

BYRAM TOWNSHIP COUNCIL MEETING - NOVEMBER 5, 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, absent; 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. Contract Negotiations
 - Labor Negotiations
 - RFPs for Architects
- b. Attorney Client Privilege Communication
 - General
 - Stag Pond

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 Councilwoman Kash 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 November 5, 2018.
Doris Flynn, Municipal Clerk

CALL COUNCIL MEETING BACK TO ORDER – 7:35 p.m.

FLAG SALUTE AND MOMENT OF SILENCE

APPROVAL OF AGENDA – Motion by Councilwoman Kash, second by Councilman Roseff to approve the agenda. All members were in favor. Motion carried.

PRESENTATION – **Open Space Plan Proposal by Greener by Design**

Open Space Chairman Ray Bonker was in attendance. Joe introduced Ray and Ben Spinelli and summarized what will be discussed this evening.

Greener by Design – 13 employees. Open space consultants for Vernon Township, Greenwich Township, and Pequannock. Ben was Mayor of Chester Township for 10 years and head of State Planning Commission.

Ben stated that Byram has accomplished a tremendous amount over the past two decades with successful planning. We are now at a time where Byram needs to analyze what to do in the future. By coming up with a sound plan, we will be in a good position when a grant comes along. We just recently closed on the Johnson parcel at zero expense to the taxpayers, because of outside funding.

Byram needs to update the Open Space and Recreation Plan. The existing plan is ten years old, and in 2019 it will expire. The plan assists in maximizing the investment we have made over the last two decades. It is necessary to do in order to get future Green Acres funding. The open space plan provides you with an inventory of open space. Facilities will be assessed and the future facility needs will be evaluated. Our trail system would be evaluated. We would get a budgeting tool to make financing recommendations.

Alex asked to explain the detail that will be in the updated inventory of open space. The properties will be evaluated to see how a parcel could be used and what limitations each property has. It will have a factual analysis, by having an overlay to see environmental concerns.

Ben would interview all the user groups and have detailed interviews. There would be several public hearings. Non-sporting groups would also be interviewed. Ben stated that the plan would cover the overall administration

Harvey asked what the overall cost was. Ben explained that if the Open Space and Recreation Plan was done in conjunction with preparing a Trails Master Plan, there would be an approximate 30% savings. Ben thought the overall cost would be \$40,000-45,000. They talked about the TAP grant and several other grants that could be available.

Nisha asked how much was the Hudson Farm acquisition. Joe said the cost was approximately 4.3 million. Byram's portion was approximately \$250,000.

Ben explained that funders like Byram. It will help get future financing.

Alex asked if the public had any questions.

Sean Smythe, (Manor or Mayfair), asked if he was talking about facilities at COJ. Sean explained that he came tonight to talk about the lack of facilities in Byram. He was glad he came because the presentation answered all of his questions. He hopes the Council moves forward with this work.

Dave Graziano, asked if Ben was solicitating tonight to do this work or is it already in process. Ben said he was presenting the proposal tonight. He asked what is the return on investment. Ben explained that by doing this plan, most importantly it will allow us to continue to get Green Acres funding.

Mandy, reporter from the Township Journal, asked if the budgeting tool is proprietary. She asked how much open space currently has 641.5 acres.

Joann Smith, Lake Drive, asked if the funding for this plan would come out of the open space fund. Yes it will Joe replied. She asked if the plan will outline projects to use open space funding on. Ben stated that it will. Joann would like to see improvements done to our facilities and maintenance paid for out of open space funds, instead of more acquisition. Alex stated that we have switched our focus to maintenance and upkeep of our facilities.

Dave Graziano stated that you are looking at sporting clubs and analyzing what they use, but he asked how many of the kids are not from Byram. Alex stated that we will be capturing this information during the interviews that Ben will be doing. We can then analyze this and enter into discussion with our neighboring towns.

Mayor Rubenstein closed to the public.

COUNCIL REPORTS

Township Manager

- Tomorrow is Election Day. Offices are closed but poles are open 6 a.m. to 8 p.m.
- Offices are also closed November 12 in observance for Veteran's Day. Veteran Day Ceremony will be held on November 11 at 11 a.m.
- There are two leaf bag pick up days – week of November 12 and December 10, weather permitting.

Mayor Rubenstein

- Attended a meeting with CenturyLink with the Manager and Councilman Roseff.
- Attended the October 24th Sussex County Economic Development Committee dinner. Alex met a representative from the USDA and in discussion found out they give away over millions of dollars in grants each year. It appears there is a potential for Byram to apply for grants for a Master Plan or the Village Center as long as it relates to bringing business into town.

Councilman Roseff – Harvey summarized the meeting with CenturyLink. He also reached out to Elizabeth Town Gas and they should have some information for us by the end of the month.

PUBLIC PARTICIPATION I

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

Luann Byrne, Richmond Road, asked about the funding source for the two items on the consent agenda relating to Tamarack Park. Joe stated that they were fully funded out of open space funds.

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

APPROVAL OF MINUTES

- October 2, 2018 – Open Closed Session Minutes – Motion by Councilman Roseff, second by Mayor Rubenstein, to adopt the minutes as presented.

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

- October 16, 2018 Regular & Closed Session Meeting Minutes
- October 29, October 30, November 1 Regular Session Special Meeting Minutes

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

RESOLUTION No. 207-2018 – Resolution Authorizing Submittal of CY2018 Best Practices Inventory Certification Form

Joe stated that every year the Township is required to fill out the Best Practices questionnaire each year. After completing the questionnaire, Byram scored 95% and should received 100% of State Aid.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion		x			
2nd				x	
Yes		x		x	x
No					
Abstain					
Absent	x		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 Councilwoman Kash, second by Councilman Roseff to approve the consent agenda.

- Resolution No. 194-2018 – Authorization to Execute Change Order No. 1 - Township of Byram for Proposed Cape Sealing of Various Streets in the Lake Lackawanna Area – Net Increase of \$21,198.21
- Resolution No. 195-2018 – Authorization to Execute Change Order No. 1 – Township of Byram for Well Pump, Piping & Accessories at Tamarack Park – Net Increase of \$2,103.62
- Resolution No. 196-2018 – Authorization to Execute Change Order No. 1 - Township of Byram for Proposed Automatic Irrigation System at Tamarack Park – Net Increase of \$766.80
- Resolution No. 197-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment – Block 402 Lot 2274 – 56 Sleepy Hollow Road
- Resolution No. 198-2018 – Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment – Block 275 Lot 730 – 10 Old Stage Coach Road
- Resolution No. 199-2018 - Resolution of the Township of Byram, County of Sussex, State of New Jersey “Withholding from Tax Sale Delinquent Special Assessment – Block 284 Lot 203.02 – 19 Deer Run

- G. Resolution No. 200-2018 – Final Acceptance of Proposed Tamarack Park Irrigation System
- H. Resolution No. 201-2018 – Establishing Salaries for Non-Union Employees for Calendar Year 2018
- I. Resolution No. 202-2018 – Resolution Authorizing the Execution of Mandatory Deed Restriction for Rental Projects for 55 Lackawana Development Company
- J. Resolution No. 203 – 2018 – Resolution Authorizing the Execution of Documents Associated with the Custodial Contract with Chelbus Cleaning Co., Inc. for the Byram Township Municipal Building
- K. Resolution No. 204-2018 – Authorization to Execute Change Order No. 1 – Township of Byram for Proposed Improvements to Roseville Road – Milling & Paving– Net Decrease in the Amount of \$45,956.88
- L. Resolution No. 205-2018 – Authorization to Execute Change Order No. 1 – Township of Byram for Proposed Resurfacing of Various Streets (Tartan Court, Elizabeth Lane & Braemer Court); Proposed Paving at Byram Township DPW Garage; & Proposed Resurfacing of Mansfield Drive – Net Increase of \$3,011.09
- M. Resolution No. 206-2018 – Resolution to Transfer 2018 Budget Appropriations - Current Fund
- N. Resolution No. 208-2018- Authorizing the Amendment of Resolution No. 137-2018 for the Purchase of a KME Custom Pumper for the Township of Byram Fire Department with Published and Unpublished Options

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

NOVEMBER 5, 2018 BILL LIST

Motion by Councilwoman Kash, second by Councilman Roseff 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
No					
Abstain					
Absent	x		x		

ORDINANCE 1st Reading / Introduction

BE IT RESOLVED that Ordinance entitled **“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM REPEALING SECTION 195 ENTITLED “SALES, SEASONAL” OF THE CODE OF THE TOWNSHIP OF BYRAM AND AMENDING SECTION 240-48 ENTITLED “TEMPORARY SIGNS IN NON-RESIDENTIAL DISTRICTS”, SECTION 240-50 ENTITLED “PROHIBITED SIGNS” AND SECTION 240-63 ENTITLED “CONDITIONAL USES IN VILLAGE BUSINESS AND NEIGHBORHOOD COMMERCIAL ZONES” TO MODIFY SUBPARAGRAPH F(1) ENTITLED “OPERATIONS”** be read by title on first reading.

PURPOSE STATEMENT: The purpose of this Ordinance is to repeal Code Section 195 entitled “Sales, Seasonal” and to amend Section 240-48 entitled “Temporary Signs in Non-Residential Districts” and Section 240-63 entitled “Conditional Uses in Village Business and Neighborhood Commercial Zones” to remove the permit requirement for temporary tent sales and special events and to change the standards for tent sales, special events and sandwich board signs.

Motion by Councilwoman Kash, second by Councilman Roseff to introduce this ordinance. Joe stated that this ordinance will not be sent back to the Planning Board and Attorney Tom Collins has prepared a resolution that will be adopted at the next meeting when we hold the public hearing for this ordinance stating reasons why the Council is moving forward with this ordinance. Councilman Roseff asked about the changes in the ordinance. The Manager reviewed the changes from the last introduction. Councilman Roseff stated that the Mayor took the lead to make these changes to enable Byram to be more business friendly. It went to the Planning Board for review. It came back to the Council, and we made slight changes and decided to move forward on the ordinance.

	Councilman Gray	Councilwoman Kash	Councilman Olson	Councilman Roseff	Mayor Rubenstein
Motion					
2nd					
Yes					
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 November 19th 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

- A. Municipal Building – The Council has interviewed 5 architectural firms and has agreed to interview 2 more firms hopefully this week. The next building subcommittee meeting is Wednesday evening at 7 p.m.
- B. Marketing Commercial Areas – Alex received a letter from the JGSC group. When the Mayor was speaking to the USDA representative last week, and he hopes to have him

PUBLIC PARTICIPATION II

Motion by Councilwoman Kash, second by Councilman Roseff to open to the public. All members in favor. Motion carried. No comments were made.

Joann Smith, Lake Drive, stated that she applauds the Council for making the changes to the sign ordinance. She was part of the EDAC committee a few years ago and they were very frustrated with the sign ordinance at that time.

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

ADJOURN

On the motion of Councilwoman Kash, second by Councilman Roseff and with all members in favor, the meeting was adjourned at 9:15 p.m. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor