

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
DECEMBER 5, 2023
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 Act. 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, 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 Township 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
 - Consortium - COAH
- B. Contract Negotiations
 - Hopatcong Animal Control Pound Shared Services
 - General Liability / Workers Compensation Insurance Renewal
- C. Personnel

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 December 5, 2023.

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 Bonker to return to open session at 7:32 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Bonker to approve the agenda 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		

JUNK YARD LICENSE TRANSFER HEARING

Attorney Bernd Hefele was present on behalf of the new owners. He received a letter from Mr. Stoner who was in favor the of transfer of license with conditions in place. They will be happy to come back in 6 months to review the conditions and any required additions. Mr. Stoner said he would like to review again in 6 months and stated that the tire pile that had been an ongoing problem is gone. Mr. Stoner would like to see a new survey when they reconvene. Mr. Stoners memo and conditions provided is below:

The 287 Lackawanna Drive (a.k.a. County Route 607) which has been utilized by North Jersey Auto Wreckers for a number of years is now being acquired by 287 Lackawanna LLC and the auto salvage business will be run by Crown Vehicle Salvage. Crown Vehicle Salvage has applied to renewal the current junkyard license for this facility and transfer the license from North Jersey Auto Wreckers to Crown Vehicle Salvage. For over 20 years, an annual license review has occurred, and a new license has been issued for this facility. This license was reviewed and approved in accordance with Byram Township Ordinance No. 14-2003 which regulates the operation of junk yards within the Township. With new ownership, a transfer of the current license is needed. The Attorney for the new owners has stated that the facility will be managed by the current owner and that the operations will remain the same. The transfer of this license is time sensitive, and the Township is being asked to permit a license transfer and license renewal at the next Council meeting. With my experience with the current owners that will continue to operate the facility, I have no objection to granting a license transfer and renewal. That being stated, additional time is needed to meet with the new owners, inspect the facility and outline any conditions that a new annual license renewal should include. It is therefore my recommendation that the license transfer be permitted but the license renewal be limited to say six months (set at June 1, 2024) to allow time for a full review of the license to occur. The conditions of last year's license should be held for this period. Those conditions include the following:

1. The Licensee shall maintain all chain link fences around the perimeter of the premises to continue to limit unauthorized access.
2. Licensee shall continue to maintain the existing evergreen trees along Lackawanna Drive. Any dead or diseased trees that exist shall be removed in 2024.
3. Vehicles waiting to be brought into the yard for processing will not be parked outside of the fenced premises and the licensee shall continue to move the vehicles within the fenced premises as soon as they are deliverable to the site. At no time shall the parking of vehicles block any part of the access drive that runs parallel to the property.
4. Records regarding fire protection service [in accordance with Section 156-6(H)] will be maintained on the premises and available for review by the Township Engineer during any inspection.
5. No additional tires will be added to the existing stockpile. The licensee must continue the ongoing reduction of the tire stockpile during the license period and continue to provide the Township with receipts each year. A final completion date for the removal of the tire pile is now being set for December 31, 2024.
6. Licensee will continue to cooperate with the Sussex County Mosquito Control Commission ("SCMCC") and keep those records on premises and available to the Township Engineer for review at the time of any inspection. The SCMCC shall be contacted by the Licensee in 2024 and asked to inspect and spray, if appropriate. The gravel areas within the site shall be maintained in a manner to prevent the ponding of water and prevent the creation of habitat for mosquitos. The gravel and earth areas on the site shall be graded periodically to assure that water ponding does not occur.
7. Vehicles and/or stacks/piles of materials processed or awaiting processing shall not be higher than the level of the perimeter fence. The partial waiver previously granted for equipment stacked on the site near the perimeter fence and the use of trailer bodies to keep vehicle parts under roof is continued. The Licensee will continue to minimize the stacking height of vehicles.
8. Despite Licensee's efforts to discourage it, materials are sometimes left outside of the designated junkyard by others. The Licensee will continue to dispose of all such materials promptly and appropriately.
9. With the access roadway leading to the facility consisting of gravel, mud and debris is sometimes tracked onto Lackawanna Drive. The Licensee must clean up any debris that may be tracked onto Lackawanna Drive from this facility and take preventative measures to assure that this does not become an ongoing problem.
10. The New Jersey Pollutant Discharge Elimination System (NJPDES) permit and documents related to the New Jersey Department of Environmental Protection (NJDEP) compliance will be maintained on the premises by the Licensee and available to the Township Engineer at the time of any inspection.
11. Trailer bodies intended to replace existing storage trailers on the facility property shall only be stored inside the perimeter fence along the access roadway.

Open to the public, no comment, close to the public.

Motion by Councilman Bonker Second by Councilwoman Franco to memorialize the hearing and will be reviewed again in 6 months.

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

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The next Township Council meeting will be held on Tuesday, December 19, 2023. The reorganization meeting will be held on January 2, 2024, at 7:30pm. Will be advertising for budget workshop meeting during the January 16, 2024, meeting at 6:30pm. Currently working on completing the draft for the capital budget. The 2024 Municipal Budget information has been posted on the township website.

Councilman Bonker - Open Space: There will be an Open Space meeting this coming Monday at 7pm. He anticipates a discussion on the immediate plans for CO#8 using the ARP money, as well as the longer term plans for the dog park, parking lots, walking paths, and CO#4 improvements. They will also review 2023 accomplishments and 2024 goals, and get an update from the Forester.

Looking forward to the employee Christmas party at noon on December 19th, and the ribbon cutting for Byram Schools TREP\$ entrepreneurship market next Friday at 4:30pm.

Councilwoman Franco – December 11, 2023, is the next crochet night, December 13, 2023 mahjong night, sign up through recreation.

Councilman Roseff – Nothing to report.

Mayor Rubenstein – Recognized the passing of Judge Bowe. Met with Andover Court Administrator about the shared service agreement for court services. Attended the Fire Department tree lighting which was an excellent event. At the last Planning Board meeting on November 16th there was a hearing for a single-family home.

PUBLIC PARTICIPATION I

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

Andrew Schwarts and his wife appeared before the council regarding Chapter 171 noise ordinance in August 2023. They still today continue to have issues with the noise coming from the neighbors. The neighbors have added even more speakers in retaliation to their complaints. They are not getting any help from the Byram Township Police as they said there is no ordinance for them to enforce. November 20th was the last occurrence and they decided to address the neighbor on the issue, in which there was a hostile exchange. They asked him to lower the music, and the neighbor told her that she was crazy. This is impacting the quality of their life in and outside of their home. They are looking for support from the township. They are encouraging an enforceable noise ordinance to protect the quality of life of the residents in the township. Mr. Roseff asked if anyone has taken noise measurements at their property. Mr. Schwarts said no, as the Police do not have the equipment or trained officers to do so, neither does the county health department. Councilman Roseff suggested having the county health department come down to do official measurements. Councilman Roseff asked Mr. Sabatini why we have an ordinance that is not being supported. Mr. Sabatini relied that we do not have trained officers nor equipment. Councilman Roseff said he would like to see the Police Department organize with the county and the homeowner to address this. Mr. Sabatini said that there is resistance from the county because of resources and timing. Mr. Schwarts encourages a qualitative ordinance instead of one that is quantitative. Mayor Rubenstein said that he wants to help them, the council would need to explore the resources and do some research. Councilman Roseff is willing to call the county. Mr. Sabatini found an email from 2010 regarding the enforcement measures from the county health department. The county does not regulate from residential dwelling to residential dwelling.

Stephanie Agudelo – also is a neighbor and said that the music is incredibly loud and happens multiple times a week. They never had issues until this neighbor moved in.

Mayor Rubenstein will reach out to the NJDEP and Councilman Roseff will reach out to the county.

Georgette Schroeder – Supports the complaint previously stated. Has a water issue on Bryer Lane and asked that now that they are digging up the road for the gas lines, it would be a good time to address the water issues. She is asking for an additional storm drain. Mayor Rubenstein said they will be looking into it.

Richard Proctor – looked it up on the DEP website and said that Byram did not submit its noise ordinance to the DEP.

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

APPROVAL OF MINUTES

November 21, 2023 Regular & Closed Session Meeting Minutes - Motion by Councilman Bonker, seconded by Councilwoman Franco to approve the minutes.

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

- A. Resolution No. 221-2023 – Authorization to Purchase Firefighter Protective Clothing and Equipment under the State of New Jersey Cooperative Purchasing Program for Budget Year 2023
- B. Resolution No. 222-2023 – Establishing Rate of Pay for Class II Special Law Enforcement Officers

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 nd	x				

Yes	x	x		x	x
No					
Abstain					
Absent			x		

BILL LIST – December 5, 2023 – Motion by Councilman Bonker, second by Councilwoman Franco to approve the bill list. Councilwoman Franco recuse on her reimbursement for going to the convention.

	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 – Introduction/First Reading

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 211, STORMWATER CONTROL IN THE CODE OF THE TOWNSHIP OF BYRAM TO PREVENT STORED SALT AND OTHER SOLID DE-ICING MATERIALS FROM BEIGN EXPOSED TO STORMWATER

Motion by Councilwoman Franco, second by Councilman Bonker to introduce the ordinance

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion		x			
2 nd	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 December 19, 2023, at 7:30 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard.

ITEMS FOR DISCUSSION

Fire Department Capital Program – The Council is in possession of a memo from the Fire Department dated November 19th regarding procurement of new apparatus. Engine 1 is at the end of its life and needs a new piece of apparatus. Mr. Sabatini said he is looking for guidance. Mr. Sabatini explained the importance and reasoning for replacing two pieces of apparatus with one. Engine #1 needs replacement, they could replace that along with the rescue truck #3 to save money. Mr. Sabatini asked the council to decide what they want to do and to make the decision on one piece of equipment or two. Mayor Rubenstein asked Mr. Rudloff if they reduce the vehicle count, that is in response to a decrease in volunteer count. Mr. Rudloff said the goal is to have the one vehicle fully stacked, instead of running two vehicles. It would be more practical to have a truck with water, firefighting, and rescue capabilities. The cost would be between \$900,000 to \$1.3 million to purchase. Councilman Roseff asked if Engine one is a highly used vehicle. Mr. Rudloff said yes, it is. Mr. Rudloff said that the current engine is not worth anything at this point. The use of brim on the roads is destroying the fire trucks. There is still value in Rescue Truck #3. There was discussion on replacing a chassis. In that case we would be without a truck for a period of time. Mayor Rubenstein does not like the idea of a chassis replacement and believes it is time to start looking into a new piece of apparatus. Councilman Roseff asked about the potential for purchasing with anti-corrosion options to prolong the life of the apparatus. Councilman Bonker asked if his suggestion is the combined vehicle and is it for operational purposes in terms of personnel. Mr. Rudloff said it is both safety and operational reasoning.

The council will revisit this at the next meeting on December 19, 2023, to allow time for the council members to visit the fire trucks.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

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

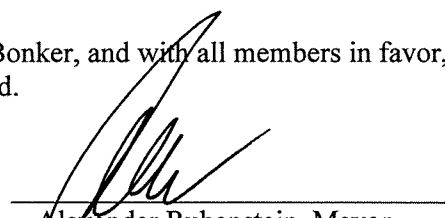
Georgette Schroder – Commented on the discussion about fire hydrants. Asked if there is an ordinance in place about lights.

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

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Bonker, and with all members in favor, the meeting was adjourned at 9:18 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor