

BYRAM TOWNSHIP COUNCIL MEETING - MARCH 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 (7:17p.m.); Councilwoman Kash, late (6:39p.m.); 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
- b. Anticipated / Pending Litigation - Opioid Issue
- c. Contract Negotiations - PBA and DPW negotiations

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 Mayor Rubenstein 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	x	x
No					
Abstain					
Absent					

Certification: I certify that the Byram Township Council adopted the above resolution on March 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 No. 13.5 added for a Resolution to be discussed regarding a waiver of enforcement for start date of special events and No. 16 for authorization for Attorney Ruderman to do work. All members were in favor. Motion carried.

OWNSHIP MANAGER/COUNCIL REPORTS

Township Manager

1. April 3, 7:30 p.m. - Public hearing and adoption of 2018 budget. The State announced that State aid is remaining flat from 2017.
2. April 12, 6:30 p.m. Special Public Workshop Meeting - Strategic Planning/Goal Setting

- Participated in a kick off meeting of the Byram Day Committee on March 19 with Doris, Jen Kerr, Donna Griff and Mary Schneider. Discussed having Byram Day on September 8 from 12 to 5 at Neil Gylling Park. We discussed not including the run on Byram Day this year—possibly holding it as a separate event on a different day. We want to bring back all the Byram Non-Profits and are suggesting not to charge a vendor fee. We will also contact the Byram Business Owners Association to see if we can have the Byram businesses present without a charge. We will engage members of the Recreation Committee to be a part of the Byram Day Committee.

Harvey Roseff – Thanked Chief Zabita for keeping him well informed during the storms.

Nisha Kash – Attended a PB training session on Saturday, March 17. Attorney Tom Molica and Planner Jessica Caldwell were presenters. It was very informative.

Scott Olson – Historical Society meeting will be cancelled tomorrow night. Bob Dennis was going to present the history of Cranberry Lake—it will be rescheduled.

Mayor Rubenstein

- March 13 – Participated on a conference call regarding the State budget. Alex felt it was very vague.
- March 14 – Attended the Hopatcong council meeting. There was about 50 people there in support of OSCAR.
- March 15 Planning Board meeting – no new business. There was a discussion about changes to the sign ordinance.

David Gray – Gave a shout to our garbage hauler. David received several comments that they have been very polite to our homeowners. David stated that Byram’s staff works very hard during storms, and thanked Chief Zabita, the entire Police Department, Fire Department, Squad, DPW, etc. for all their hard work.

APPOINTMENT OF COUNCIL LIAISON TO THE RECREATION COMMITTEE- Motion by Councilman Gray, second by Councilwoman Kash to appoint Mayor Rubenstein as the liaison, All in favor. Motion carried.

PUBLIC PARTICIPATION I

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

Joanne Smith, 57 Lake Drive, stated that she attended the Hopatcong Council meeting and thought the behavior of the Council was terrible. She hoped our Council would never treat the public like the way Hopatcong did during the meeting.

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

APPROVAL OF MINUTES

- March 5, 2018 – Regular and Executive Minutes – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented.

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

- March 6, 2018 - Regular and Executive Minutes – Motion by Councilwoman Kash, second by Councilman Roseff, to adopt the minutes as presented.

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

- March 8, 2018 – Regular Minutes – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the minutes as presented.

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

- Motion by Councilman Roseff, second by Councilwoman Kash, to carry the minutes to the 4/3/18 meeting for discussion in closed session. All in favor.

PROCLAMATION – National Poison Prevention Week – Motion by Councilman Gray, second by Councilwoman Kash to authorize Mayor Rubenstein to sign the Proclamation. All 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 Olson, second by Councilman Gray to approve the consent agenda.

- Resolution No. 68-2018 – Approval of Quarry License for Year 2018 for Tilcon New Jersey, a division of Tilcon New York, Inc.
- Resolution No. 69-2018 – Resolution Authorizing Environmental Commission to Hold Trail Clean-Up Events
- Resolution No. 70-2018 – Resolution Authorizing Byram Township Fire Department to Conduct a Bucket Drop – April 2018
- Resolution No. 71-2018 - Resolution Authorizing Byram Township Fire Department to Conduct a Bucket Drop – September 2018
- Resolution No. 72-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 406, Lot 92
- Resolution No. 73-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 307, Lot 1873
- Resolution No. 74-2018 – Resolution of the Township of Byram, County of Sussex and Sate of New Jersey Authorizing Amending the Agreement with Lakeland Emergency Squad
- Resolution No. 75-2018 - Resolution Authorizing the Execution of a Treatment Works Approval Permit Application for Jefferson Lakes Day Camp

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

- Resolution No. 76-2018 – Authorizing Appointment of Township Planner and Award of Professional Service Contract in Connection Therewith – Motion by Councilman Olson, second by Councilman Gray to adopt the resolution. Councilman Gray stated that the new Council has taken the approach to interview other professionals, and he expressed his disappointment that the Planning Board decided not to interview any of the professionals that sent in proposals. Mayor Rubenstein stated that he felt the same way but the Planning Board did not want to make changes to their professionals mid-year. They are not opposed to interviewing other professionals but would like to have more time to go through the process. The Planning Board stated that they would be willing to start the process in September and if they made a change, it would happen at the next reorganization meeting. Several other Council members also expressed their disappointment. Mayor Rubenstein explained that a Planner is appointed by both the Planning Board and Council but it doesn't necessarily have to be the same person. Tom Collins stated that most municipalities use the same Planner to reduce costs.

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

MARCH 20, 2017 BILL LIST

Motion by Councilman Olson, second by Councilwoman Kash 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 – Introduction / 1st Reading

- BE IT RESOLVED that Ordinance entitled “**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY KNOWN AND DESIGNATED ON THE TOWNSHIP OF BYRAM TAX MAP AS BLOCK 226, LOTS 26 & 26.08**” be read by title on first reading

Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to acquire the subject property known as Block 226 Lots 26 and 26.08 in the Township of Byram by purchase agreement, pursuant to applicable provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, et seq., and to fund said acquisition using Green Acres, N.J. Highlands Council, Open Space Institute and Byram Township Open Space Trust funds.

Motion by Councilman Olson, second by Mayor Rubenstein to introduce this ordinance.

Councilman Gray looked at the title work and contract for these parcels, which was approximately 44 acres. He wanted to know how this acquisition benefits Byram Township. David also reviewed the environmental report and he questioned the possible contamination on the site. He commented that the report stated that the consultant only walked the property, check the NJDEP site for reported contaminants and asked the homeowner. Tom Collins state that when a PAR is done and accepted by Green Acres, the owner gets immunity from any claims. Due diligence was done by a licensed environmental expert. The real estate contract was signed in 2017 and the entire Council voted yes on the resolution authorizing the execution of the contract. Councilman Roseff stated that the ordinance does not have detail about what happened from the signing of the contract to now. He would like to see the PAR mentioned in the ordinance and the result of the PAR. He also stated that the funding amounts from each organization should be listed in the ordinance. Harvey asked about rollback, which is mentioned in the real estate contract. Tom Collins stated that the Township is exempt from taxes and therefore rollback taxes do not apply. Tom stated that the ordinance accepts the deed so that the transfer of the property can take place.

David stated that he voted for it in 2017 but has since learned that we can use open space funds for improvement and maintenance of our parks. He doesn't understand why we would want 44 acres of forested land when we have so much already. Scott Olson explained how an appraisal is done, and explained the background of the funding. He also stated that it is contiguous to 2 other properties that have trails on them.

Councilman Gray suggested tabling the ordinance to modify the language to include the details that Councilman Roseff stated. Tom Collins stated that the changes could be done this evening since the Ordinance is being introduced.

Motion by Councilman Olson, second by Mayor Rubenstein, to introduce to the ordinance with the changes dictated by Attorney Tom Collins, which was adding the exact funding amounts from each organization, including information about the PAR, referencing the real estate contract and resolution authorizing its execution, and stating that Byram paid the upfront soft costs with the anticipation of getting 50% reimbursement from Green Acres.

	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 said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on April 3rd 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.

RESOLUTION

Resolution 77-2018 – Resolution of the Mayor and Council of the Township of Byram Waiving the Special Event Start Date at Byram Plaza to Allow Special Events from March 23, 2018 through April 1, 2018. Motion by Councilman Olson, second by Councilwoman Kash to adopt this resolution.

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

ITEMS FOR DISCUSSION

Municipal Building Project – Subcommittee

Mayor Rubenstein stated that he was in favor of forming a subcommittee. No one voiced any opposition to doing this. The structure of the Committee was discussed. David Gray stated that the Township Manager should be on the committee, and also asked if someone from the Planning Board should be involved. The Council agreed that a Planning Board member would be a good idea. The Council would like to see a few members from the public with some expertise be on the committee, such as a business owner, engineer, real estate agent, etc. The committee could look at whether we should renovate, build, or lease. They can review all the material that has been collected so far, and vet all options and give 3 ideas to the Council. The committee will choose a chair. The Council discussed having a report with recommendations from the Committee by 9/1. The Mayor stated that we can solicit members on facebook and our website. Interested residents should send a letter of interest/resume to Doris Flynn. David suggested having an on-line suggestion box for the new building on the website.

Motion by Councilman Olson, second by Councilwoman Kash to establish a building subcommittee at the next meeting consisting of the Township Manager, Planning Board member, Council Member and 4 members from the public. All members in favor. Motion carried.

Request from Board of Education for School Resource Officer – The Mayor asked if the Council is interested in pursuing a conversation with the School Board regarding this topic. David Gray also suggested asking the County Sheriff Department if they have any resources. The request that came from the school was to have full time resource officers in both schools to cover the entire day. Scott would like to have a joint public meeting with the schools. Joe stated that there isn't money in the budget to hire any officers this year. Nisha Kash asked is there any funding from grants available for a Class II or III officer. Chief Zabita stated that he is not aware of any grant money available.

Motion Councilman Olson, second by Councilman Gray for Joe to talk to Bryan Henz, to set up a meeting with the Board of Education to discuss the security of the schools. All members in favor. Motion carried.

Formal Complaint to BPU – Mayor Rubenstein asked if the Council was in favor of an informal meeting with the BPU. Scott suggested inviting the Commissioner to come to Byram to tour our municipality and discuss our concerns. The Mayor will reach out to the Commissioner and invite him to Byram.

Establishing a Grant Writing Subcommittee – Councilman Roseff thinks that there should be subcommittee that would meet 3-4 times a year to decide what grants to seek and review the needs of the Township. The Mayor asked Harvey what he thought the makeup of the committee should be. Harvey stated that Joe Sabatini, 2 council members, and possibly a department head. Scott Olson suggested bringing in department heads when needed, such as police, fire department, DPW or recreation. Harvey and Scott volunteered to be on the committee. Harvey and Scott will talk off-line to decide when to meet and next steps. There was discussion on interviewing grant writers and whether to do it by a Fair and Open process or Non-fair and Open. David thought we should follow the Non-Fair and Open because we don't know exactly what we are looking for. David Gray stated that we should have a presentation first by 1 or 2 grant writers to get ideas what we would actually be looking for. We would need to be better informed about what a grant writer has to offer before we write a RFP.

OTHER BUSINESS - Motion by Councilman Olson, second by Councilwoman Kash to authorize Labor Attorney Mark Ruderman to perform work not to exceed \$4000. All members in favor. Motion carried.

PUBLIC PARTICIPATION II

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

Helene Jaros, 460 Stanhope Road, would like the Council review the discussion that is happening tonight at Highpoint and Vernon forum on school security. She mentioned that Nextdoor.com, community based website, has many

Joann Smith, 57 Lake Drive, stated that she feels that we should have a discussion with Lenape Valley to discuss how they fund the security officers and to take into consideration that the police station is in close proximity to the school. BBOA meeting April 27 p.m. She stated that she hopes that in the future we look at Open Space differently and preserve the existing open space instead of acquiring more. Scott stated that the OS committee has changed their focus 1-1/2 years ago to do exactly that. This acquisition was started 2 years ago and is finally coming to a close.

Carlos Luaces, 7 Johnson Blvd., questioned the property that the Township is planning to acquire with regard to Township Council Meeting Minutes 5 March 20, 2018

explosives being stored on the property. Carlos also expressed his concerns about purchasing open space. Joe stated that the direction of the Open Space Committee has changed and we are focusing on maintenance of our open space land. Carlos expressed his concerns about Stanhope and Netcong being part of the sporting clubs that use Byram fields.

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

ADJOURN

On the motion of Councilwoman Olson, second by Councilwoman Kash and with all members in favor, the meeting was adjourned at 10:10 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor