with the federal DOT. Should engage with the senator and assembly person. Should set up an ad hoc group amongst the towns to build up strength to push back and fundamentally get compensation. Councilwoman Franco thinks the public should take their time and explain to the DOT that there are alternative roads for detours. The truck traffic should be detoured through Limecrest Road and Route 15 in Andover. She is concerned for the residents in Forest Lakes. Councilman Bonker said that the DOT has send something to the Township Manager to propagate the message thought the Township providing for a very short period of time for feedback. Feels that the notification should include something that expresses that Byram Township Mayor & Council do not endorse the plan. Mayor Rubenstein agrees with sending out a message to the residents using every resource available.

Comprehensive Debt Management – Councilman Bonker provided the following report: *We held two meetings of the ad hoc Finance committee. The first included the Town Manager, the Mayor, the CFO, our auditors, and me. We worked through several different scenarios to prepare a couple of financing options for the Council to consider. There are two main options so far. The first is to continue with annual bond anticipation notes, called BAN financings, like we did just a few weeks ago, where we got 12 month money for only .39%. After the municipal building is completed, we would then roll the BANs into a permanent debt issue. The second option might be to go for permanent debt at this time next year, instead of another BAN. Interest rate levels and future expectations for rates will be a key input into that decision. Regardless of which option we choose, there are other sub-options for us to consider as well. For example, the permanent debt offering does not have to be a traditional straight-line financing. Even after we determine how much money we need to borrow, we can micro-manage how much of that debt becomes due each year, and we can even include a call option to pull all the remaining bonds back. This micro-management will be important as we strive to limit the immediate impact of the financing on the tax rate. We also discussed what role the ARP money can play, along with all our other financing needs besides the municipal building. Our auditors from Nisivoccia strongly suggested we engage our independent registered municipal advisory firm Phoenix Advisors. We did. Our second meeting with Phoenix walked through all our debt-related concerns, and the final result of that second meeting was a revised proposal from Phoenix to develop a comprehensive debt management plan for Byram including not just the building financing but everything. That analysis would then become the input to drive the smartest, most cost-effective financing we can engineer on Byram’s behalf. I will be asking for the Council’s consent to accept the Phoenix proposal at our next meeting, because time is of the essence. I want to highlight one other thing for the benefit of the public. I circulated two bond offerings to my fellow Council members that just occurred recently. One was from Mountain Lakes, which is building a new municipal building just like we are doing, and the other was from Vernon. Mountain Lakes went out for \$7.3 million, Vernon went out for \$14 million. Vernon did a 15 year deal and got financing at only 1.7%. I want to highlight that in both of these cases, they used the same auditor, the same legal firm, and the same municipal advisor that we are using: Nisivoccia, Hawkins, and Phoenix. We can be confident that we have assembled the right team. The experts are telling us the same thing they told Mountain Lakes and Vernon: now is the time to issue debt. And on top of that, both Mountain Lakes and Vernon*

*have the same credit rating we do, AA+. We need to be prepared to finance this new building, and I believe we will be if we engage Phoenix.*

Mayor Rubenstein feels that it is important to have an ad hoc financing committee as it allows for a better understanding as to what the cost to each taxpayer will be. This will be discussed again at the October 5th Township Council meeting. Councilman Franco believes this is the right way to go. Mr. Roseff said that this was received last minute. Would like to have a presentation on this.

Joanne Smith asked if the bond would go out to the public for a vote. Mayor Rubenstein said it has not been decided. He suspects it will be petitioned and then go for vote.

There will be a separate resolution on at the October 5<sup>th</sup> meeting for the Phoenix Group that can be discussed again and go over details, which can be and voted on at that time.

**FUTURE AGENDA ITEMS**

Councilman Roseff would like to get a spreadsheet from Phoenix about the comprehensive debt plan. Councilman Bonker said that is exactly what he expects from Phoenix.

**PUBLIC PARTICIPATION II**


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

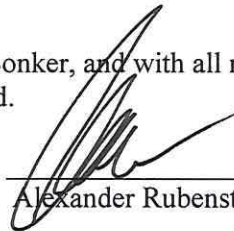
No Comments.

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

**ADJOURNMENT**

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 8:54 p.m. All members were in favor. Motion carried.

  
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Cynthia Church, RMC  
Township Clerk

  
\_\_\_\_\_  
Alexander Rubenstein, Mayor