

BYRAM TOWNSHIP COUNCIL MEETING - APRIL 3, 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, absent; Councilwoman Kash, here; 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
 - Worker Compensation
 - Closed Session Minutes for 3/8/18
- b. Anticipated Litigation
 - Heller Property Partners, LP
- c. Personnel
 - Nisivoccia – Township Auditor Interview
 - Accumulated Sick Time
- d. 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 Councilwoman Kash 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				

Certification: I certify that the Byram Township Council adopted the above resolution on April 3, 2018.
 Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 7:32 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 to remove the March 8th closed session minutes. All members were in favor. Motion carried.

PROCLAMATION - Autism Awareness Month – Kara Valeich, Speech Therapist and her daughter Alexa spoke. In addition, Eve Rubenstein talked about what it means to her to be a sister of autism. A mom who has an autistic son also was in attendance. Eve and Jeannine Rubenstein made pins and stickers for the Council and public to wear.

Motion by Councilman Olson, second by Councilwoman Kash to authorize Mayor Rubenstein to sign the Proclamation. All members were in favor. Motion carried.

RESOLUTION NO. 80-2018 – Resolution to Amend the 2018 Municipal Budget Pursuant to N.J.S.A. 40A:4-9

When we introduced the budget, we were using the allocated numbers from 2017. The overall number did not change but the way it was allocated did change, which caused this amendment. Motion by Councilman Olson, second by Councilwoman Kash.

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

2018 BUDGET - PUBLIC HEARING / ADOPTION

The Township Manager reviewed his 2018 Municipal Budget Message. He reviewed the revenues and stated that this budget has an increase of the tax levy of \$44,903 or .53%. Joe went through the appropriations and pointed out there are a total of twelve employees that are waiving health benefits at a total cost of \$58,767. This is a decrease of one employee from 2017. This is an annual savings of \$289,122 after considering the cost of waivers. The 2018 municipal budget calls for an estimated municipal rate increase of .007 for each \$100 of assessed value using the net valuation of \$925,038,900. This increase represents an estimated \$12.62 annual municipal tax increase for the average assessed home of \$252,753.

RESOLUTION NO. 81-2018 - Budget Adoption Resolution – Motion by Councilman Olson, second by Councilwoman Kash, to adopt the budget.

Councilman Olson thanked Joe and the staff for putting together a very responsible budget. The Mayor thanked Harvey Roseff and Nisivoccia for pushing to reevaluate our fund balance and use a portion for some one-time expenditure, which benefited the taxpayer with a reduced increase in taxes.

Motion by Councilman Olson, second by Councilwoman Kash to open to the public. All members in favor. Motion carried. There were no questions from the public. Motion by Councilman Olson, second by Councilwoman Kash to close to the public. All members in favor. Motion carried.

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

OWNSHIP MANAGER/COUNCIL REPORTS

Township Manager

- 4/14 - Rabies clinic – 9 a.m. – 12 noon
- 4/5 - BPU Hearing – 4 p.m. to 7 p.m. at Multi-purpose room in the Byram Intermediate School. He encouraged residents to attend the hearing or go on the website, which outlines how someone can submit comments.
- 4/12 – Council Goal setting meeting open to the public at 6:30 p.m. at town hall

Harvey Roseff – The BPU oversees JCPL as well as other utilities, and oversees where the money goes. They have a lot of power, regulates your services, such as Cable, internet, telephone.

Scott Olson

- 3/22 – Environmental Commission meeting – Discussed planting trees on Arbor Day, trail clean up on 4/14. Please contact the townhall for further info on the cleanup.
- 4/9 – Open Space meeting
- 4/10 Historical Society meeting – Bob Dennis will be presenting history of Cranberry Lake

Mayor Rubenstein

- Winter again on 4/2 – thanked the police chief and the DPW superintendent for doing a great job and keeping things moving.

- Alex and Joe participated in a preliminary phone call with Nixell – something they are investigating
- 4/4 - Meeting with Staff to discuss responsibilities of the ARC
- 4/5 – Open Space informal meeting with Chairman Ray Bonker, Scott Olson, Joe our attorney to discuss
- 4/5 – BPU Hearing – He encouraged everyone to attend and give constructive feedback to BPU about their own personal experience with the recent storms and what JCP&L could improve on
- 4/5 - PB meeting at 7:30 p.m. – addition on a house, discussion on LED signs
- Street sweeping will be starting in a few weeks.

PUBLIC PARTICIPATION I

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

Matt Jones, President of Lakeland Emergency Squad (LES), talked about a law 8:40-6.3 that requires 2 EMT’s be on the vehicle before it leaves the building. This law negatively impacts the response time of LES. They have to wait an additional 7-8 minutes for two EMT’s to get to the vehicle. They have been keeping a log which shows the delays and effects on patients. LES is the only all volunteer licensed agency in the County. All other licensed agencies in the County have paid EMT’s during the day.

Matt, on behalf of LES, would like to request a resolution in support of their efforts to modify

Skip Danielson, 18 Hunter Lane, stated that his nephew at age 3 was diagnosed with autism. He told the story about his nephew who is now a freshman at Votech, and doing fabulous.

Skip asked again for a Resolution in support of Senate Bill 1597. He named all the organizations that are in support of it.

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

APPROVAL OF MINUTES

- March 20, 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					
Absent	x				

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.

- Resolution No. 78-2018 – Refund State Tax Appeal for 2017 – Block 268 Lot 758
- Resolution No. 79-2018 – Resolution Authorizing the Refund of Redemption Monies to Outside Lien Holder – Block 365.03 Lot 23
- Resolution No. 82-2018 – Authorization to Purchase Gasoline & Diesel under the Morris County Cooperative Pricing Council for Budget Year 2018
- Resolution No. 83-2018 – Authorization to Purchase Fuel Oil #2 (Heating Oil) under the Morris County Cooperative Pricing Council for Budget Year 2018
- Resolution No. 84-2018 – Authorization to Purchase Rock Salt under the Morris County Cooperative Pricing Council for Budget Year 2018

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

APRIL 3, 2018 BILL LIST

Motion by Councilman Olson, second by Councilwoman Kash to approve the bill list as presented. Councilman Roseff questioned the bill on Lenape Valley Ski Transportation. Joe stated that it is for user fees and paid through the Recreation Trust.

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

ORDINANCE – 2nd Reading / Public Hearing

- **ORDINANCE 4-2018 - 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**

Motion by Councilman Olson, second by Councilwoman Kash to adopt the ordinance.

Mayor Rubenstein opened to the public. Skip asked for clarification as to the location of this property. Luann Byrne, Richmond Road, asked a few questions. She suggested that we put the address on the document or agenda so that people know where it is located. Luann also asked several other questions. Alex reviewed the funding to purchase this property. \$5450 will be coming out of Open Space Fund. Scott stated that 50% of the soft costs will be paid out of the Open Space Fund, which is approximately \$13,000. Scott explained that we will have a trail access from this property, and it connects to other open space parcels. Mayor Rubenstein asked the clerk to call the vote.

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

Be It Resolved that Ordinance 4-2018 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to law.

ORDINANCE – Introduction / 1st Reading

- BE IT RESOLVED that Ordinance entitled “AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF NEW SENIOR VEHICLE FOR USE BY THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$75,000.00” be read by title on first reading

Purpose Statement: Acquisition of new senior vehicle for use by the Township of Byram.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance. Scott stated the van we have is 12 years old and has been put to very good use and now needs to be replaced.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		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 April 17th 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.

- BE IT RESOLVED that Ordinance entitled “AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR DRAINAGE INLET IMPROVEMENTS TO JOAN DRIVE TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$30,000.00” be read by title on first reading

Purpose Statement: Drainage Inlet Improvements to Joan Drive including materials, equipment, site work and engineering costs fully funded by Capital Reserve for Road Resurfacing.

Motion by Councilman Olson, second by Councilwoman Kash to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion			x		
2nd		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 April 17th 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.

- BE IT RESOLVED that Ordinance entitled “**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$319,500.00**” be read by title on first reading

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, Carpenter Road, Mansfield Drive & the Municipal Complex, roads in the Lackawanna & Lake Mohawk Communities, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

Motion by Councilwoman Kash, second by Councilman Olson, to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd			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 April 17th 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.

- BE IT RESOLVED that Ordinance entitled “**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF PATROL CAR & INTERVIEW ROOM VIDEO CAMERA SYSTEM FOR USE BY THE POLICE DEPARTMENT OF THE TOWNSHIP TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$45,000.00**” be read by title on first reading

Purpose Statement: Acquisition of new patrol car & interview room video camera system for use by the Police Department of the Township.

Motion by Councilwoman Kash, second by Councilman Olson, to introduce this ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd			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 April 17th 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

NJ Urban & Community Forestry Program (NJUCF) – Joe explained that this is an opportunity to pursue another grant to address our hazardous tree inventory. Right now, we can't pursue this grant because we have an open No Net Loss Grant.

Harvey asked why we need a resiliency grant. DPW superintendent feels that we need to review our survey of hazardous trees, which would be done by a forester, and we may be able to get some type of software program to assist us in the future with this. Harvey asked if we would be looking at trees on trails or private property. The primary focus would be the trees in the street right-of-ways. Alex asked several questions regarding the ability to use the No Net Loss grant. We are not able to use this grant within the existing time period left. We will have the opportunity to apply for another No Net Loss grant in the future.

Alex feels strongly that if we go down this route to get this grant, he wants to find other grants to then act on the new survey and remove hazardous trees.

Motion by Councilman Olson, second by Councilwoman Kash to adopt Res. 85-2018 – The Mayor opened to open to the public. No comments were made.

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

Accessory Structure – The reason for this discussion is regarding pop up shelters that people use for their automobiles or garages on their property. The Zoning officer provided a detailed memo because there have been complaints of the past several years that has caused us to look at this more closely.

Harvey stated that the definition of membrane structure is subjective. He also asked Harvey made a motion to have an open meeting to let the public comment. No one seconded this motion.

Scott spoke in favor of moving forward with this ordinance because he felt that regulation was needed. Alex agreed.

Alex suggested having the zoning officer at the next meeting to explain this further. Harvey would like to invite the public who have these structures to an upcoming meeting.

Request from Board of Education for School Resource Officer - Alex has been speaking to Andrew McElroy, president of the BOE, who asked that we table this tonight. More research is being done.

PUBLIC PARTICIPATION II

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

Anneliese Tartell, 69 North Shore Road, stated that she has been looking at a gazebo and asked if this would fall under what we are talking about. Annalise also reported that the property at 72 North Shore Road is a mess. The house is vacant. Joe will report it in the morning to the zoning officer, who will contact the bank and have the matter addressed.

Carlos Luaces, 7 Johnson Blvd., asked if the street sweeper will be coming around soon. Alex explained that it is delayed this year because of the weather, but it will happen in a few weeks. Carlos suggested advertising when it will happen.

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

Executive Session II

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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- Heller Property Partners, LP
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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 Councilwoman Kash 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				

Certification: I certify that the Byram Township Council adopted the above resolution on April 3, 2018.
Doris Flynn, Municipal Clerk

RETURN TO OPEN SESSION - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 10:27 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 10:28 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor