

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - NOVEMBER 16, 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 6:01 p.m.

OPEN PUBLIC MEETING STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting has been provided to the New Jersey Herald and the Sunday Herald in our annual notice, 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, bulletin board of the Municipal Building, and on the Township website at:

https://www.byramtp.org/index.php/town_hall/township_council, and has been forwarded to those persons requesting notice.

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, 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. Contract Negotiations
 - Labor Counsel Interview
 - Park Design Specialist Interview
- b. Attorney Client Privilege Communication
 - General
 - Property Maintenance - Block 220 Lot 25 & Block 336 Lot 23
 - Forest Lakes Drive – Potholes
 - LES
 - CLCC
 - Referendum

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.

Councilman Roseff asked why we would be talking about referendum in closed session. Tom Collins stated that the Clerk is reporting her findings after reviewing the petition submitted. It will be a time for the Council to ask questions. Harvey Roseff thought this should all be done in public session, and he requested that it be removed from Executive Session. The other Council members did not agree and wanted to keep it on for discussion. This does not prohibit it from also being discussed in public session.

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

Certification: I certify that the Byram Township Council adopted the above resolution on November 16, 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 Gallagher, second by Councilwoman Franco to approve the agenda with the addition of a discussion item on the petition for referendum. All members in favor. Motion carried.

APPOINTMENT OF RECREATION COMMITTEE MEMBER - The Recreation Committee recommended the appointment of Kimberli Morris. Motion by Councilman Gallagher, second by Councilwoman Franco to appoint Kimberli Morris to fill an unexpired term of the Recreation Committee with a term expiring on December 31, 2021.

MANAGER AND COUNCIL REPORTS

Manager’s Report – Joe stated that due to a change in the bus driver’s schedule, we will be resuming bus service for the 1-2 riders one day per week for the rest of the year. Service will need to again be temporarily suspended after the start of the new year. Seniors will be encouraged to utilize the Sussex County Skylands ride service and information on this is posted on our website. The next Council meeting will be on December 1 with a 6 p.m. executive session start and a regular session at 7:30 p.m.

Mayor Rubenstein - no report

Councilman Bonker - Ray wished the Mayor a Happy Birthday. The Mayor said it is the 26th Anniversary of his 21st birthday!

Councilwoman Franco – On November 11, we had a wonderful ceremony for Veteran’s Day. She thanked everyone for making it happen.

Councilman Gallagher - Planning Board meeting on will be on December 3rd where they will have the hearing for Wawa and a variance for solar panels on a residential property.

Councilman Roseff – no report

Township Tom Collins - no 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 close to the public. All members were in favor. Motion carried.

Skip Danielson, 18 Hunters Lane, expressed his appreciation to the Township for holding the Veteran’s ceremony. He also commented on Resolution 185-2020 and the reference to EMS building. He asked to change the name of the building listed on the Resolution to the Emergency Services Building.

APPROVAL OF MINUTES

- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the November 2, 2020 Regular & Closed Session Minutes. All members in favor. Motion carried.
- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the November 9, 2020 Regular & Closed Session Minutes. All members in favor. Motion carried.

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 Gallagher, second by Councilwoman Franco to approve the consent agenda as presented.

- Resolution No. 182-2020 – Final Acceptance of Improvements to the Mohawk View Parking Lot
- Resolution No. 183-2020 – Final Acceptance of Resurfacing of Various Streets
- Resolution No. 184-2020 – Final Acceptance of Resurfacing of Strawberry Point Drive & Associated Roadways
- Resolution No. 185-2020 – Final Acceptance of Improvements to the Lee Hill Road EMS Building
- Resolution No. 186-2020 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing a Refund for Duplicate Payment for 4th Quarter 2020”
- Resolution No. 187-2020 – Resolution to Transfer 2020 Budget Appropriations – Current Fund
- Resolution No. 188-2020 – Authorization for the Outfitting of F550 Chassis for the Daily Operations of the Township of Byram Department of Public Works – Not to Exceed \$10,042.22

	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 NOVEMBER 16, 2020 BILL LIST - Motion by Councilman Gallagher, second by Councilwoman Franco 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 014-2020 - Amended Ordinance for Administration & Hourly Positions Salary and Wages for the Year 2018-2021

Motion by Councilman Gallagher, second by Councilwoman Franco to adopt Ordinance No. 014-2020. Mayor Rubenstein open to the public for comment. No comments were made.

	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 014-2020 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

- East Brookwood Alternative Entrance - The Council employed the services of our Township Engineer to provide options for an alternative entrance into East Brookwood. Harvey stated that he kicked this off several years ago with the Planning Board. Harvey said that if we are not going to establish a new road to not only alleviate safety issues but to make another entrance into the development, then he would only be in favor of an emergency entrance/exit only. Ray is in favor of the emergency entrance/exit behind the Liquor Factory strip mall. It is not perfect, but it does give a secondary emergency access. He would like to see the Manager move forward and put it in our capital plan for next year. The Mayor does not think it is fair to saddle all the taxpayers of the Township with the expense for this. Alex has surveyed several emergency services personnel regarding issues over the last 20-30 years in East Brookwood that has resulted in people not being able to get out of the neighborhood. He didn't hear any reports of people being trapped for a length of time. If there was a discussion regarding a special assessment to the residents of East Brookwood, similar to the residents of Forest Lakes paying a special assessment for a damn repair, he would be in favor of that. Alex stated that there is a similar situation both on South Shore Road and North Shore Road, and there have been many events over the years that have locked people in their homes for many hours and even days. Ray said that there is no other egress that could be built at either North or South Shore Road but there is a way to make an emergency access in East Brookwood. Ray has heard about East Brookwood 2nd access for years. Cris said that this subject escalated when the Quick Check was before the Planning Board. East Brookwood wants to be proactive and not reactive. A second access has been talked about for years at the Planning Board. The Planning Board approved the Quick Check Development, even with many residents in the East Brookwood neighborhood objecting. Harvey would like to see if we can get a grant for this project. Cory Stoner stated at a prior meeting that he wasn't aware of any grant that would be given for an emergency entrance into one neighborhood. Joe was leery of the estimated cost of the project because of the different permits that needed to be obtained for this project. Joe suggested having Cory Stoner go down to Trenton to review this project with NJDEP and Highlands to determine if this is a viable project. Jack Gallagher agrees with the Mayor and doesn't feel it is right to put this on the taxpayers. He feels the cost of the project definitely would increase. Joe suggested bringing Cory back to a meeting to thoroughly review Option 1 and what would be entailed with applying for permits. We could get a proposal from Cory to flush this out more. There was consensus among the members to have Cory do some additional legwork and attend a meeting for further discussion. Harvey talked about Andover Township's involvement with the NJDEP on the train station and how they were able to appeal to the NJDEP, which resulted in a less costly solution.
- Byram Municipal Building Project Next Steps - Alex stated that he felt it is time to engage a 3rd party estimator. Jack would like to look over the design documents first. Ray would like to take time look over the documents and would want to also see the price estimate and report from Wassim. Ray suggested having a discussion with the Council at the next meeting and then decide when we would want Wassim to come and give a presentation. Joe can get a proposal from a 3rd party estimator based on design documents. Harvey said this is a good time to bring back the building subcommittee to review. Ray feels it is premature to go to the subcommittee now and would like to review it with the Council first, and the Mayor, Councilman Gallagher and Councilwoman Franco agreed. Cris asked if we could look at large plans. Joe said he could ask for one set of each, and the Council members could stop into the office to view.
- LFN 2020-24 – COVID-19 Operating Deficits and Extraordinary Expenditures - Joe reviewed the memo he wrote to the Council. Byram's impact from the COVID-19 emergency is related to loss of revenue. Since writing his memo, Joe has had further discussion with Ashleigh regarding one-time fund balance regeneration. We haven't fully expended it. We could move forward with using unexpended balances from 2020, and not consider the special emergency. Joe recommends that we do not act on the resolution and continue with the plan of canceling budget appropriations in 2020. There was consensus among the Council to follow Joe's recommendation.

- Initiative Referendum - Petition was received and certified by the clerk for repeal of the backyard chicken ordinance. Ray would not support a repeal of the ordinance. He feels we went through a very lengthy democratic process regarding this ordinance. After much compromise and edits to the original draft of the ordinance, the Council came to a 3 - 2 decision to pass this ordinance. Ray feels this petition was circulated with misinformation. Ray would rather this go to a referendum to all the people of Byram. Cris agrees with many of the comments that Ray made and doesn't agree with the repeal. She feels that there was a lot of work put into this ordinance, and we tightened up restrictions to respect the neighbors. Cris is very disappointed that residents of Byram brought this petition but does not want to burden the taxpayers of Byram with the cost of a special election. Alex asked where funding would come from for a special election. Joe said that we don't have a line item in our budget for this. It would have to be a special emergency. Jack is not in favor of spending the money for a special election. Harvey stated that we spent a lot of time talking about chickens. He was against it because he feels the setbacks are not great enough. He is in favor of repealing the ordinance. Alex agreed with many of Ray's comments but doesn't want to spend \$25,000 of taxpayer's money on a special election. Alex doesn't feel the petitioners thought this out. We can repeal this ordinance and introduce a zoning ordinance. Ray pleaded with Alex and Cris to reconsider and take a stand. A lot of work by the Council, staff, and the planning board has went into this ordinance. The Faulkner government gives the right to the people to challenge the Council. Harvey stated that we should respect the challengers. This could be a conditional use variance. After further discussion, it was decided to put the ordinance on for repeal on December 1st. At that time, the Council could further discuss the possibility of a zoning ordinance to allow backyard chickens if the original ordinance is repealed.

Future Agenda Discussion Items: Councilman Roseff stated that outdoor retail and dining expires in January 2021. Harvey Roseff would like to discuss extending this for 2 more years so that it gives the business owners time to get back on their feet. Harvey stated that Elizabethtown promised us a marketing study, and they would survey some other areas in the north section of Byram. On October 8th Alex followed up with Gary Marmo regarding the survey. At that time, he stated that the surveys would go out in the Lake Mohawk section in the next month. Harvey stated that we discussed a much larger survey in other areas of Byram beyond Lake Mohawk area. Harvey will follow up with Gary Marmo, but if we don't get any response, he would like to take it to the next level and speak to the BPU.

Outdoor dining - The Council would be in favor of extending the outdoor dining permit if the Governor allows it. Cris Franco remembered seeing something about an ABC extension to March 2021. We will follow up and review the present regulations.

PUBLIC PARTICIPATION II - The Mayor opened to the public.

Skip Danielson, 18 Hunters Lane, was asked to give some thought to any issues that occurred in prior years of any situation in East Brookwood that blocked off the neighborhood. Skip did recall one incident with a fuel truck, but we were always able to move people around. He said when the development was originally built there was supposed to be another phase on the top of the mountain with another way out, but that phase was never done.

EXECUTIVE SESSION
RESOLUTION

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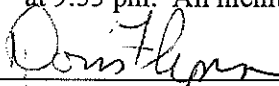
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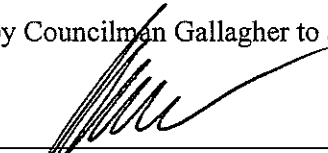
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on November 16, 2020.
Doris Flynn, Municipal Clerk

ADJOURNMENT – Motion by Councilwoman Franco, second by Councilman Gallagher to adjourn the Council meeting at 9:53 pm. All members in favor. Motion carried.



Doris Flynn, Municipal Clerk



Alexander Rubenstein, Mayor