

**TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
JULY 6, 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, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL – Councilman Bonker here; Councilwoman Franco, here; Councilman Gallagher, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joseph Sabatini, Attorney Tom Mollica 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
 - Property Maintenance Block 220 Lot 25 & Block 336 Lot 23

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 July 6, 2021.

Cynthia Church, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilman Roseff, second by Councilman Bonker 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 Councilman Gallagher, to approve the agenda with the following additions: Add zoning violations for discussion and a Proclamation for Mr. Laurence Samuel Storch

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

SWEARING IN OF POLICE OFFICER – Scott M. Macmillan
Mayor Rubenstein swore in Mr. Macmillan with his father holding the Bible.

Scott Macmillan grew up in Byram Township and is a 2017 graduate of Lenape Valley Regional High School. After graduation high school he earned his Bachelor of Arts degree in Law and Justice from Rowan University, completing his studies in 3 years. Until his appointment he was the Assistant Manager of Crunch Fitness in Morristown. Mr. Macmillan

will attend the Morris County Public Safety Academy Basic Course for Police Officers and is scheduled to graduate in November 2021.

PRESENTATION OF THE JUNE DOBSON SCHOLARSHIP – Jessica Church

Mr. Frank Gonzalez of the Historical Society presented Jessica Church with the June Dobson Scholarship for 2021.

RECOGNITION OF RESIGNATION OF EMERGENCY MANAGEMENT COORDINATOR – Thomas Koundry

Motion by Councilman Gallagher second by Councilwoman Franco to accept the resignation of Thomas Koundry. The mayor directed the Clerk to send a thank you letter to Mr. Koundry.

SWEARING IN / APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR – Todd Rudloff

Mr. Rudloff was sworn in with Chief Burke holding the bible.

RENEWAL OF LICENSE – 2021 JUNK YARD – RAIMOS – PUBLIC HEARING

Mr. Frank Nemeth, and Mr. Charles Sarlo were present. Mr. Stoner presented his report.

In March 2021, Raimo of Stanhope, Inc. had their facility's license renewed through July 1, 2021. The renewal was conditioned on the Licensee completing a number of tasks. A review of those tasks is as follows:

1. Obtain Site Plan Approval. The Licensee was to obtain an approval of the site plan application that they had in front of the Township Planning Board by June 30, 2021. The site plan application was approved by the Planning Board on March 18, 2021. The Applicant is currently working to satisfy the conditions of the approving resolution. site plans that were updated based on the application review by the board were received by Mr. Stoner's office electronically on July 1, 2021. Any approval of an extension to this license renewal should be conditioned on compliance of the conditions of the Planning Board's approving resolution.

2. Remove Existing Concrete Barrier and Other Materials from Millstream Lane. Based on a recent inspection, the Licensee has cleared this area and is making effort to keep from placing any material in this area. The keeping of Millstream Lane clear of facility materials and activity should continue on any license renewal.

3. Cleanup the Block 35 Lot 37 property located on the south side of Netcong Avenue. The Licensee has moved a lot of old material left by the previous owner from this property. It was noted that a good bit of material, however, still exists in this area. A review of some of the material that still exists on the property include but may not be limited to the following:

- a. Machinery (loaders and excavators)
- b. Sea containers
- c. Concrete wall forms
- d. Wood pallets
- e. Miscellaneous fuel tanks
- f. Roll off containers
- g. New car crusher machine
- h. Tires
- i. Truck cabs and bodies
- j. Miscellaneous scrap metal
- k. Other items

Some photographs taken of these items are attached to the memorandum. Of the items listed above, is understood that some of the construction equipment, the concrete wall forms and the new car crushing machine will all be utilized in completing the improvements approved on both sides of Netcong Avenue. Since these items are for the overall site construction activities, Mr. Stoner did not have an objection to these items remaining on the property, nor did he object to the sea containers and roll off containers because they are items that are utilized during the operations of the facility and were approved by the Planning Board to remain on the property. The other items listed, however, are items that still need to be removed from the property. These items all appear to be items that needed to be disposed of either by scrapping through their facility or taken away to dispose at another facility in accordance with applicable local, state and federal guidelines.

Mr. Stoner feels that the Licensee made considerable efforts to address the conditions of the miscellaneous 6-month renewal that was approved in March. The biggest item that was not completed is the full cleanup of the Block 36 Lot 37 property. Based on the inspections of this property over the years, the property is the most cleaned up it has been. They, however, have not met the deadline that they stated they would meet for the cleanup of that property.

Mr. Stoner recommended to either 1) not approve the license renewal until the Block 36 Lot 37 property is cleaned up of the items discussed above or 2) grant a license renewal for 6 months with the condition that the cleanup work being fully completed by a designated date.

Frank Nemeth – President of Raimos Savage was sworn in.

Mr. Nemeth will complete the cleanup within the next 6 months. Mr. Sabatini would like to see the staging plan. Will commit to cleaning up everything that is not being utilized by the end of 2021.

Charles Sarlo said that he has been in touch with Mr. Collins and waiting on the draft of the Developer’s Agreement. There are a lot of conditions that need to be met before the building can be put up.

Mr. Sabatini asked for Mr. Stoner to come up with a list of items that will be disposed of.

The consensus of the council was to renew the license through 12/31/2021. Resolution with condition will be on for July 20th meeting.

PRESENTATION OF THE 2020 AUDIT - Ray Sarinelli, Jr., Township Auditor, presented the audit along with Byram CFO Ashleigh Frueholz.

Mr. Sarinelli stated at the beginning of the year the current fund started with \$3.255 million, and used \$2.095 million in the 2020 budget, and regenerated 1.7 million throughout the year, leaving the fund balance at \$2.927 million.

In the General Capital Fund the township started four new capital projects and continued to pay down the debt.

The sewer utility ended the year with \$607,000 in the fund balance. This is slight decrease but is a very healthy fund balance for the utility.

Under compliance, Mr. Sarinelli suggested as in years past the segregation of duties in the finance department.

Mayor Rubenstein asked how Byram Township compares to our peers. Ray Saranelli Jr. said many towns within the Sussex County area were very prepared. Outside of Sussex County did not weather as well. Byram Township favored very well compared to its peers and much better than others throughout the state. Councilman Bonker asked about the Townships Debt compared to others. Mr. Sarinelli we are on the lower side of average. Mr. Sabatini added in that they have been paying the notes and items being bonded for in advance. Mr. Roseff asked about the sewerage utility fund balance. Mr. Sarinelli explained that fees are collected only by the users of the sewer. A fund balance is held to allow the operational need on a daily basis.

A. Resolution No. 164-2021 – Governing Body Certification of the Annual Audit
 Motion by Councilman Gallagher, seconded by Councilwoman Franco to adopt Resolution 164-2021.

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

B. Resolution No. 165-2021 – Corrective Action Plan for the 2020 Audit
 Motion by Councilman Gallagher, seconded by Councilwoman Franco to adopt Resolution 165-2021.

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

PROCLAMATION – In Recognition of Mr. Lawrence Samuel Storch

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

Mayor Rubenstein would like to have the Proclamation framed.

TOWNSHIP MANAGER, MAYOR AND COUNCIL REPORTS

Township Manager – The State approved the HAVA grant for the improvements to be made at the Lee Hill Safety Building to put in a sidewalk and access for ADA compliance.

Mayor Rubenstein – at the June 17th the Planning Board meeting the Mountain Side application was approved. It is turning into a garden center and ice cream shop. There was a residential application on Glenside that was approved, and a consistency review of the dog park that was found consistent with the Master Plan. There was a solar application that was withdrawn. There was a courtesy review for the Municipal Complex. On June 25th Anne Foster passed away, she was a member of the Lakeland Emergency Squad.

Councilman Bonker – Would like a resolution with the documentation from the planning board regarding the Nader Group to be on for the next meeting. Suggested inviting anyone from the Municipal Building Committee who wished to attend.

Councilwoman Franco – Nothing to Report

Councilman Gallagher – Reported that the kid’s triathlon went very well with a good turnout. Byram Fest October 9th or 10th. The next Recreation Committee meeting will be held on July 19th.

Councilman Roseff – Nothing to Report

PUBLIC PARTICIPATION I

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

Annelise DeMagatris – 69 North Shore Road– Feels that the Municipal Building needs to move forward.

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

APPROVAL OF MINUTES

- 06-15-2021 Regular & Closed Session Minutes – Motion by Councilman Gallagher, seconded by Councilwoman Franco to approve the minutes as presented.

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

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.

- Resolution No. 158-2021 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 360.01 Lot 11, 14 Hunters Lane
- Resolution No. 159-2021 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 28, Lot 334 Refund of Taxes Paid for 1st and 2nd Quarters – 12 Lockwood Ave
- Resolution No. 160-2021 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 28, Lot 334 for Tax Year 2021 – 12 Lockwood Ave
- Resolution No. 161-2021 – Resolution of the Township of Byram, County of Sussex, State of New Jersey Refund County Tax Appeal Revised – Block 360 Lot 31.03, Panther Lake
- Resolution No. 162-2021 – Authorization to Purchase Snowplow Under the Sourcewell National Cooperative Purchasing System for Budget Year 2021 – Not to Exceed \$11,584.74
- Resolution No. 163-2021 – Chapter 159 – Hazard Mitigation Grant \$234,000.00
- Resolution No. 166-2021 – Authorize the Purchase of one (1) Ford F350 Cab 4x4 Pick Up with Optional Equipment for the Township of Byram Department of Public Works – Not to Exceed \$34,376.50
- Resolution No. 167-2021 – Appointment of Byram Township Police Officer – Scott M. MacMillan
- Resolution No. 168-2021 – Resolution Executing Contract Agreement by and Between Byram Township and PBA Local 138 for January 1, 2022 through December 31, 2026
- Resolution No. 169-2021 – Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Tamarack Road Improvement Project
- Resolution No. 170-2021 – Authorization to Purchase Body-Worn Cameras and Support Equipment for the Township of Byram Police Department – Not to Exceed \$38,449.00
- Resolution No. 171-2021 – Authorization to Purchase a Compact Wheel Loader Accessories for the daily Operations of the Township of Byram Department of Public Works – Not to Exceed \$7,443.01

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

Councilman Bonker recognized the ratification of a 5-year police contract with 2% increases for each year. He stated that the ratification comes 6 months before the conclusion of the current contract. The agreement was reached with a non-confrontational approach from both sides with the absence of any lawyers. Any labor contract must strike a balance between the desire for increased wages and the taxpayer's ability to pay, striking the right balance. Councilman Bonker acknowledged that by the end of this 5-year contract period, it is highly likely that about half of the current police force will turn over. The Township Council just now swore in a new officer, and over the next 5 years it is likely they will be swearing in several more. When both sides show mutual respect and genuine good faith, a lot can be accomplished for our citizens. Councilman Bonker thanked the Township Manager for closing the deal without the need for outside legal counsel and billable hours, without protracted negotiations, without mediation, without arbitration, and without fanfare.

BILL LIST – July 6, 2021 – Motion by Councilman Gallagher, second by Councilwoman Franco to approve the bill list as presented.

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

ITEMS FOR DISCUSSION

Dog Park Subcommittee – The idea is to put together a small subcommittee of interested people who can facilitate the process and act as a liaison between the Engineer, Administration, and the Township Council. Mayor Rubenstein suggested to have that include a couple members of the Township Council, Administration, the Chairman of the Open Space Committee and the Chairman of the Recreation Committee. Mayor Rubenstein and Councilman Bonker both volunteered to be on this committee. Mr. Sabatini also volunteered and said that this should also include the DPW Superintendent as well. Mr. Sabatini said that this team would also help to define the scope of the project. Councilman Roseff feels that before they start meeting, they need to figure out what the budget should be. Councilman Bonker disagreed, as they have worked with professionals on this already. The amount that was asked for from the State was an upper bound limit and what they were professionally advised to do. These loans are going to be competitive, and it is not guaranteed that the amount that they ask for is the amount that they will get. There is no downside to asking for the maximum amount and then refine the process and knock the cost down.

Outdoor Dining – Regarding permanently allowing outdoor dining. There are sites that are not operating within their approved site plans. The Township Ordinance would need to be looked at to see where they can provide relief. Joe will reach out to the local businesses to see if this is something they would want to do.

Zoning Violations – Mayor Rubenstein suggests a letter to go out to residents that zoning applications are needed when work is being done.

FUTURE AGENDA ITEMS

Byram Anniversary – Set up of a Subcommittee – Historical and Recreation Committee will discuss.

PUBLIC PARTICIPATION II

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

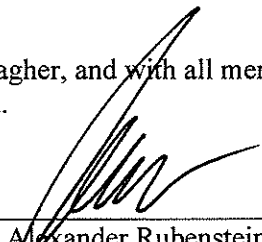
No Comment

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

ADJOURNMENT

On the motion of Councilman Bonker, second by Councilman Gallagher, and with all members in favor, the meeting was adjourned at 9:35 p.m. All members were in favor. Motion carried.


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein, Mayor