

**BYRAM TOWNSHIP SPECIAL COUNCIL MEETING - SEPTEMBER 17, 2018**  
**ETHICS TRAINING – 5:30 P.M.**  
**REGULAR SESSION – 7:30 P.M.**

**CALL MEETING TO ORDER**

Mayor Rubenstein called the meeting to order at 5:30 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, late (5:52pm); Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini and Municipal Clerk Doris Flynn.

**ETHICS TRAINING**

Sean Canning and Frank Bastone of The Canning Group led the DCA approved ethics training seminar. Ernie Reisstad of Skylands Risk Management was also present.

**CALL COUNCIL MEETING BACK TO ORDER** – 7:30 p.m.

**FLAG SALUTE AND MOMENT OF SILENCE**

**APPROVAL OF AGENDA** – Motion by Councilman Olson, second by Councilwoman Kash to approve the agenda with exchanging the order of Item 8 and 7 and adding an additional item for discussion regarding BPU follow up. All members were in favor. Motion carried.

**SWEARING IN OF NEW FIRE DEPARTMENT MEMBERS** – Mark Hopkins and Brian Kalemba were approved by the Council and sworn in by Mayor Rubenstein.

**SPECIAL PRESENTATION - SAVE THE BRIDGE COMMITTEE** – Mary Seage, President of Save the Bridge Committee and also President of the CLCC provided a handout to the Council summarizing the history of the lease of the bridge and status to date. The lease expired in 2015 and in 2014 CLCC sent a request to NJDEP requesting that the lease for the NJDEP property be renewed. Notations were included with the request for items in the lease that needed updated. The request stated that the CLCC was reluctant to sign a lease for the bridge in its current condition. The NJDEP had the bridge inspected 3 times during the lease but did not take any action. The NJDEP has been extremely busy dealing with the results of Hurricane Sandy and hasn't provided a new lease.

Mary has contacted Wayne McCabe, Sussex County Historian and Rick Kreppel of Genesis Engineering to find out how to get Landmark status. The committee has fundraised over the past 10 weeks and raised \$20,000 but have a long way to go. They never say no to any type of fund raising – most are very small right now, but they are looking at larger type of fundraisers. The committee would like to see the bridge rehabbed for the 100<sup>th</sup> anniversary on Memorial Day 2031.

Scott stated that he worked with Save the Bridge early on and the group has done a good job going through the long process of getting non-profit status. The bridge is part of the Waterloo/Allamuchy State Park and they have \$4 million dollar budget deficit, for repairs.

Alex asked about the \$230,000 estimate and asked if other quotes were obtained. Mary Seage said she hasn't gotten any other quotes yet, but is quite confident that Genesis Engineering provided accurate numbers.

Harvey stated that the bridge is an icon in Byram. Harvey would like to invite the NJDEP to come to a meeting in December.

Mary thanked the Council for their interest and inviting them to come to the meeting.

**COUNCIL REPORTS**

Township Manager – Thanked all of the volunteers and individuals who supported Byram Day. It was a great event, despite the weather, and we received some positive feedback.

Mayor Rubenstein participated in the 9/5 County transparency meeting. The group is now in the process of providing a report with recommendations of several changes to the Freeholder board. Alex stated that most all of the recommendations that will be in the Freeholder report are items that Byram is already doing.

9/7 – Attended the Sussex County Breakfast Forum – One item discussed was soil movement. Vernon has been having a big problem with the importation of soil from New York City. Alex commented that Byram has a soil exportation ordinance but not an importation ordinance. Scott and Joe commented that the Planning Board and Environmental Commission had worked on one several years ago.

9/8 – Attended Byram Day and he was surprised at the great turn out. It was a fun event.

9/20 - Planning Board meeting has been cancelled.

Councilman Olson – The Environmental Commission's next meeting is September 27 at 7:30 p.m.

Councilman Roseff – Reported that Fred Braun will be coming in to town hall to meet with the building subcommittee on September 20 at 6 p.m. to talk about the permanent shell he built around the trailers at the Municipal Building. Harvey thanked the Council for rescheduling the Council meeting to tonight, in view of the Jewish Holiday.

**PUBLIC PARTICIPATION I**

Motion by Councilman Olson, second by Councilman Kash to open to the public. All members in favor. Motion carried. Skip Danielson, 18 Hunter Lane, announced that it is the 231st anniversary of our federal constitution. With regard to the bridge, the State of New Jersey has not been good to Sussex County in preserving historical structures. There was a fabulous mansion in Highpoint State Park. NJDEP took it over and it crumbled. Skip reminded the Council that he would like to see Byram pass the resolution supporting a change to 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**

- September 4, 2018 – Regular and Closed Session Minutes – Motion by Councilman Olson, second by Councilman 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
No					
Abstain				x	
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 Councilman Kash to approve the agenda.

- A. Resolution No. 160-2018 – Resolution Authorizing Participation in an Electronic Tax Sale
- B. Resolution No. 161-2018 – Resolution Authorizing Electronic Tax Sale Notice Fees
- C. Resolution No. 162-2018 – Chapter 159 - \$11,420.00 – Municipal Alliance Program
- D. Resolution No. 163-2018 – Resolution Authorizing 100% Disabled Veteran Status to Owner of Block 342.02, Lot 21 for a Portion of Tax Year 2018; Beginning April 18,2018; The Cancellation of Taxes from October 1, 2018 to December 21, 2018, Cancellation of Preliminary 2019 Taxes and Refund of Taxes Paid from April 18, 2018 to September 30, 2018
- E. Resolution No. 164-2018 – Resolution of Acceptance of Donations for the Celebration of Byram Day
- F. Resolution No. 165-2018 – Resolution to Authorize Harold E. Pellow & Associates, Inc. Provide Engineering Services for the Municipal Building & Byram Township School Building Options – Not to Exceed \$3,500.00
- G. Resolution No. 166-2018 – A Resolution of the Township Council of the Township of Byram Authorizing the Disposal of the Out of Date Byram Township Fire Department Turnout Gear

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

**SEPTEMBER 14, 2018 BILL LIST**

Motion by Councilman Olson, second by Councilman Roseff to approve the bill list as presented. Scott asked if P.O. 19769 and 19699 were being paid out of Open Space Trust. Joe Sabatini stated that they were.

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

**ITEMS FOR DISCUSSION**

- Municipal Building – Alex briefly reviewed the minutes provided for the 9/5/18 meeting. During the subcommittee meeting, the group came up with a few items for Engineer Cory Stoner to look at; i.e., converting playground and basketball court to parking, convert the grassy area in between the two schools into additional parking, looking at the rear area in back of the annex section of the building for parking.

Harvey would like to see the ability of fine tuning of the minutes. Harvey had questions about details of the change in the RFP based on comments of the committee and asked for the recording.

Scott asked about the section of the minutes regarding rehabbing the entire open space area. He wanted to know what the school was expecting. Harvey suggested that we purchase the open space structure of the school. Alex stated that if we lease the portion of the building it would cost \$50 for 50 years. There will be a much larger cost for a purchase.

Harvey had concerns about the language in the RFP and felt there should have been more information about the scope of the project. He stated that the better we present our need, the better the bids will be. Harvey said an addendum could include drawings and more detail. Alex did not agree, because he said we are looking for a firm to look at all options, not just rehabbing a building. Alex looked at the list and checked out many of the websites and feels we have a great group of firms that have experience in rehab, new construction, etc. Scott agreed with Alex and stated that he reviewed the list and was familiar with several of the names, which had responded the last time we went out for RFP. There have been several firms that have been following us who periodically call to see where we are in the process. Harvey thought we should give basic drawings of the outlines of the buildings that we are looking at so that they understand our need. Joe stated that the RFP is a request for qualifications. There hasn't been any questions to do date from anyone that would require an addendum. RFP's are due October 2. Joe stated that we should come up with criteria to use when we interview.

Scott took issue with a public invite that was presented for an upcoming meeting with Fred Braun which stated that a permanent shell was built around the trailers—he disagreed with that statement. Harvey stated that he invited Fred Braun to come to a meeting on Thursday at 6 p.m. to discuss the construction of the roof and front and side façade on top of and around the trailer section of the municipal building. The prior two approaches neglected to go this route. Alex will also attend, and he stated that Scott or Nisha can send him any questions they have.

- BPU discussion – Harvey stated that as an outcome from the BPU meeting, we had a meeting with Elizabethtown Gas. When we met with CenturyLink at the BPU meeting, Mr. Bailey stated that he would get back to us. Harvey stated that CenturyLink came before some Warren County towns and they made some headway. The area that CenturyLink made improvements in Warren County was with federal funds, because they fell into the criteria—no Sussex County towns qualified. Mr. Bailey stated that they did not have anything in their budget for work in Sussex County. Harvey would like to call Mr. Bailey out on this. CenturyLink is a huge corporation and we should make some noise about it.

Harvey will reach out to Tom Bailey to get some dates for meetings with Alex, Joe and Harvey here at town hall. Harvey would also like to reach out to Verizon and have discussion on improvements to service. Harvey will contact BPU to get the government liaison for Verizon.

Alex was contacted by New Jersey Natural Gas, which services Netcong, and they asked what was going on in Byram. Joe reported that he sent the requested info to Elizabeth Town Gas but have not heard back from them. We called and followed up with a phone call and an email—we will continue to reach out.

Harvey asked about SECTV. We received data from the BPU regarding complaints over a 5-year period from SECTV. We will need to provide our request to SECTV for renewal by next fall.

Joe reported that he has been working with Jackie Espinoza at JCP&L regarding several issues; i.e. double poles, outage reports, etc.

## **PUBLIC PARTICIPATION II**

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

Jack Moran, East Waterloo Road, asked if the Council could be more specific on the closed session items. He also suggested putting street addresses on resolutions when we list block/lots so the public can be aware of the property.

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:

- a. Attorney Client Privilege Communication
  - General
  - Byram Township Volunteer Fire Department
  - Sidewalks
  - OPMA / OPRA
  - Personnel - Professional Appointments
- b. Contract Negotiations – PBA / DPW

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	x
No					
Abstain					
Absent	x				

Certification: I certify that the Byram Township Council adopted the above resolution on September 17, 2018.  
Doris Flynn, Municipal Clerk

**RETURN TO OPEN SESSION** - Motion by Councilman Olson second by Councilwoman Kash to return to open session at 9:47 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 9:47 p.m. Motion carried.

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Doris Flynn, Municipal Clerk

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Alexander Rubenstein, Mayor