

TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, SEPTEMBER 15, 2015
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
- PEG Bandwidth

b. Contract Negotiations – Chief of Police Contract Amendment

5. RETURN TO OPEN SESSION

6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

7. APPROVAL OF AGENDA

8. 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.

9. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

10. APPROVAL OF MINUTES

- September 1, 2015 Regular Meeting Minutes
- September 1, 2015 Closed Session Minutes

11. 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. 140 – 2015 – Resolution directing the Township Manager to Participate in a Reverse Auction for Electricity Generation through Energy market Exchange (EMEX)
- B. Resolution No. 141 – 2015 – Resolution of the Governing Body of the Township of Byram Regarding the Repairs to the Lynn Drive Catch Basins
- C. Resolution No. 142 – 2015 – Resolution Defining Township Policy on Retiree Health Insurance Contributions

12. APPROVAL OF SEPTEMBER 15, 2015 BILL LIST

13. ORDINANCES – 2nd Reading/Public Hearing

- **ORDINANCE NO. 14-2015 - BOND ORDINANCE PROVIDING FOR THE REMOVAL OF AN AMBULANCE BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$150,000 AND AUTHORIZING THE ISSUANCE OF \$142,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION**
- **ORDINANCE NO. 15-2015 - ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE ACQUISITION OF A STANDBY GENERATOR TO PROVIDE FUNDING IN THE AMOUNT NOT TO EXCEED \$11,000.00**

Purpose Statement: Acquisition and installation of one (1) permanent diesel fueled generator to supply backup power during and after severe weather events for the Radio Communications Tower located at Old Indian Spring Road.

14. DISCUSSION - BYOB

15. PUBLIC PARTICIPATION II

16. EXECUTIVE SESSION – Session II (if necessary)

17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

18. ADJOURNMENT

**TOWNSHIP OF BYRAM
RESOLUTION NO. 140 - 2015**

**RESOLUTION DIRECTING THE TOWNSHIP MANAGER TO
PARTICIPATE IN A REVERSE AUCTION FOR ELECTRICITY
GENERATION THROUGH ENERGY MARKET EXCHANGE
(EMEX)**

WHEREAS Byram Township is seeking to reduce its electricity costs; and

WHEREAS the Manager and staff's research supports participating in the EMEX 'reverse auction' process as a way to obtain the best rates for the Township's future electrical costs; and

WHEREAS such an auction is arranged and overseen by EMEX, an approved vendor pursuant to "the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30), waiver number EMEX LLC-1, located at www.energymarketexchange.com on the day of a Township Council meeting, so that a potential contract can be immediately approved to retain the auctioned price; and

WHEREAS EMEX is prepared to include Byram in such an auction on October 6, with the participation of the Township Manager and oversight by the Township's EMEX representative; and

WHEREAS the Township Manager can decide whether to accept the bids offered on that day, in a six-, 12-, or 18-, or 24-month contract, or to reschedule a new auction on another day;

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act;

NOW THEREFORE BE IT RESOLVED that the Township Manager and Clerk and are hereby authorized to execute on behalf of the Byram Township any electricity contract offered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

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 September 15, 2015.

Doris Flynn, RMC
Township Clerk

RESOLUTION NO. 141-2015

**RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF BYRAM
REGARDING THE REPAIRS TO THE LYNN DRIVE CATCH BASINS**

WHEREAS, the Township of Byram has planned a Lynn Drive Catch Basin Repair Project for 2015; and

WHEREAS, money has been placed in the budget for this project in 2015; and

WHEREAS, the Township Engineer, Cory Stoner, prepared bid specifications for the Lynn Drive Catch Basin Repair Project; and

WHEREAS, only one bid was received for this project from Tony's Concrete Construction Co., Inc.; and

WHEREAS, the Municipal Engineer's budget was approximately \$57,400 for this project; and

WHEREAS, the sole bid received was \$73,800; and

WHEREAS, the Municipal Engineer has recommended rejecting the bid and rebid the project for spring 2016 construction;

NOW THEREFORE IT BE RESOLVED by the Governing Body of the Township of Byram that the sole bid for the Lynn Drive Catch Basin Project is hereby rejected on the basis that it is over the allocated budget.

BYRAM TOWNSHIP COUNCIL

CERTIFICATION

I, Doris Flynn, Township Clerk of the Township of Byram, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing body of the Township of Byram, County of Sussex, State of New Jersey at a meeting of said Governing Body held on September 15, 2015.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 142 – 2015**

**RESOLUTION DEFINING TOWNSHIP POLICY ON RETIREE HEALTH
INSURANCE CONTRIBUTIONS**

WHEREAS, Byram Township currently has one retiree who has met the requirements of the Township to receive post-retirement healthcare benefits paid for by the Township and will have to contribute towards those medical and other benefits in accordance with the requirements as set forth in Chapter 78, P.L. 2011 ; and

WHEREAS, Chapter 78, P.L. 2011 dictates that retiree contributions are based on a percentage of the cost of health care benefits (no less than 1.5% of the monthly retirement allowance); and

WHEREAS, Chapter 78, P.L. 2011 determines percentage level based on retirement benefit;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey that the Township is defining retirement benefit as a retiree's New Jersey Pension Benefit and that this amount is used as the basis for determining contribution levels.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the Byram Township Council at a meeting held on September 15, 2015, adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

TOWNSHIP OF BYRAM

ORDINANCE NO. 14 - 2015

BOND ORDINANCE PROVIDING FOR THE REMOUNT OF AN AMBULANCE BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Byram, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$150,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$8,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$150,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$142,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes

of the Township in a principal amount not exceeding \$142,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the remount of an ambulance for use by the ambulance squad of the Township, including all appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$142,000.

(c) The estimated cost of said purpose is \$150,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$8,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$142,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$7,500 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the

governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Township Clerk

James Oscovitch, Mayor

Introduced: 9/1/15 Adopted: 9/15/15

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 15 - 2015**

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR THE
ACQUISITION OF A STANDBY GENERATOR TO PROVIDE FUNDING IN
THE AMOUNT NOT TO EXCEED \$11,000.00**

Purpose Statement: Acquisition and installation of one (1) permanent diesel fueled generator to supply backup power during and after severe weather events for the Radio Communications Tower located at Old Indian Spring Road.

WHEREAS, the Township of Byram is in need of a standby generator for the Radio Communications Tower located at Old Indian Spring Road to supply backup power during and after severe weather events; and

WHEREAS, the Township of Byram has been awarded a Hazard Mitigation Grant in the amount of \$36,000.00 with a Federal share of \$25,000.00 and a non-Federal share of \$11,000.00; and

WHEREAS, the Township of Byram has money available in the amount of \$11,000 from the Capital Improvement Fund.

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

Section 1 – The Manager and Municipal Clerk are authorized to execute the acquisition of the standby generator as set forth in plans. All actions shall be taken in accordance with the Local Public Contracts Law and other applicable regulations.

Section 2 – This ordinance shall be funded as follows:

\$11,000.00 Capital Improvement Fund

Section 3 – This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

BYRAM TOWNSHIP COUNCIL

Introduced: September 1, 2015 Adopted:

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance No. 15-2015 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 1st day of September 2015. 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 15th day of September 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.