

TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, FEBRUARY 16, 2016
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION – 7:30 P.M.

1. **CALL MEETING TO ORDER**
2. **OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.
3. **ROLL CALL**
4. **RESOLUTION FOR EXECUTIVE SESSION**
 - a. Attorney Client Privileged Communication – General
- E-Consult Agreements
 - b. Shared Services – Mutual Aid
 - c. Personnel - Vehicle Use – Fire Department
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **REPORTS**
 - A. Township Manager
 - B. Mayor and Council Members
 - C. Township Attorney
9. **PUBLIC PARTICIPATION I** – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided.
10. **RENEWAL OF LICENSES – 2016**
 - Tilcon N.Y. Quarry
 - Raimos Junkyard
 - North Jersey Auto Wreckers
11. **2016 CAPITAL BUDGET PRESENTATION**
12. **APPROVAL OF MINUTES**
 - February 2, 2016 Regular Meeting Minutes
 - February 2, 2016 Closed Session Minutes
 - February 5, 2016 Special Meeting Minutes
13. **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.
 - A. Resolution No. 44-2016 - A Resolution Authorizing the Award of Professional Services Contracts for the Preparation of Two Appraisals to Green Acres Standards of Property Known As Block 226, Lot 26 & 26.08 in the Township of Byram
 - B. Resolution No. 45-2016 – Authorizing the Township Manager to Apply for Volunteer Fire Assistance Reimbursement for Certain 2014 Fire Department Expenditures
 - C. Resolution No. 46-2016 – Authorize Refund of Redemption Monies to Outside Lien Holders
 - D. Resolution No. 47-2016 – Authorize the Release of the 2015 Executive Session Minutes to the Public
 - E. Resolution No. 48-2016 – Authorizing Appointment of Radio Communications Specialist and Award of Professional Service Contract with V-COMM, LLC
14. **APPROVAL OF FEBRUARY 16, 2016 BILL LIST**
15. **ORDINANCE – 2nd Reading / Public Hearing**
 - Ordinance 6-2016 - An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code
Purpose Statement: The purpose of this ordinance is to clarify various sections in the Byram Land Use Code, update applications checklists and the Residential Schedule of Space Requirements.
 - Ordinance 8-2016 - An Amended Ordinance for Administration and Hourly Positions Salary and Wages for the Years 2013-2016
16. **ORDINANCE – Introduction / First Reading**
 - 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 337, Lot 9.01
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 337/Lot 9.01 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 and Township Open Space Trust funds.
17. **ITEMS FOR DISCUSSION** – Youth Guidance Council
18. **PUBLIC PARTICIPATION II**
19. **EXECUTIVE SESSION – Session II (if necessary)**
20. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
21. **ADJOURNMENT**

**TOWNSHIP OF BYRAM
RESOLUTION NO. 44-2016**

A RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACTS FOR THE PREPARATION OF TWO APPRAISALS TO GREEN ACRES STANDARDS OF PROPERTY KNOWN AS BLOCK 226, LOT 26 & 26.08 IN THE TOWNSHIP OF BYRAM

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Byram in the possible acquisition of certain real property located within the Township of Byram for open space; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the appraisals must be completed in accordance with the specifications of the State Green Acres Program; and

WHEREAS, The Township wishes to retain the services of Joshua D. Mackoff, LLC in accordance with its proposal letter dated January 21, 2016 and Norman J. Goldberg Inc. in accordance with its proposal letter dated January 15, 2016, and;

WHEREAS, the Committee wishes to award a contract in an amount not to exceed \$1,950 for Joshua D. Mackoff, LLC and a second contract in an amount not to exceed \$1,975 for Norman J. Goldberg, Inc., and the Chief Financial Officer has certified that funds are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Byram in the County of Sussex and State of New Jersey as follows:

1. The Township of Byram hereby awards and authorizes Joshua D. Mackoff, LLC to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$1,950.
2. The Township of Byram hereby awards and authorizes Norman J. Goldberg Inc. to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$1,975.
3. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

	Councilwoman Raffay	Deputy Mayor Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

Dated: February 16, 2016

CERTIFICATION

I, Doris Flynn, Municipal Clerk of the Township of Byram, County of Sussex, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Byram Township Council on February 16, 2016.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 45-2016**

**AUTHORIZING THE TOWNSHIP MANAGER TO APPLY FOR
VOLUNTEER FIRE ASSISTANCE REIMBURSEMENT FOR
CERTAIN 2014 FIRE DEPARTMENT EXPENDITURES**

WHEREAS the Township of Byram funds certain expenditures of the Byram Township Fire Department; and

WHEREAS the New Jersey Forest Fire Service offers 50% reimbursement for certain of those expenditures, with the remaining 50% to be provided by the locality in either cash or kind; and

WHEREAS the Township may request reimbursement for expenditures dating from January 1, 2014 to December 1, 2014 by submitting an application to the NJ Forest Fire Service Volunteer Fire Assistance Program by February 8, 2016;

NOW THEREFORE BE IT RESOLVED that the Byram Township Council authorizes Township Manager Joseph Sabatini to submit such an application for any and all eligible Fire Department expenses and to determine the appropriate sources of the cash or kind 50% match.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffaele	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on February 16, 2016.

Doris Flynn, RMC

**TOWNSHIP OF BYRAM
RESOLUTION # 46-2016
"Authorize Refund of Redemption Monies to Outside Lien Holder"**

WHEREAS, at the Municipal Tax Sale held on November 18, 2014 a lien was sold on Block 297 Lot 1 also known as 742 West Shore Trail., for 2013 delinquent real estate taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #2014-015 and was sold to Hans J. Von Ancken at 18% interest with no premium; and

WHEREAS, Allied Title, LLC D/B/A Allied Transfer, LLC the firm representing the owner of said property has effected a redemption of certificate #2014-015 in the amount of \$1,468.59;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Byram that this Governing Body acknowledges that Hans J. Von Ancken is entitled to the redemption in the amount of \$1,468.59; and

BE IT FURTHER RESOLVED, that the Certified Finance Officer be authorized to issue a check in the total amount of \$1,468.59 for the total redemption of certificate #2014-015 payable to Hans J. Von Ancken 2 Sleepy Lagoon Terrace, Sparta, NJ 07871.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Township Council of the Township of Byram at a regular meeting of said Governing Body conducted on Tuesday, February 16, 2016.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I, certify that the forgoing resolution was adopted by the Byram Township Council at a meeting held on February 16, 2016.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION 47 - 2016**

**AUTHORIZE THE RELEASE OF THE 2015 EXECUTIVE SESSION MINUTES
TO THE PUBLIC**

WHEREAS, the Byram Township Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Township Attorney, Township Clerk, and Township Manager have reviewed such approved minutes and recommend the release of the 2015 meeting minutes to the public with certain redactions due to on-going need for confidentiality.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Township of Byram, in the County of Sussex, and State of New Jersey that the 2015 minutes of the Executive Sessions be released to the public, with certain redactions due to on-going need for confidentiality.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on February 16, 2016.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 48 – 2016**

**AUTHORIZING APPOINTMENT OF RADIO COMMUNICATIONS SPECIALIST AND
AWARD OF PROFESSIONAL SERVICE CONTRACT IN CONNECTION
THEREWITH**

WHEREAS, the Township of Byram, pursuant to N.J.S.A. 40:55D-71b. has determined it necessary to employ a Radio Communications Specialist for the Township of Byram; and

WHEREAS, the Mayor and Council intend by this resolution to award V-COMM, L.L.C. a professional services contract for through January 31, 2017 at the rates outlined in the February 1, 2016 proposal; and

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Mayor and Council of the Township of Byram has determined and certified in writing that the value of the professional services may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for one (1) year; and

WHEREAS, V-COMM, L.L.C. has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for “Professional Services,” without competitive bids and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Byram, County of Sussex and State of New Jersey that it hereby authorizes the Mayor, Township Manager and Clerk to enter into a contract with V-COMM, L.L.C. as described hereinabove; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township Newspaper.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST: I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on February 16, 2016.

Doris Flynn, Township Clerk

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 6 – 2016**

**AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF
BYRAM CODE**

Purpose Statement: The purpose of this ordinance is to clarify various sections in the Byram Land Use Code, update application checklists and the Residential Schedule of Space Requirements.

WHEREAS, the Township of Byram's Planning Board ("the Board") has recommended various amendments to the Byram Land Use Code; and

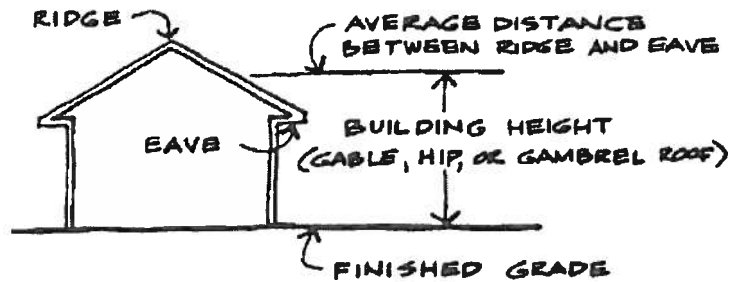
WHEREAS, the Board has advised the Township Council on the need for said Ordinance amendments; and

WHEREAS, the Planning Board, in consultation with the Township Planner and Township Engineer, has proposed amendments to the Land Development Ordinance that will clarify the Ordinance; and

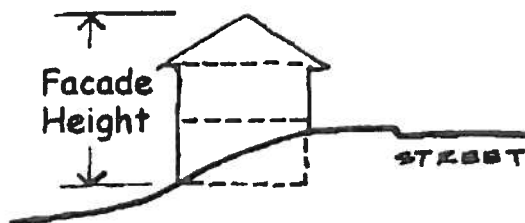
WHEREAS, the Mayor and Council of the Township of Byram hereby accept the recommendation of the Board to adopt amendments to the Land Development Ordinance in accordance with the requirements of the within Ordinance

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Byram, County of Sussex, State of New Jersey, that:

**SECTION 1. Chapter 240 – ARTICLE III DEFINITIONS shall be revised as follows.
240-7 Terms Defined. Revise and amended as follows.**



Height of Facade – The vertical distance from the average finish grade along each side of a structure to the top of a structure or to the top of the highest point of the roof surface of a building.



Parking Space – An off-street space for the parking of one (1) motor vehicle, which space shall have an area as required by this Code.

SECTION 2. Chapter 240 - ARTICLE IV GENERAL REGULATIONS shall be revised as follows.

240-25 Proximity of Structures to Waterways. Delete existing section and replace with the following:

240-25 Proximity of structures & construction activities to waterways.

- A. No building or structure (except for docks, piers, boathouses, or similar structures related to watercourses) shall be constructed, placed, erected or extended within the setback from existing lakes, ponds, streams or wetlands, as required for each zone, (75 feet if no requirement is stated) unless approved by the Planning Board.

- (3) Side yard: a minimum of 50 feet each.
- (4) Rear yard: a minimum of 100 feet.
- (5) Lot width (frontage): a minimum of 200 feet.
- (6) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (7) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (8) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 100 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (9) Accessory uses shall be regulated as in § 240-16.

D. Cluster Option - Development of more than one lot may be achieved through clustering, lot size averaging or other similar density based development techniques that maintains overall density while creating preserved open space through fee simple lots or conservation easements. The following requirements must be complied with for a cluster option:

(1) Bulk requirements – Clustering Option – R-1

- (a) Area: 1 unit per 10 acres, with a minimum building lot of 40,000 square feet
- (b) Front yard: a minimum of 50 feet, 75 feet for lots in excess of 1.5 acres
- (c) Side yard: a minimum of 20 feet
- (d) Rear yard: a minimum of 50 feet
- (e) Lot width: a minimum of 150 feet
- (f) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (g) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (h) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (i) Accessory uses shall be regulated as in § 240-16.

(5) In processing a major subdivision employing the use of cluster development zoning, as defined herein, the Planning Board's approval shall also be contingent upon the reasonable accessibility of the open spaces to all residents of the development if the open space technique is being employed in whole or in part to provide public or private playground or recreational facilities; in which event, the Planning Board shall afford the Recreation Commission reasonable opportunity to offer nonbinding comment on the use of the proposed open spaces for recreational purposes before the Planning Board completes its action on the use of the open spaces technique, provided that such nonbinding comment is submitted within 35 days following referral to the Recreation Commission.

240-52 R-2 Residential District. Switch Sections C and D per the following language.

C. Required conditions. The following requirements must be complied with in the R-2 Residence District.

- (1) Minimum Lot Area: 5 acres
- (2) Front yard: a minimum of 100 feet.
- (3) Side yard: a minimum of 50 feet each.
- (4) Rear yard: a minimum of 75 feet.
- (5) Lot width (frontage): a minimum of 200 feet.
- (6) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (7) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (8) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 75 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (9) Accessory uses shall be regulated as in § 240-16.

D. Cluster Option - Development of more than one lot may be achieved through clustering, lot size averaging or other similar density based development techniques that maintains overall density while creating preserved open space through fee simple lots or

to form and adequacy, which organization shall assume all obligations of ownership, including development and maintenance, as well as payment of taxes and other normal incidents of ownership.

(4) In the processing of a major subdivision employing the use of open space development, as defined herein, the Planning Board's approval of the open space technique shall be subject to specific findings as to whether the technique is expected to promote one or more of the following desired objectives:

(a) The provisions for playground or recreation areas in such a fashion as to be an integral part of the subdivision, with the emphasis being on pedestrian access to such areas.

(b) The creation of undeveloped open spaces to avoid the monotony of development and to act as a unifying theme for the development in the manner of a greenbelt or like approach.

(c) Protection against undue soil, vegetation and wildlife habitat disturbance.

(d) Conservation of natural features such as streambeds, lakes, ponds, wooded areas, rock formations, significant views, etc.

(e) Protection of floodplain and other sensitive views, etc.

(5) In processing a major subdivision employing the use of cluster development zoning, as defined herein, the Planning Board's approval shall also be contingent upon the reasonable accessibility of the open spaces to all residents of the development if the open space technique is being employed in whole or in part to provide public or private playground or recreational facilities; in which event, the Planning Board shall afford the Recreation Commission reasonable opportunity to offer nonbinding comment on the use of the proposed open spaces for recreational purposes before the Planning Board completes its action on the use of the open spaces technique, provided that such nonbinding comment is submitted within 35 days following referral to the Recreation Commission.

SECTION 5. Chapter 240 - ARTICLE IX DISTRICT REGULATIONS shall be revised as follows.

SECTION 6. Chapter 240 - Residential Schedule of Space Requirements shall be revised as is indicated in the attached revised schedule.

SECTION 7. Chapter 240 – Variance, Minor Subdivision, Major Subdivision, Site Plan and Conditional Use Checklists shall be revised as is indicated in the attached revised checklists.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 9. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

INTRODUCED: February 2, 2016

ADOPTED:

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 6-2016 was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February, 2016. The said ordinance was further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 16th day of February at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

**TOWNSHIP OF BYRAM
ORDINANCE NO. 8 - 2016**

**AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS
SALARY AND WAGES
FOR THE YEARS 2013-2016**

BE IT ORDAINED by the Mayor and Township Council, Township of Byram, County of Sussex, State of New Jersey as follows:

SECTION 1: The salary for each elected and appointed official and employee of the Township of Byram who is engaged on an annual salary basis shall be hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Mayor and Council Member	3,500	3,500
Municipal Manager	85,000	116,000
Deputy Municipal Manager	10,000	65,000
Executive Assistant	15,000	65,000
Chief of Police	115,000	160,000
Township Clerk/Registrar	50,000	80,000
Deputy Clerk	10,000	51,000
Chief Financial Officer/Municipal Treasurer	55,000	92,000
Assistant Municipal Treasurer	15,000	45,000
Municipal Tax Collector	15,000	70,000
Assistant Municipal Tax Collector	10,000	40,000
Tax Assessor	30,000	60,000
Public Works Superintendent	60,000	103,000
Director of Planning	50,000	75,000
Recreation Director	30,000	72,000
Municipal Court Administrator	30,000	57,000
Judge Municipal Court	15,000	50,000
Construction Code Official	30,000	57,000
Plumbing Inspector	5,000	10,000
Electrical Inspector	5,000	10,000
Fire Inspector	2,000	2,500
Fire Official	2,000	2,500
Zoning Officer	15,000	38,000
Assistant Zoning Officer	2,500	20,000
Deputy Registrar Vital Statistics Stipend	1,000	1,000
Planning Board Secretary Stipend	1,000	1,000
Sanitary Sewer License Operator Stipend	5,500	5,500
Emergency Management Coordinator Stipend	1,500	1,500
Deputy Emergency Management Coordinator Stipend	1,500	1,500

SECTION 2: The maximum hourly rate of pay for each appointed hourly employee shall be hereby fixed as follows:

<u>POSITION HOURLY</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Senior Transportation Driver	10.00	19.00
Recycling Aide	8.50	13.00
Animal Attendant	10.00	12.00
Seasonal DPW Workers	10.00	15.00

SECTION 3: The authorized number of positions shall be established by the Annual Budget adopted by the Township Council or as otherwise provided by statute or official action of the Township Council.

SECTION 4: The Manager of the Township of Byram may establish rates of compensation for all employees and may hire any new employee at an hourly or annual rate which does not exceed the maximum salary provided for such office or position without specific authorization of the Township Council.

**TOWNSHIP OF BYRAM
ORDINANCE NO. 9 -2016**

**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 337, LOT 9.01**

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 337 Lot 9.01 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 and Township Open Space Trust funds.

WHEREAS the Township of Byram Open Space Committee concluded that acquisition of the subject property known as Block 337, Lot 9.01 ("the subject property") is consistent with the Township of Byram's ("Township" or "Byram") objectives for the acquisition, development, maintenance and preservation of municipal open space, recreation, farmland preservation, and historic preservation, and has recommended to the Mayor and Council of the Township of Byram that the subject property be acquired using funds from the New Jersey Department of Environmental Protection ("NJDEP") Green Acres Program ("Green Acres funds") and Township Open Space Trust Fund ("Open Space funds"); and

WHEREAS, the Mayor and Council of the Township of Byram desires to acquire title and possession of the subject property by purchase agreement with Gregory J. Gamski, 41 Fieldstone Trail, Sparta, New Jersey 07871, title owner of record of the subject property ("Seller" or "Gamski"), pursuant to the requirements of the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, et seq.; and

WHEREAS, the Township shall fund its acquisition of the subject property through the use of Green Acres funds and Open Space funds; and

WHEREAS, upon acquisition of the subject property, the Township shall preserve the subject property for open space.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Byram, County of Sussex, State of New Jersey, as follows:

Section 1. Township Authorization to Acquire Land by Purchase Agreement.

Pursuant to the provisions of the "Local Lands and Buildings Law," N.J.S.A. 40A:12-1 et seq., the Township of Byram is hereby authorized to acquire the subject property hereinafter described by purchase agreement:

Tax Block 337, Lot 9.01, Township of Byram, New Jersey owned by ("the Subject Property"), as described on the attached Exhibit A, Legal Description of Subject Property.

BYRAM TOWNSHIP COUNCIL

Attest:

Doris J. Flynn, Township Clerk
Introduced: 2/16/16
Adopted:

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

NOTICE is hereby given that the above titled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 16th day of February, 2016. Said Ordinance will be further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on March 1, 2016, at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said Ordinance. Copies are available to the public at the Township of Byram Clerk's office, located at the Byram Township Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, between the hours of 8:30 a.m. and 4:30 p.m.

Doris J. Flynn, RMC
Byram Twp. Municipal Clerk