

BYRAM TOWNSHIP COUNCIL MEETING - FEBRUARY 20, 2018
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

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.

ROLL CALL

Councilman Gray, late (7:55); Councilwoman Kash, late (6:40); Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein here. Also present was Township Manager Joe Sabatini, 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. Attorney Client Privilege Communication
 - General
 - Release of 2017 Closed Session Minutes
- b. Personnel – Police Department Policies
- c. Contract Negotiations
 - Professional Appointments
 - PBA

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

Motion by Councilman Olson second by Councilman Roseff to go into closed session and adopt the above resolution.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd				x	
Yes			x	x	x
No					
Abstain					
Absent	x	x			

Certification: I certify that the Byram Township Council adopted the above resolution on February 20, 2018. Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:30 pm. All members were in favor. Motion Carried.

CALL COUNCIL MEETING BACK TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilman Olson, second by Councilwoman Kash to approve the agenda with the addition of an award presentation from Statewide Insurance. All members were in favor. Motion carried.

PROCLAMATION - MS Awareness Month

Tammy Quasis explained what MS is. There is no cure. It is important to Tammy to go out and promote awareness. She is a fund raiser and an MS activist. In 2 weeks she will go to Washington and Capital Hill accompanied by her son. The estimated snap shot of people who have MS in the United States is 400,000, which is extremely outdated data from 1974. The MS Society has concluded a recent study that they launched and now the count is a little shy of 1 million people who have MS.

Scott asked how they are looking as far as funding goes. Tammy stated that in 2 weeks she will know what they are asking for in Washington. Mrs. Jaros stated that there is a walk in April in Roxbury at Horseshoe Lake in support of MS.

Mayor Rubenstein read the Proclamation. Motion by Councilman Olson, second by Councilwoman Kash to authorize the Mayor to sign the Proclamation.

PRESENTATION BY SKYLANDS RISK MANAGEMENT - Ernie Reigstad, Skylands Risk Manager, presented Byram Township with the 2017 Loss Control Award from Statewide Insurance. We reduced claims across the board in 2017. There were only a handful of towns that received this award.

RENEWAL OF LICENSES – 2018

- Tilcon N.Y. Quarry – Brian Montag, Legal Counsel for Tilcon and the General Manager of Tilcon were present. Tilcon leased the property in 1999. As of January 2018, Tilcon now has title of the land. There is very limited quarrying going on throughout the year. There is storage of some materials, 1-2 blastings throughout the year and limited amount of sales. There is no plan to increase operations, but it is based on the market. Mr. Montag has reviewed Cory Stoner’s report in detail, and they did not have any concerns regarding it. Cory Stoner provided a little history and briefly reviewed his report dated 2/5/18. Attorney Megan Ward represents Byram in this application. Cory Stoner stated that he would like to revise Condition No. 6 and stated that no additional equipment or machinery not related to quarry operations shall be stored on the licensed property. The lower site is owned by Byram Land Development. Tilcon does not have any equipment on the lower tract. David Gray asked about security at the quarry. He asked if there are any issues that still needs to be addressed. They have undertaken significant security improvements--cameras have been installed and on 24/7. Tilcon has hired 2 retired police officers to work on security. The 2 police officers met with the Byram Police officers to review the site. Cory stated that he could revise Condition No. 14 to add additional no-trespassing signs. Joe questioned what lots were purchased by Tilcon. There was discussion about a parking area on Lot 11 and asked if it was part of the quarrying operation. Mr. Montag will provide clarity on all the lots owned now by the Tilcon and also info on the access easement through the lower quarry. Scott suggested to remove Condition No. 10. Monitoring wells will continue. Tilcon will work with the NJDEP to get the case closed with regards to the environmental concerns. Motion by Councilman Olson, second by Councilman Gray to open to the public. No comments were made. Motion by Councilman Olson, second by Councilman Gray to close to the public.

Motion by Councilman Gray, second by Councilwoman Kash to approve the license renewal for 2018 with conditions.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion					
2nd	x	x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

- Raimos – Frank Nemeth-Owner /Chris Manzo, Operations Manager were present. The new owners bought the stock in Raimos. There was not a title transfer. Cory reviewed his report dated 2/5/18. Operation is on both sides of Netcong Avenue. The changes on the site have triggered a planning board application. The new owners have cleaned up the site. The material that is on the South side is the equipment that is going to be scrapped. On the north side, a lot of material has been removed. A new scale house has been installed. During Cory Stoner’s site visit, he met the owner’s engineer who will be involved with the planning board application. Frank summarized their future plans. Currently there is one building that used to be used to do some work. They have plans to take it down. They want to build 2 new buildings. This way, they will prevent run off since it will be done under a roof. There will be one operation outside under a hut to do cutting, on concrete. They will be able to minimize any effect on water run off. There were several items missing when Cory inspected the property, such as pest control, fire safety, and licensee’s environmental consultant. The applicant now has the paperwork and will provide it to Cory. Joe discussed the maintenance of Netcong Avenue. Cory suggested we incorporate some language in Condition 15 in the resolution pertaining to this road. Alex asked if there were monitoring wells on this site. There are not any monitoring wells. Alex asked if they get the discharge water tested. Frank stated that they do and it is done quarterly. Alex suggested that a condition be incorporated to send copies of the water testing to Byram. The discharge water is from the apparatus. There will be no storage of vehicles overnight on Netcong Avenue. Frank expressed concerns if something beyond his control prevents him from filing a planning board application by June

30, and asked if he has a recourse. Tom Collins stated that he would have to write a letter to the Council and the Council would have to approve by motion to extend the time period.

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

Motion by Councilman Gray, second by Councilwoman Kash to approve the license renewal for 2018 with conditions.

- North Jersey Auto Wreckers – Cory Stoner reviewed his 2/5/18 report. No one from this junkyard was present. Last year they had an issue with trailer bodies parking outside the fence. It was cleaned up by mid year, and upon inspection, it was in much better shape. No vehicles were found to be blocking any part of the access drive. Receipts for the removal of 4000 tires were provided. Access gravel way should be periodically graded to assure that water ponding does not occur. The condition should be changed requesting that the Sussex County Health Department be notified to inspect the premises for mosquito control. Alex asked why North Jersey doesn't have a discharge system similar to Raimos.

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. No comments were made. Motion by Councilman Olson, second by Councilwoman Kash to close to the public.

Motion by Councilman Olson, second by Councilwoman Kash to approve the license renewal for 2018 with conditions.

2018 CAPITAL BUDGET PRESENTATION

Joe reviewed his capital budget memo, which is posted on the website. The Council did not have any questions. Scott Olson commented that on tonight's consent agenda we were cancelling the bond ordinance for the Fire Truck, and we will be doing a new ordinance for a different spec.

TOWNSHIP MANAGER/COUNCIL REPORTS

Township Manager – Joe announced that the introduction of budget will occur at the next meeting

Harvey Roseff – Last week Harvey attended the Sussex County Chamber of Commerce meeting along with 230 people. They had to turn away attendees. He had a short conversation with Tammy Horsfield about her working with Byram and BBOA, and she is interested in helping Byram out. Attended the Fire Installation dinner – it was a good time.

David Gray – David apologized for missing Tammy's presentation, thanked her for coming, and stated that he would have been in full support of the Proclamation. He attended a benefit hosted by Waterloo Church to get food donations to restock the County food pantry. Very well attended. David asked for support from the Council to allow him to meet with Pastor Tim to find out how they can help Byram.

Nisha Kash – Nisha attended the February 15th Planning Board meeting and the February 28 Board of Education meeting.

Scott Olson – Attended a capital meeting on the fire truck. For various reasons, the fire truck specs have been changed.

Attended an Open Space meeting on February 12--finishing up on an acquisition and looking at trails and who is responsible.

Mayor Rubenstein

- Attended an "All Schools Concert" at Lenape Valley, which consisted of LVR High School Band and 7th and 8th grade bands from Byram, Stanhope, and Netcong, totaling 150 musicians playing at the same time. It was a fabulous concert.
- Stanhope planning board approved the gas station and convenience store at the corner of Belton and Route 206.

PUBLIC PARTICIPATION I

Motion by Councilwoman Kash, second by Councilman Olson to open to the public. All members in favor. Motion carried.

Helen Jaros, 460 Stanhope Road, stated the primary election is coming up and the Lee Hill Safety Building has to be in compliance with ADA.

Joann Smith, 57 Lake Drive, questioned Resolution No. 48-2018 and the need for an irrigation system. Joe explained the options of having a water cannon vs. an irrigation system. The irrigation system does have a

higher cost, but the water cannon is labor intensive and not felt to be the best solution. The funds will come from Open Space.

Skip Danielson, 18 Hunter Lane, stated that the DPW did a great job in the last few storms, as always. He asked again for the Council to adopt a resolution to modify the workman's compensation law.

Motion by Councilman Olson, second by Councilwoman Kash to close to the public. All members in favor.

APPROVAL OF MINUTES

- February 6, 2018 – Regular and Executive Minutes – Motion by Council Olson, second by Councilwoman Kash, to adopt the minutes as presented. All in favor
- February 13, 2018 – Regular and Executive Minutes – Motion by NK/SO Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented. All in favor.

Motion by Councilman Olson, second by Councilwoman Kash close to the public. All members in favor.

COUNCIL APPOINTMENT

- Robert Brady – Open Space (Recreation Committee Representative)- 3 Year Term Expiring 12/31/19 – Motion by Councilman Gray, second by Councilwoman Kash to approve the appointment. All in favor.

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 Olson, second by Councilwoman Kash to approve the consent agenda.

- A. Resolution No. 42-2018 – Authorizing Appointment of Robert H. Beinfeld, Esq. for Bond Counsel and Award of Professional Service Contract in Connection Therewith
- B. Resolution No. 43-2018 – Authorizing Appointment of CP Engineers, LLC as Sewer Consulting Engineer and Award of Professional Service Contract in Connection Therewith
- C. Resolution No. 44-2018 – Authorizing Appointment of Harold Pellow & Associates as Township Engineer and Award of Professional Service Contract in Connection Therewith
- D. Resolution No. 45-2018 – Authorizing Appointment of Megan Ward of Kelly & Ward LLC as Conflict Attorney and Award of Professional Service Contract in Connection Therewith
- E. Resolution No. 46-2018 – Authorizing Appointment of Vogel, Chait, Collins & Schneider as Legal Counsel and Award of Professional Service Contract in Connection Therewith
- F. Resolution No. 47-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Authorizing assignment of Tax Sale Certificate #2017-18” – Block 344, Lot 21 – 319 Amity Road
- G. Resolution No. 48-2018 – Resolution Authorizing Harold Pellow & Associates to Prepare Construction Specifications & Contract Documents, and Provide Construction Inspections & Management for an Automatic Irrigation System at Tamarack Park – Not to Exceed \$6,000
- H. Resolution No. 49-2018 – Resolution Authorizing Navitend to Install a Firewall at the Byram Township Municipal Building – Not to Exceed \$1,642.95
- I. Resolution No. 50-2018 – Resolution Amending the Forest Stewardship Plan to Include the Forest Management Plan on Block 226, Lot 26 & 26.08
- J. Resolution No. 51-2018 – Resolution for Cancellation of 2017 Bond Ordinance (Ordinance 14-2017 – Acquisition of New Fire Truck - \$600,000)
- K. Resolution No. 52-2018 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 6, Lot 429 for the Tax Year 2018 and the Cancellation of Taxes for the Remainder of First Half of 2018
- L. Approval to Release 2017 Closed Session Minutes

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

February 20, 2017 BILL LIST

Motion by Councilwoman Kash, second by Councilman Olson to approve the bill list as presented.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

ORDINANCE – 2nd Reading /Public Hearing

- **ORDINANCE 2-2018 - Ordinance of the Mayor and Council of the Township of Byram Repealing Code Section 3:52 Entitled “The Youth Guidance Council” and Sections 73-1 To 73-8 of Chapter 73 Entitled “Youth Guidance Council**

Motion by Councilwoman Kash, second by Councilman Gray to adopt the ordinance. Mayor Rubenstein opened to the public. No comments were made. Mayor Rubenstein asked the clerk to call for the vote.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd	x				
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Be It Resolved that Ordinance 2-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

- **Ordinance for Clerical Salary and Wages for the Year 2018-2021**

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance. Mayor Rubenstein opened to open to the public. No comments were made. Mayor Rubenstein asked the clerk to call for the vote.

Motion by Councilman Olson, second by Councilwoman Kash, to close to the public. All members in favor. Motion carried. Mayor Rubenstein asked the clerk to call for the vote.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		x			
Yes	x	x	x	x	x
No					
Abstain					
Absent					

Be It Resolved that Ordinance 3-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

DISCUSSION ITEMS

- Supporting Requirement of Disclosure of Information by Regional School Districts to Municipalities of Student Addresses – Mayor Rubenstein stated that this was discussed at the last meeting. Harvey Roseff is going to ask the Board of Education President what the formula is, how it is derived and what the student count for each sending district is. Dave Gray asked if we wanted to have a discussion about security so that if a resident comes to the Council we have some knowledge. Chief Zabita gave a short overview on how they are working with the superintendent on plans of action. They also have a presence in the school every day in the morning and the afternoon. Andrew McElroy was in the audience and David stated that he wanted him to know that if the Council can ever help in any way to let us know.
- Municipal Building – Alex stated that we probably should establish a subcommittee of 2 Council members and possibly a member or 2 from the public and a member from the Planning Board and task them to come up with alternatives. Scott suggested that we look for public members that have skills pertinent to this process. Cory could attend a meeting to present the environmental issues. David thought that was a good idea. Harvey stated that he feels we are going down the same road as before, and stated that we should just gut the two buildings and rebuild on the same footprint. David stated that there needed to be a cost analysis first before we can make a decision to just renovate. He is open to a fair and transparent process to be educated and learn more about the process. Joe suggested doing an on-line survey to the residents, which Alex thought was a great idea. At the end of the discussion, it was decided that we would add this again to the next agenda and talk about the makeup of the subcommittee. In the meantime, Council members can talk to residents to see if anyone is interested in being on a subcommittee to come up with a plan and see what ideas are out there.
- Opioid issues – David reviewed the email he sent out. The Council was supportive in having David speak with the attorney to find out more about it.
- Strategic Planning/Goal Setting – Alex suggested have a public white-board session to get ideas from all the Council members and then putting them in priority order. For the next meeting, the Council should look at their calendars and come with dates they are available.

Alex brought up a problem with false fire alarms, especially at Waterloo Village. Pete Zabita will discuss it with Todd Rudloff and the State Park Police, and report back to Joe.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. Motion carried.

Helen Jaros, 460 Stanhope Road, asked about the response on the previous survey done with the Economic Development plan. Scott stated that 1300 people responded. She thought that was great response.

Tammy Quaisis stated that if a very limited amount of people actually came to the public hearings then they lost their opportunity to have a voice. People say no, they don't want it, but they don't offer any ideas or solutions.

Annalise, asked if we looked at having 2 separate buildings. She definitely felt we needed a new police building, and asked if that could be built across the parking lot and then renovate this building for administration.

Motion by Councilman Olson, second by Councilwoman Kash, to close to the public. All members in favor.

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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BYRAM TOWNSHIP COUNCIL

Motion by Councilman Olson second by Councilwoman Kash to go into closed session and adopt the above resolution.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on February 20, 2018. Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 11:40 pm. All members were in favor. Motion Carried.

ADJOURN

On the motion of Councilwoman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 11:40 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor