

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - OCTOBER 20, 2020
EXECUTIVE SESSION – 6:00 P.M.
REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER

Mayor Rubenstein called the meeting to order at 6:00 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, absent; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins, Municipal Clerk Doris Flynn and Deputy Municipal Clerk Cynthia Church

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. Contract Negotiations
 - Labor Counsel Interviews
- b. Attorney Client Privilege Communication
 - General
 - Property Maintenance - Block 220 Lot 25 & Block 336 Lot 23
 - Forest Lakes Drive – Potholes
 - Changes to 9/15/2020 Closed Session Minutes
 - CLCC

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
No					
Abstain					
Absent			x	x	

Certification: I certify that the Byram Township Council adopted the above resolution on October 20, 2020.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - The Mayor stated that the Council meeting was called to order at 6:00 p.m. at which time the Council went into executive session. The Mayor reopened the meeting at 7:34 pm.

FLAG SALUTE AND MOMENT OF SILENCE

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

MANAGER AND COUNCIL REPORTS

Manager’s Report – The next Township Council meeting is Monday November 2, 2020 starting with an executive session at 6 p.m. and the regular session at 7:30 p.m. There will be a Special Township Council meeting on Thursday, October 22, 2020 at 1:00 p.m. to introduce an ordinance for technology improvements.

Mayor Rubenstein – Reported on the Planning Board meeting. On October 15th – the applicant brought in an application package that the completeness committee reviewed and deemed complete for the old Adam Todd Restaurant sight. This will be on for a hearing after the first of the year. The site will be a total demolition of with the construction of a new office building and a new restaurant. There were two residential applications before the board. One was for a fence on Elizabeth Lane that was approved. The other was for On Time Sign (the building next to the liquor factory) for site and building modifications, they received approvals for a shop sign, a deli, and an embroidery store. The next Planning Board meeting is October 29th for the WaWa application.

Councilman Bonker – The Open Space Committee met on October 12th. Councilman Bonker was very pleased because as a result of that meeting they will be awarding a contract at tonight’s meeting for a Timber Harvest. The Open Space Committee reviewed the last deliverable from Greener By Design, that included a new Byram Township logo, and a drone video that will be used to promote Byram Township. On October 14th the four Byram Township Council members attended a well-deserved surprise retirement party for Municipal Clerk Doris Flynn. The event was held at Salt Gastropub. Councilman Bonker thanked Cindy Church for organizing the very much deserved recognition for all the work that Doris has done for Byram Township over the decades. On October 24th Councilman Bonker will be officiating a wedding for a Byram Township couple.

Councilwoman Franco – nothing to report.

PUBLIC PARTICIPATION 1– Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided. The Mayor instructed the audience how they can participate and opened to the public. Motion by Councilman Bonker, second by Councilwoman Franco to open to the public.

No Comments.

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

APPROVAL OF MINUTES

- Motion by Councilwoman Franco, second by Councilman Bonker to approve the September 15, 2020 Closed Session Minutes.

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

Motion by Councilwoman Franco, second by Councilman Bonker to approve the October 6, 2020 minutes.

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

RESOLUTION 170-2020 – Resolution Authorizing Submittal of the CY2020 Best Practices Inventory Certification Form

Motion by Councilman Franco, second by Councilman Bonker adopt the resolution.

Mr. Sabatini said that there was an amended resolution sent out correcting the date for the public hearing to 10/20/2020. Under the Best Practices Inventory the Township of Byram is required to assess our compliance with the Best Practices on an annual basis. The inventory is supposed to identify areas where the Municipality may require more technical assistance or to evaluate our implementation of the Best Practices. How the Township responds to this survey determines what percentage of the state aid payment we will receive. The payment is equivalent to 5% or about \$27,789.00. The survey has 60 questions. It is divided by core competencies (27 questions, 1 point each), best practices (9 questions, .5 points each) and 31 unscored questions. Byram Township needs to obtain a minimum score of 16, to receive the full final aid payment. Of the 29 questions there are a possible 24.5 points. Byram Township scored 24 points. This inventory needs to be certified by the Manager, CFO, and Municipal Clerk.

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 nd	x				
Yes	x	x			x
No					
Abstain					
Absent			x	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 Councilman Bonker, second by Councilwoman Franco to approve the consent agenda.

- Resolution No. 171-2020 – Final Acceptance of Improvements to North Shore Road
- Resolution No. 172-2020 – Resolution of the Mayor and Council of the Township of Byram Establishing Standard Protocols for Remote Public Meetings Held During a Governor-Declared Emergency
- Resolution No. 173-2020 – Resolution of the Mayor and Council of the Township of Byram Authorizing Contracts for a Concession Pursuant to N.J.A.C. 5:34-9.4 for Timber Harvest on Byram Township Open Space Parcel
- Resolution No. 174-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing a Refund for Duplicate Payment for 3rd Quarter 2020” – Block 41 Lot 90.02 – 22 Rt. 206

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

APPROVAL OF OCTOBER 20, 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
No					
Abstain					
Absent			x		x

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE NO. 012-2020 - An Ordinance Amending Article XVI Entitled “Miscellaneous Provisions” of Chapter 3 Entitled “Administration of Government” of the Township of Byram Code to Add a New Section 3-61 Entitled “Anti-Nepotism Policy”**

Purpose Statement: The purpose of this Ordinance is to confirm and codify the anti-nepotism policy of the Township prohibiting the hiring of immediate family members of elected officials, department heads, or supervisors.

Motion by Councilman Bonker, second by Councilwoman Franco to adopt Resolution 12-2020. Mayor Rubenstein open to the public for comment. No comments made.

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

Be It Resolved that Ordinance 012-2020 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

2021 Streets and Roads Projects – Mr. Sabatini said this is a follow up from last Township Council meeting, and does not expect the council make a specific decision on this tonight. Mr. Sabatini would like the focus to be on having dedicated funding for the streets and road projects to allow for proper maintenance. The funding presented would be to mill and pave every road in the Township over an average of 13 years. The total liability of roads is about \$900,000.00. There needs to be a commitment to move in a direction and an understanding that the road program may have a need for alternative resurfacing that may not be a public favorite. That would include oil and stone, and cape sealing. The Township Council needs to consider these options over the next few months. At the October 6, 2020 meeting, Mr. Sabatini was asked to provide the Township Council with the expenditures for streets and roads for the last five years. Mr. Sabatini provided the Township Council with the last 11 years. Typically, on an annual basis the Township raises \$105,500 for streets and road. In 2017 Byram Township started supplementing with \$100,000, that increased in 2018 to \$120,000 and it has been that way every year since. In 2015 the Township went out for permanent debt; the Township has always been in this cycle where every 10 years they would term out the bond anticipation notes. Mr. Sabatini explained that by law you can’t renew them until after the 10th year. When the Township went out for the permanent dept issue, they removed all the short-term debt from the books. The excess debt services were moved into the capital improvement fund and have been pulling that back to the dept service obligations to pay off bond anticipation notes. As part of the \$907,000 expenditures, in 2020 it did include two NJDOT grant projects. Mr. Sabatini provided the Township Council

with a summary for each year as to what will be completed. This information will allow them to understand the process and to manage the projects.

Mayor Rubenstein ask what the DOT grant will be used for in 2021 – Mr. Sabatini said it is for Fieldstone Trail and will also include North and South Deer Hill Run as well.

Councilman Bonker commended Mr. Sabatini and Ashleigh for providing the 10 year back review, the 10 year forward review and pavement condition index. Mr. Bonker expressed that he likes the idea of milling and paving. Mr. Bonker asked if we should bond for the streets and roads projects. He feels that through bonding “free money” is available. Councilman Bonker asked Mr. Sabatini to speak more on how the bonding would work.

Mr. Sabatini said that bonding can be a double edge sword. The cost of money under the current climate is cheaper, however, municipal bonding and financing is different then what the average taxpayer may experience when they go out for a mortgage. Every year Byram Township floats their bond anticipation notes and every year they go out to for RFP. Without doing a municipal building project, the amount of dept service would not be favorable for permanent debt. Debt service for both the municipal building and streets and roads would be more favorable. The Township has been diligently looking at a capital strategy for bonding. Mr. Sabatini said that it is about finding the right balance and being disciplined on what we are bonding for. Mr. Sabatini said that they are currently trying to set up a debt schedule. Bonding does have long term significant impacts.

Councilwoman Franco said we need to be proactive with the streets and roads projects. We need to set an objective to provide infrastructure which should be top priority. Councilman Franco said that it should be part of the budget and and be able to get it to a place that it is affordable and easy to maintain.

Mr. Sabatini said we should be able to afford what we do, but keep in mind that we need to do something. Mr. Sabatini said that years ago, oil and stone used to be done every three years. It provided structure, integrity, and a riding surface. It may not be the most desirable, but it does provide a benefit, and it is an option for buying time. It provides better flexibility, however, but it does not replace an annual base line road resurfacing program.

Council & Planning Board Technology – Mayor Rubenstein asked to table this discussion to November 2, 2020.

Future Agenda Discussion Items:

Councilman Bonker requested having East Brookwood Alternative Entrance discussion on the next agenda. He would also like a discussion on Sports Equality on next meeting or the following meeting.

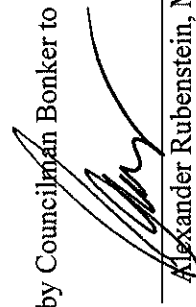
PUBLIC PARTICIPATION II - The Mayor opened to the public. Motion by Councilman Bonker, Second by Councilwoman Franco

Jack Moran, 7 East Waterloo Road, would like to see the East Brookwood Alternative on the next agenda.

The Mayor closed to public.

ADJOURNMENT – Motion by Councilwoman Franco, second by Councilman Bonker to adjourn the Council meeting at 8:25 pm. All members in favor. Motion carried.


Cynthia Church, Deputy Municipal Clerk


Alexander Rubenstein, Mayor