

TOWNSHIP OF BYRAM
TOWNSHIP COUNCIL MEETING
MAY 20, 2025
TRAINING SESSION – 6:30 P.M.
REGULAR SESSION – 7:30 P.M.

CALL MEETING TO ORDER –Mayor Rubenstein called the meeting to order.

OPEN PUBLIC MEETING STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of the meeting has been provided, specifying the time and place. In addition, a copy of this notice is available to the public and is on file in the office of the Municipal Clerk, posted on the main door, the bulletin board of the Municipal Building, on the Township website at: https://www.byrampwp.org/index.php/town_hall/township_council, and has been forwarded to those persons requesting notice.

ROLL CALL OF THE TOWNSHIP COUNCIL –Councilwoman Franco, here; Councilman Gallagher, absent; Councilman Proctor, here; Councilman Roseff, here; Mayor Rubenstein. Also present was Township Manager Joseph Sabatini, Township Attorney Tom Collins (virtual), and Township Clerk, Cynthia Church

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Franco, second by Councilman Proctor, to go into executive session and adopt the below resolution.

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.

- A. Attorney Client Privilege Communication
 - General
- B. Personnel

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:

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

Certification: I certify that the Byram Township Council adopted the above resolution on May 20, 2025.

Cynthia Church, Municipal Clerk

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Proctor to return to open session at 7:31 p.m. All members were in favor. Motion Carried.

FLAG SALUTE

APPROVAL OF AGENDA – Motion by Councilwoman Franco, second by Councilman Proctor to approve the agenda.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

SWEARING IN OF NEW FIRE DEPARTMENT MEMBER- Dennis K. Walker
Sworn in by Mayor Rubenstein with his wife holding the bible.

PRESENTATION OF THE 2023 AUDIT – Raymond Sarinelli Jr., Township Auditor presented the 2024 to the council. 2024 was a good year financially for the Township. There was \$800,000 in interest revenue. Fund balance was up.

Capital debt continues to be reduced. Sewer rates are adequate to support the sewer utility. There was a recommendation for segregation of duties. Councilman Roseff asked about the audit on the covid money and the FICA amount.

Resolution No. 097-2025 – Governing Body Certification of the Annual Audit

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

Resolution No. 098-2025 – Corrective Action Plan for the 2023 Audit

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

TOWNSHIP MANAGER, MAYOR, AND COUNCIL REPORTS

Township Manager – The grand opening of the Completely Inclusive Playground will take place on June 6th at 6:30pm at CO Johnson Field. Still waiting on the Fair Share Housing Plan / Master Plan. The Planning Board will be meeting on June 5th. Monday is Memorial Day. There will be a ceremony and parade to follow.

Mayor Rubenstein – Planning Board met to review the changes to the ordinance that is on for introduction at tonight’s council meeting. Sod is being laid at filed 8 at CO Field. There has been an issue with kids wearing cleats on the new playground that could potentially damage the surface.

Councilwoman Franco –

- *The Recreation Committee is in desperate need of members, they currently have 4 members, they have 3 vacancies for Regular members and 2 Alternate spots available. We advertise in the Weekly Recreation Newsletter. We do get some inquiries but when you ask for a resume we do not hear back.*
- *The Recreation Committee met Tuesday and discussed Miss Byram, we have advertised everywhere and still no applicants. We continue to push it out there but may not receive an application.*

Councilman Proctor – Nothing to report.

Councilman Roseff – Nothing to report

PUBLIC PARTICIPATION I

Motion by Councilwoman Franco, second by Councilman Proctor to open to the public. All members were in favor.

Chris Cartwright has drainage issues. Joe and Nick were out to see the conditions. His neighbor installed a new pool that is pushing more water onto his property. Looking for help from the township council. Mr. Sabatini said this has been a long-standing issue that has gotten better. The neighbors did receive approval to put the pool in, and they are required to pave the driveway that will help prevent the water flow. This is a low section of the area that historically had water issues. There is nothing in the zoning code requiring the township to get involved. He will need to work it out with his neighbor. Councilman Franco has witnessed the pooling of water on Debbie Dr. as water continues to come off the mountain. The problem is not coming from Township infrastructure. There are no berms in front of house #45. Mayor Rubenstein asked for some time to investigate this further.

Chris T. Spaldo of Byram Township PBA Local 406 – Read aloud the following:

Mayor Rubenstein, Members of the Township Council, and Manager Sabatini:

For those of you whom I have not met personally, my name is Chris Spaldo. I am a lifelong resident of Byram Township and a member of its Police Department, but I am here tonight as a representative of Byram Twp Policemen's Benevolent Association Local 406. At the Town Council meeting on May 5th, 2025, this Council issued a Proclamation declaring May 15th, 2025 as Peace Officer's Memorial Day in Byram Township and recognized that, and I quote, "the men and women of the law enforcement agency of the Township of Byram unceasingly provide a vital public service."

As a "vital public service" that operates 24 hours a day and 365 days a year, police departments are inherently complicated organizations that require a structured chain of command in order to operate properly. That command structure supports the officers of this town that perform a dangerous and difficult job on a daily basis.

The job we perform is rife with uncertainty. As has been shown in recent months, any call for service or motor vehicle stop can turn from routine to violent and dangerous at the drop of a hat. From one shift to the next, one hour to the next, one minute to the next, we officers do not know if we may be tasked with saving a life or taking a life, helping a lost child or fighting with a violent offender, be thanked for writing a ticket or spat on for doing our job. We do a job that requires us to make split second decisions in life and death situations, often with no time to gather information, make plans, or consider consequences. In short, our job is to take action, regardless of risk or knowing what's around the corner. Due to the inaction of this township council, as has been represented by the Manager and Mayor, we have been forced to do that difficult and dangerous job at a severe deficit. No longer does the constant uncertainty end when we walk through the door of our station.

On February 13th of this year, thirteen weeks ago, Chief Dewald worked his final shift and retired. Chief Dewald notified the state and the Township of his upcoming retirement on November 30th, 2024. This gave the Township 11 weeks to develop a transition plan. It is common, with proper planning, for a Chief's retirement and a new Chief's promotion to occur concurrently, so as to avoid any lapse in services or leadership. In most cases, there are several promotions that occur at once as positions are back-filled. In Byram Township, that transition did not occur concurrently. It took two weeks, with then-Lieutenant Mariani being promoted to Chief on March 4th. During that time, our department was left without a clearly defined command structure to support us. We were faced with more uncertainty. Morale sank. We were left wondering when we showed up to work if we would have the resources we needed to do our job.

One might think that with Chief Mariani's promotion, the command structure would have been restored, but that is not the case. Since the Chief's promotion 11 weeks ago, and 24 weeks since Chief Dewald announced his intent to retire, this department has been operating without a Lieutenant or Acting Lieutenant. Manager Sabitini stated to Local 406 President Kuncken and myself that this gap has been due to the Council taking steps to develop a "transition plan", months now after that transition actually occurred. That does not sound like how I was taught to plan.

The Lieutenant is a vital position in any Police Department. As an intermediary between the administration of the department and the officers on the road, a Lieutenant provides leadership, support, and consistent communication that helps to alleviate much of the uncertainty that burdens officers, allowing an unclouded mind when making those split second decisions.

It is the understanding of this Local that the Township Council, as represented by Manager Sabatini and Mayor Rubenstein, has recognized the Lieutenant as being a necessary part of the command structure and has even suggested that the duties currently being performed by Chief Mariani alone may actually require the promotion of a Lieutenant and the creation of a new civilian position. While this Local recognizes the quality leadership of Chief Mariani, how can one man be expected to shoulder the weight of three or even two? The officers of this town that provide a "vital service" have not had adequate support from their command structure for months. This is not due to any failings of the departmental administration, but due to the fact that we do not have a full administration.

It is also the understanding of this Local that the Council, as represented by Manager Sabatini and Mayor Rubenstein, though recognizing the need to promote a Lieutenant, will be unwilling to fill the position unless unrelated matters are agreed to by the departmental administration.

I would like to say today, publicly, that if the Township is using a promotion that will increase the efficiency of this police department, bolster the support for and safety of our officers, and improve the services deserved by the residents in this town, as a bargaining chip to obtain other unrelated goals, I find that behavior to be unacceptable and dangerous. Progress should be pursued, but not at the detriment of those who serve an "essential role in safeguarding the rights and freedoms of Byram Township".

If you truly think that we police officers "unceasingly provide a vital public service", please give us the resources that we need to do so. I look forward to spending the next several decades serving the residents of Byram Township to the best of my ability and to working with the Township Council to accomplish that.

Motion by Councilwoman Franco, second by Councilman Proctor to close to the public. All members were in favor.

APPROVAL OF MINUTES

May 6, 2025, Regular & Closed Session Meeting Minutes - Councilwoman Franco, second by Councilman Proctor to approve minutes.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

CONSENT AGENDA – All 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 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 Franco, second by Councilman Proctor to approve the consent agenda as presented.

- A. Resolution No. 093-2025 – Authorization to Execute Change Order No. 1 for Proposed Improvements to CO Johnson Park Field 8 Reconstruction – Net Decrease of \$15,000.77
- B. Resolution No. 094-2025 – Resolution Authorizing 100% Disabled Veteran Exempt Status to Owner of Block 304 Lot 2181 Refund of Taxes Paid for 2nd Quarter 2025
- C. Resolution No. 095-2025 – ~~Authorization for a Controlled Burn to Manage Invasive Barberry at Tamarack Park~~
- D. Resolution No. 096-2025 – A Resolution of the Byram of Byram Adopting the 2025 Sussex County Hazard Mitigation Plan
- E. Resolution No. 099-2025 - Authorization to Execute Change Order No. 1 for Proposed Improvements Mansfield Drive Tennis Courts & Carl O. Johnson Park Tennis Courts – Net Decrease of \$2,510.80
- F. Resolution No. 100-2025 – Cancellation of Unexpended Balances of Improvement Authorization – Drainage
- G. Resolution No. 101-2025 – 2025 Capital Budget Amendment Resolution
- H. Resolution No. 102-2025 - Award Of Contracts Under the Morris County Cooperative Pricing Council for Proposed Resurfacing of Various Streets
(Cascade Ave., Spring Brook St., Sussex St., Lauren Ct., Jefferson Lake Rd., Anderson Ln., Ascot Ln., Mara Ln., Matthew Dr., Carlson Ln. & Birch Parkway.) – Not to Exceed \$301,717.50

Councilman Roseff is looking for an organized process for the controlled burn before allowing it to happen. Mr. Sabatini said the State Forest Service will be performing the controlled burn. This is being requested by the Environmental Commission who are looking for Byram to approve the application. Councilman Roseff would like to see the process. The Fire Chief has spoken to the division leader and is waiting for a call back. They will give a presentation of what will be done. As soon as he hears more, he will set up a time for a presentation.

Resolution No. 095-2025 will be pulled until there is a presentation.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

BILL LIST – May 20, 2025 – Motion by Councilwoman Franco, second by Councilman Proctor to approve the bill list.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

ORDINANCE – 2nd Reading / Public Hearing

BE IT RESOLVED that Ordinance No. 007-2025 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

- **ORDINANCE NO. 008-2025 - AN ORDINANCE TO AUTHORIZE SALE OF PUBLIC PROPERTIES NOT NEEDED FOR PUBLIC USE TO THE HIGHEST BIDDER**
PURPOSE STATEMENT: The purpose of this ordinance is to authorize the Mayor and Council of the Township of Byram to convey Township owned properties to the highest bidder because they are not needed or required for public use.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

BE IT RESOLVED that Ordinance No. 008-2025 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

- **ORDINANCE NO. 009-2025 - AN ORDINANCE TO AUTHORIZE SALE OF NON-CONFORMING TOWNSHIP OWNED PROPERTIES NOT NEEDED FOR PUBLIC USE TO CONTIGUOUS PROPERTY OWNERS**

PURPOSE STATEMENT: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to convey non-conforming contiguous Township owned properties to respective contiguous property owners, because they are not needed or required for public use.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

BE IT RESOLVED that Ordinance No. 009-2025 is passed on final reading and that a notice of final passage be published in the official designated newspaper according to the law.

ORDINANCE – 1st Reading / Introduction

- **AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR DRAINAGE INLET IMPROVEMENTS TO BELTON STREET TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$175,000.00**

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

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	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 June 3, 2025, 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.

- **ORDINANCE NO. 007-2025 - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 240 ENTITLED “ZONING” TO AMEND THE CHECKLIST FOR COMPLETENESS, TO MODIFY THE REQUIREMENTS FOR AIR CONDITIONING UNITS AS ACCESSORY STRUCTURES AND TO AMEND CHAPTER 215 ENTITLED “SUBDIVISION AND SITE PLAN REVIEW” AND CHAPTER 240 ENTITLED “ZONING” TO REPEAL AND REPLACE ALL REFERENCES TO THE ARCHITECTURAL REVIEW COMMITTEE AND ARC**

Purpose Statement: The purpose of this ordinance is to amend Chapter 240 entitled “Zoning” to update the checklist, to modify the requirements for air conditioning condensers as accessory structures and to amend Chapters 215 and 240 to repeal and remove all references to the “Architectural Review Committee” and “ARC” and to confirm that the Planning Board itself is replacing the Architectural Review Committee, and the Planning Board will carry out any prior functions, powers and authorizations of the Architectural Review Committee.

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	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 June 3, 2025, 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

Light Nuisance and Trespass – Tom provided a suggested ordinance that Mr. Sabatini was in in agreement with. He would like to focus directly on the light trespass and would like to keep it simple. Mr. Sabatini asked the council to provide their thoughts. Councilman Roseff questioned the use of the work “trespass”, and does not believe we need

an instrument, Councilman Proctor agreed. The council agrees to remove section 173-3 and 173-5, Mr. Sabatini would like to concentrate directly on 173-2. None of this will be in the zoning code.

FUTURE AGENDA ITEMS

PUBLIC PARTICIPATION II

Motion by Councilwoman Franco, second by Councilman Proctor to open to the public.

No Comments.

Motion by Councilwoman Franco, second by Councilman Proctor to close to the public.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilwoman Franco, second by Councilman Proctor, to go into executive session and adopt the below resolution.

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.

- A. Attorney Client Privilege Communication
 - General

- B. Personnel

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:

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

Certification: I certify that the Byram Township Council adopted the above resolution on May 6, 2025.

Cynthia Church, Municipal Clerk

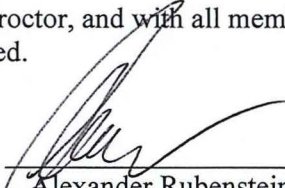
	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	x				
2nd			x		
Yes	x		x	x	x
No					
Abstain					
Absent		x			

RETURN TO OPEN SESSION - Motion by Councilwoman Franco, second by Councilman Proctor to return to open session at 10:30 p.m. All members were in favor. Motion Carried.

ADJOURNMENT

On the motion of Councilwoman Franco, second by Councilman Proctor, and with all members in favor, the meeting was adjourned at 10:30 p.m. All members were in favor. Motion carried.


Cynthia Church, RMC
Township Clerk


Alexander Rubenstein, Mayor