

BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - DECEMBER 15, 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. 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.byramtwp.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, late; 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. Contract Negotiations
 - Labor Counsel
 - B.A.R.K.S. contract renewal
- b. Attorney Client Privilege Communication
 - General
 - Worker’s Compensation/General Liability
 - Property Maintenance - Block 220 Lot 25 & Block 336 Lot 23
 - Forest Lakes Drive – Potholes
 - LES

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, the minutes shall be made public.

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

Certification: I certify that the Byram Township Council adopted the above resolution on December 15, 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 7:36 pm.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA - Motion by Councilman Gallagher, second by Councilwoman Franco to approve the agenda with the removal of Resolution No. 211-2020, 212-2020, 213-2020 and 215-2020. All members in favor. Motion carried.

RECOGNITION OF RETIREMENT OF MUNICIPAL CLERK DORIS J. FLYNN

Joe Sabatini and the Mayor and Council all recognized Doris Flynn by expressing heartfelt comments and sharing stories about working with her over the years. Everyone thanked Doris for her dedication to Byram Township and wished her good luck in her retirement. Attorney Tom Collins also expressed his gratitude and wished Doris good luck in her retirement. Deputy Clerk Cindy Church expressed her appreciation for her guidance over the years and wished Doris much happiness in retirement.

Doris Flynn’s comments:

Almost 15 years to the day I was sworn in as Municipal Clerk with my family by my side. The expression "Wow, how time flies" couldn't be more fitting!

I've had the pleasure of working with 3 Mayors--Skip Danielson, Jim Oscovitch and now Alex Rubenstein, along with numerous Council members throughout my clerk tenure. I've enjoyed being a member of a team that always strives to do the best for the residents of Byram Township. Our attorney, Tom Collins, was appointed soon after I became clerk. I've appreciated his guidance and am very thankful that Tom was always my advocate.

Since the start of my career in 1997, I worked under 3 managers: Ron Gatti, Greg Poff and Joe Sabatini. Joe and I have worked the longest together--we just passed the 13-year mark. I think we've been a great team together, working very hard for the betterment of Byram. We had some laughs and also some moments that sounded just like a husband and wife bickering I've been told. I guess that is expected when you work 45-50 hours a week with someone for 13 years! In working in the capacity of Deputy Manager, I could see first hand how difficult and challenging the Manager's job is--and I can attest that Joe always gives 110% each and every day. I have been proud to assist our Manager who always put Byram first.

I would like to thank my family for their support of the years. They helped me study for tests and exams, lent an ear when I needed to vent, were understanding when my phone rang on weekends, or when I missed a family event because of a meeting. It was nice to see that I had a positive influence on my family--my son becoming an engineer and getting involved in local government in the Town of Newton and my daughter recently becoming the tax collector for Mt. Arlington.

I've had numerous co-workers over the past 23 years. Many left before me, and I am leaving a great group behind. We developed friendships, enjoyed many celebrations, shared laughter and tears. I will miss the comradery! For the last 5 years, I've had the pleasure of working closely with Deputy Clerk Cindy Church. Cindy has taken the lead in many of the clerk responsibilities leaving me time to assist Joe. She has done a fabulous job, and it's a great feeling to know that Cindy will continue to be an asset to Byram Township as she moves into the Municipal Clerk position.

Thank you all for your kind and thoughtful words spoken this evening -- it means a lot and I will miss you all!

Scott Olson, 194 Glenside Trail, expressed his appreciation for Doris' dedication over the years and thanked her for her service. Scott spoke of their friendship and remembered how Doris came to his house to swear him in as Councilman on July 1, 2007.

RESOLUTION NO. 203-2020 - Appointment of Cynthia M. Church as Byram Township Municipal Clerk and Registrar Effective January 1, 2021

Joe Sabatini summarized Cindy's history with the town. Cindy started in a part time position in recreation in 2007 and a year later became a full-time administrative clerk. In 2010, Cindy started to take the municipal clerk courses. In January 2016, Cindy was promoted to a full time Deputy Clerk, which allowed Doris to work closely with Joe. Doris Flynn replaced Cindy's mother who was Municipal Clerk in 2005. Cindy is very dedicated and supportive and pays particular attention to details. She has already shown her abilities in handling the numerous duties handled in the Clerk's office. Joe congratulated Cindy on her appointment as Township Clerk.

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

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

EAST BROOKWOOD ALTERNATIVE ENTRANCE - Engineer Cory Stoner reviewed his December 11 report which was a feasibility study to construct an alternative access roadway between the end of Woods Edge Road and the Acorn Plaza parking lot. Cory spoke to Barry Feldman, owner of the Acorn Plaza property, in early December to review the alternate access, and Mr. Feldman expressed a number of concerns that he had regarding the construction of the proposed access road connection to his parking lot.

Tom Collins agrees with Joe and Cory that the first step would need to be an easement agreement with Barry Feldman. We would work with Mr. Feldman to address his concerns in a draft easement.

Alex said that we need to have a conversation with the Council to see where the funding would come from. Alex didn't see any estimate for legal expenses. Cris asked if there were any opportunities for grants since this is an emergency access. Cory isn't sure if there would be any grants for this type of project. Alex asked how much engineering would need to be done to apply for a grant. Cory felt that it would cost \$2000-\$3000 to get this ready for a grant. The permit process could take up to 6 months, but overall Cory feels the project could be completed in a year.

Ray thought the order of precedence should start with Mr. Feldman. He feels we have enough optimism to know this is a doable project. Ray would like to have Tom Collins get involved to work on an easement and see if we can work out an agreement with Mr. Feldman. Alex doesn't have a problem with spending a few thousand dollars to work on an easement agreement, but he is still against spending \$200,000 of taxpayer's money for this project. Alex again suggested a special assessment for the residents of East Brookwood.

Jack Moran, 7 E. Waterloo Road, wanted to stress that he feels this project should move forward. He also thanked Barry Feldman for being willing to try to work with the Township. Jack asked if we could make the road smaller, which may help with a wetlands permit. Jack asked if we could start looking for grants now. Joe explained that the NJDOT grant cycle will not open up until the fall of 2021. Joe isn't aware of any other Hazard Mitigation Grants available. Joe was not informed that the County was updating their Hazard Mitigation Plan, but Joe will investigate. Jack does not feel a special assessment should be done.

Barry Feldman appreciated hearing the comments made by everyone. He is willing to cooperate as long as he can protect his interests. Mr. Feldman is more than happy to speak to Mr. Collins and see if we can move this forward without him incurring liability costs and devaluation of his property. There are 3 separate tax bills on this property and the building isn't owned by the same entity that owns the property. Mr. Feldman owns both of the entities and there are cross easements.

Scott Olson, 194 Glenside Trail, stated that he is surprised that the Council is considering this. It is a tremendous amount of taxpayer's money. Scott stated that the Council should go to the Planning Board with this first because this isn't the plan that was in the master plan, which was for a road to go to the jug handle.

Cris Franco stated that the issue was raised about an alternate means of egress when the Quick Check was before the planning board. Cris feels that this plan should have been a condition for the Quick Check approval. Other alternatives were considered at a much greater cost.

Tom Collins said that he will work on a draft easement that would enable Barry Feldman to grant an access to Byram Township. The Council agreed to spend \$2000-3000 for Tom to negotiate an easement agreement. There was a consensus of the Council to move forward with this.

LITTLE PAINT WAY - Joe explained how this project has changed over the years. We applied several years ago for this grant. The project was proposed in order to address flooding that occurs along Little Paint Way during large storm events. The FEMA Hazard Mitigation Grant was obtained in 2016 for this project based on an original estimate of \$125,000. Over the years the scope has changed because of NJDEP regulations, and the cost of the project now would exceed \$500,000. We have petitioned the NJOEM Mitigation Unit to increase the grant. If we don't get the increase that we are asking for, we have explained in the letter that we would replace the 36" pipe in-kind which would cost approximately \$90,000.

There was discussion about how often this area floods and the problem it causes to the neighbors in this development. Cory Stoner explained how the road would be raised and a much larger structure will be installed. The DPW would still need to maintain the drain.

Ray Bonker stated how crazy it is that this project has spiraled basically because the NJDEP rules have changed. Joe stated that Cory hasn't billed Byram on this project for the last 6 months, even though he has done work on it.

MANAGER AND COUNCIL REPORTS

Manager's Report - Our next meeting is our Reorganization meeting on January 5 with a 6:30 executive session and a 7:30 p.m. regular session. Joe congratulated Officer Kuncken and Officer Spaldo who graduated on December 7 from the Police Academy and began on-the-road training. Joe congratulated the Mayor on being named Mayor of the Year by the Sussex County Chamber of Commerce. The Manager wish everyone a Happy and Healthy Holiday Season.

Mayor Rubenstein - Alex reported on the December 3 and December 10th Planning Board meeting. Tomahawk Lake continued their site plan application, and the hearing will continue on March 4, 2021. The Recreation Committee announced the winner of the Holiday Lights contest: 1st Place: Matt and Jen Molloy-22 Mayne Ave.; 2nd Place: Nicole Costanza-14 Chestnut Street; 3rd Place: Stacy & Joe Barrett-32 Mayne Avenue. Gift certificates were given to the winners.

Councilman Bonker's Comments:

- 1. We held an Open Space meeting last night, on our usual 2nd Monday night slot, but unfortunately, we ended up in competition with the Recreation Committee and the Environmental Commission. This was a systemic failure that we must not repeat, especially because each of those committees has a member representing them on the Open Space Committee. End of rant. The good news is the OS Committee voted to forward to the Council its recommendation for the new town logo. It has a modern look and it will also serve as a part of the "Byram Outdoors" economic development outreach, built by Greener By Design for us. In particular, we have drone videos and a beautifully designed new brochure along with multiple social media platform locations, all to be used to attract people to Byram for our trails, our lakes, our hunting and fishing, our kayaking, and our restaurants and other retail services. This Byram Outdoors effort will require a sustained commitment from the Council. The OS Committee has also committed to recommending OS funds be used to make this outreach effort successful. You will be*

hearing more about Byram Outdoors next year. The OS Committee also volunteered to provide insights into the 2 options soon to be provided by French and Parrello for the CO Johnson Park redevelopment effort. Our first timber harvest is now scheduled for mid-January by CO Johnson Park, a landmark event in our forest management efforts. Finally, the OS Committee also recommended the Council enter into agreements with a forester and an OS advisor for 2021.

2. I know the 2021 Budget is not on the agenda tonight, but I want to highlight something we were previously given by the Town Manager which probably did not get sufficient attention at the time. Byram was notified that we must increase our pension payments for the Public Employees Retirement System (PERS) by 5.6% and for the Police and Fireman's Retirement System (PFRS) by 14.6%. And these amounts must be counted within our 2% budget cap. That is an \$80,000 increase. This is unconscionable fiscal mismanagement by the State. This is a screaming example of why defined benefit systems (pensions) must be replaced with defined contribution systems (like 401Ks and IRAs). Mr. and Mrs. Byram Township, we are being gouged and fleeced by NJ to make up for past promises that NEVER should have been made. This is big government at its absolute worst. And it will not go unrecognized. Nonetheless, I applaud our Manager for his continued efforts to deliver a 2021 budget we can afford, despite this financial travesty by the State.

Councilwoman Franco – Cris attended the 2020 Sussex County Mayor's Reception with Alex Rubenstein. In these challenging times, every Mayor was awarded Mayor of the Year. Cris feels that if only one Mayor was chosen it would have been our Mayor. Cris congratulated Alex on this honor.

Councilman Gallagher

- Fire Department drive-up tree lighting was on December 6 and it was a tremendous success. Tom Peterson helped out to get it broadcasted on the radio. The Fire Department has their plans in place and are ready for the storm. The Fire Department will be around town this weekend with Santa. Updates on exactly where Santa is on the weekend will be posted on their FaceBook page.
- Jack reported that the next planning board meeting is on December 17. The Raimos application will continue along with a residential variance.
- Jack provided an update on what was discussed at the Recreation Committee on Monday, December 14.

Councilman Roseff

- Harvey attended the EC meeting on 12/14. The EC would like to put information on the website about the spotted lanternfly.
- Elizabethtown Gas - A survey was sent around to a small area in the Byram side of Lake Mohawk. They have said they will be sending out a larger survey in 2021, which will include other areas in the northern section of Byram.
- Harvey had a discussion with Planet Networks on their plan for Byram next year. There is a survey available at Getplanetfiber.com, and Harvey encourages residents to participate in it.
- Retired Byram Township Police Officer Henry M. Shubert passed away on November 20th after a long illness. Skip Danielson provided Harvey with some background information on Henry and asked him to read it. *When the Byram Township Committee decided to form a full time police department in 1970, Henry was serving as an annually appointed special police officer under the township police statute. An Air Force veteran, he was also serving as a first aider with Lakeland Emergency Squad. Given his veteran status and Byram service, Henry was recommended for appointment as a probationary police officer starting in May 1971. He graduated from the NJ State Police Municipal Academy, Sea Girt in 1971. During his career he served as the accident records analyst. He was a highly trained police officer. Henry served until 1994 wearing badge #1. He leaves his wife Monique, son Henry and daughters Francine and Adrienne.*
- Municipal Building Estimate from the Nader Group was received this week and he has requested that it be posted on our website.

Councilman Bonker asked if the Planning Board rendered an opinion on having chickens on residential properties and if Chapter 215 applied. Alex stated that the Planning Board did render a decision that Chapter 215-56.2, harboring of livestock, pertained to commercial and did not apply to residential applications. Councilman Bonker will reserve his other comments regarding this subject until after the New Year.

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. All members were in favor. Motion carried.

Jack Moran, 7 East Waterloo, asked about energy aggregation. The data from JCP&L was finally received and Good Energy is analyzing it. Jack asked about the ISO rating. Councilman Gallagher stated that he still hasn't heard anything yet. Jack Moran asked about NJ Natural Gas and Verizon. Alex said that he doesn't have an update.

Scott Olson, 194 Glenside Trail, congratulated Cindy Church on her appointment. He looks forward to working with Cindy and knows she will do an excellent job. Scott stated that there is an opening on the Open Space Committee and anyone interested can send their resume to the Clerk's office. Scott listened to the Andover Township Council meeting and couldn't believe the ridiculous conversation at that meeting with regard to Lakeland Emergency Squad. Scott urged the Council not to cut any funds to Lakeland because they do an incredible job and have done so for the past 70 years.

Scott wanted to correct Councilwoman Franco’s comments and stated that the previous Council did not approve the Quick Check application. Applications go to the Planning Board.

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

APPROVAL OF MINUTES

- Motion by Councilman Gallagher, second by Councilwoman Franco to approve the December 1, 2020 Regular & Closed Session Minutes. Harvey asked for a correction on the comment “Nader’s combined number was \$5.3 million”. He stated that the number was only for the two buildings and did not include site costs. The Council agreed. The minutes will reflect “Nader’s combined number for the two buildings was \$5.3 million and did not include site costs”. 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.

- Resolution No. 202 – 2020 – Resolution Authorizing the Renewal of Liquor License to Adam Todd Inc. Valid from 7/1/2020 through 6/30/2021
- Resolution No. 204-2020 – Confirming the Redemption of TTL #2012-021 – Block 381 Lot 1 – White Hall Hill Road
- Resolution No. 205-2020 – Awarding the Contract Between Sunnyside Landscaping and the Township of Byram for the Adopt a Spot Program
- Resolution No. 206-2020 – Cancellation of 2020 Current Fund Appropriation Balances
- Resolution No. 207-2020 – Township of Byram Resolution to Transfer 2020 Budget Appropriations – Current Fund
- Resolution No. 208-2020 – Cancellation of Grant Receivables and Reserves
- Resolution No. 209-2020 – Establishing Salaries for Non-Union Employees for Calendar Year 2021
- Resolution No. 210-2020 – Resolution Authorizing the Byram Township Fire Department to Move from a Percentage System to a Point System to be Eligible to Receive a Clothing Allowance
- Resolution No. 214-2020 – Resolution Approving the Execution of a Shared Service Agreement between Byram Township and Sparta Township for Fire Prevention Services from January 1, 2021 through December 31, 2022

	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 DECEMBER 15, 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					

DISCUSSION ITEMS

Video Meetings - Alex stated that we have been conducting the virtual Council meetings with audio only. Alex received a few emails from residents asking if the Council would do the virtual meetings by video so they could see the Council. Ray didn’t object to it but hopes that people exhibit proper behavior. Harvey was fine with it and would like to discuss having video continue when we return to live meetings. Cris and Jack did not object. Alex stated that starting with our reorganization meeting, the Council meetings will be video as well as audio.

FUTURE AGENDA DISCUSSION ITEMS: No items were added for the next meeting

PUBLIC PARTICIPATION II - The Mayor opened to the public. No comments were made.

EXECUTIVE SESSION

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:

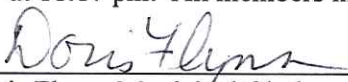
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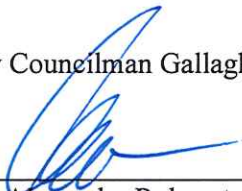
	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	x				
2 nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on December 15, 2020.
Doris Flynn, Municipal Clerk

ADJOURNMENT – Motion by Councilwoman Franco, second by Councilman Gallagher to adjourn the Council meeting at 11:17 pm. All members in favor. Motion carried.



Doris Flynn, Municipal Clerk



Alexander Rubenstein, Mayor