

**TOWNSHIP OF BYRAM  
REORGANIZATION AGENDA  
JULY 6, 2009 – 7:30 P.M.**

|   |                    |
|---|--------------------|
| <b>1. OPENING OF MEETING - SALUTE TO THE FLAG</b>   |                    |
| <b>2. OPEN PUBLIC MEETING STATEMENT</b><br>Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the notice to the New Jersey Herald and the Township Journal, 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. |                    |
| <b>3. ROLL CALL OF THE TOWNSHIP COUNCIL</b>   |                    |
| <b>4. SWEARING IN OF MAYOR OSCOVITCH AND COUNCILWOMAN RAFFAY</b>  |                    |
| <b>5. NOMINATION AND SELECTION OF DEPUTY MAYOR</b>  |                    |
| <b>6. COUNCIL APPOINTMENTS FOR 2009</b>   | <b><u>TERM</u></b> |
| <b><u>APPOINTMENT</u></b>   |                    |
| <b>DEPUTY CLERK</b>   | 1 year term        |
| <b>TOWNSHIP ATTORNEY</b>  | 1 year term        |
| <b>SPECIAL COUNSEL FOR LABOR &amp; NEGOTIATIONS</b>   | 1 year term        |
| <b>BOND COUNSEL</b>   | 1 year term        |
| <b>PROSECUTOR</b>   | 1 year term        |
| <b>PUBLIC DEFENDER</b>  | 1 year term        |
| <b>TOWNSHIP AUDITOR</b>   | 1 year term        |
| <b>TOWNSHIP ENGINEER</b>  | 1 year term        |
| <b>TOWNSHIP SEWER OPERATOR</b>  | 1 year term        |
| <b>TOWNSHIP SEWER ENGINEER</b>  | 1 year term        |
| <b>PLANNING BOARD</b>   |                    |
| Class IV (2) 4-year term  |                    |
|   |                    |
| Alternate II - (2 year term)  |                    |
| Class III – Councilperson (1 year term)   |                    |
| <b>BOARD OF HEALTH</b>  |                    |
| 4 year term (2)   |                    |
|   |                    |
| <b>RECREATION COMMITTEE</b>   |                    |
| 3 year term (2)   |                    |
|   |                    |
| 3 year term (1)   |                    |
| <b>OPEN SPACE COMMITTEE</b>   |                    |
| Planning Board (3 year term)  |                    |
| Council Person (3 year term)  |                    |
| <b>YOUTH GUIDANCE COMMITTEE</b>   |                    |
| 3 year term (2)   |                    |
|   |                    |
| Vacancy (term expires 6/30/2010) –  |                    |
| <b>CAPITAL IMPROVEMENTS STEERING COMMITTEE</b>  |                    |
| Council (1) (expires 6/30/2011)   |                    |
| Recreation Comm. (expires 6/30/2009)  |                    |

|  |                                   |
|--|-----------------------------------|
| Board of Education (expires 6/30/2009)   |                                   |
| Public Member (1)  |                                   |
| <b>7. COUNCIL LIAISONS:</b>  |                                   |
| Recreation Committee   |                                   |
| Environmental Commission   |                                   |
| Board of Health  |                                   |
| Youth Guidance   |                                   |
| <b>8. MAYORAL APPOINTMENTS</b>   |                                   |
| <b>PLANNING BOARD</b>  | 1 year term                       |
| Class II – Township Employee   |                                   |
| Class I – Mayor or Mayor’s Designee  | 1 year term                       |
| <b>ENVIRONMENTAL COMMISSION</b>  |                                   |
| 3 year term (2)  |                                   |
|  |                                   |
| Alternate #1 –2 year term  |                                   |
| <b>ARC COMMITTEE</b>   |                                   |
| 1 year term  |                                   |
| <b>9. TOWNSHIP MANAGER'S APPOINTMENTS</b>  |                                   |
| Tax Search Officer   | Tax Collector Theresa Vervaeet    |
| Assessment Search Officer  | Township Clerk Doris Flynn        |
| Land Subdivision Search Officer  | Planning Dir. Christopher Hellwig |
| <b>10. TOWNSHIP MANAGER AND COUNCIL REPORTS</b>  |                                   |
| <b>11. PUBLIC PARTICIPATION I - Meeting open to public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided</b>   |                                   |
| <b>12. APPROVAL OF MINUTES</b><br>a. Regular Minutes of 6/15/09<br>b. Closed Session Minutes of 6/15/09  |                                   |
| <b>13, BILL LIST for July 6, 2009</b>  |                                   |
| <b>14. CONSENT AGENDA</b> - All items with an (*) 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 will be removed from the general order of business and considered in its normal sequence on the agenda. |                                   |
| *Res. No. 83-2009 - Custodian of Funds, Court  |                                   |
| *Res. No. 84-2009 - Signatories  |                                   |
| *Res. No. 85-2009 - Official Newspapers  |                                   |
| *Res. No. 86-2009 - Police Matron  |                                   |
| *Res. No. 87-2009 – Dedication by Rider for Donations of gifts and bequests for the celebration of B/ram Day   |                                   |
| *Res. No. 88-2009 – Refund of Zoning Escrow Blk. 246/Lot 472.02 & 473  |                                   |
| *Res. No. 89-2009 – Renewal of Liquor License – 7/1/09-6/30/10 - Zipload, Inc. trading as SALT   |                                   |
| *Res. No. 90-2009 – Award of Bid – Road Improvements to Roseville Road-Phase I – Owl Contracting - \$199,198.00  |                                   |
| *Res. No. 91-2009 – Award of Bid – Road Resurfacing to Various Streets – Owl Contracting -   |                                   |

|   |  |
|---|--|
| \$279,270.00.   |  |
| *Res. No. 92-2009 – Authorization to provide for the Reclamation/Rehabilitation of Roseville Road-Phase I   |  |
| *Res. No. 93-2009 – Renewal of Liquor License – 7/1/09-6/30/10- Jacton LLC, trading as Timbers Your Family Place  |  |
| *Resolution No. 94-2009 – Chapter 159 – Click It or Ticket It - \$4000  |  |
| <b>15. Other Resolutions</b><br><b>Interlocal Agreement with Andover Township for purchase of Ambulance for Lakeland Emergency Squad</b>  |  |
| <b>16. Items of Discussion</b>  |  |
| Annual Notice, Meeting Dates, Executive Session Times   |  |
| <b>17. Ordinances – Introduction</b>  |  |
| <ul style="list-style-type: none"> <li>• Continued Certificate of Occupancy</li> <li>• Amended Fee Ordinance</li> <li>• Ordinance to Establish a Lease Between the Township of Byram and North Shore Water Association</li> </ul> |  |
| <b>18. Public Participation II</b>  |  |
| <b>19. Adjournment</b>  |  |

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 83 – 2009**

**RESOLUTION AUTHORIZING CUSTODIAN OF FUNDS FOR  
MUNICIPAL COURT/BAIL ACCOUNT**

BE IT RESOLVED that the Custodian of Funds for the Municipal Court/Bail Account shall be the Honorable Richard A. Bowe, and the Signatories for said account shall be as follows:

Honorable Richard A. Bowe

&

Mary Beth Swanson

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 84 – 2009**

**RESOLUTION AUTHORIZING THE DESIGNATION OF BANKING  
INSTITUTIONS AND CUSTODIAN OF FUNDS/SIGNATORIES**

BE IT RESOLVED that effective July 1, 2009 the New Jersey Cash Management Fund and any authorized bank located in the County of Sussex, State of New Jersey, may be the depository for funds of the Township of Byram with the preference for banks situated in the territorial limits of Byram Township and that the Custodian of funds shall be the Township Treasurer; and

BE IT FURTHER RESOLVED that all disbursements shall be made by check and that of the three signatories listed below (3) signatories of such checks shall include the Mayor and any two additional authorized officers as follows:

Authorized Officers

James Oscovitch, Mayor  
and  
Joseph W. Sabatini, Township Manager  
Theresa Vervaet, Treasurer, CFO

\*Three (3) concurrent signatures shall be required provided that the Mayor's signature may be supplied by an approved facsimile to be affixed by the Chief Financial Officer.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 85-2009**

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS**

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County, New Jersey that the New Jersey Herald, Sunday Herald and the Township Journal be designated official newspapers of the Township of Byram for a period of one (1) year beginning July 1, 2009 and ending June 30, 2010, or until a successor is named.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 86 – 2009**

**APPOINTMENT OF POLICE MATRON**

WHEREAS, the Township of Byram has deemed it necessary to temporarily or intermittently augment the services provided regularly by members of the Byram Township Police Department, and

WHEREAS, the Chief of Police of the Township of Byram has ascertained and certified that the following person meets the eligibility and qualifications for appointment as Police Matron.

NOW, THEREFORE BE IT RESOLVED that the foregoing person be appointed as Police Matron.

Christina D. Stopa

This appointment shall be effective July 1, 2009 and shall continue in force in accordance with appropriate local ordinances and statutes, until June 30, 2010.

**BYRAM TOWNSHIP COUNCIL**

|                |                  |                       |                     |                     |                 |
|----------------|------------------|-----------------------|---------------------|---------------------|-----------------|
| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 87 – 2009**

**RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS OF GIFTS AND REQUESTS FOR THE CELEBRATION OF “BYRAM DAY” PURSUANT TO N.J.S.A. 40A:50-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:50-29 allows municipalities to receive amounts for costs incurred for “Byram Day,” and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for “Byram Day” as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of Byram is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Raftery | Councilman Raftery | Councilman Thompson | Mayor Oscovitch |
|----------------|------------------|----------------------|--------------------|---------------------|-----------------|
| Motion         |                  |                      |                    |                     |                 |
| 2nd            |                  |                      |                    |                     |                 |
| Yes            |                  |                      |                    |                     |                 |
| No             |                  |                      |                    |                     |                 |
| Abstain        |                  |                      |                    |                     |                 |
| Absent         |                  |                      |                    |                     |                 |

I, Doris Flynn, Municipal Clerk of the Township of Byram, New Jersey, do hereby certify the foregoing to be true and correct copy of a resolution adopted by the Township Council at a meeting held on July 6, 2009.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 88 – 2009**

**RESOLUTION AUTHORIZING A REFUND  
OF A BALANCE OF ZONING ESCROW**

WHEREAS, a balance of escrow remaining in the following account and shall be released; and

WHEREAS, the Director of Planning and Township Engineer of the Township of Byram, has verified the release of the following account:

| <b>Block/Lot</b> | <b>Applicant Name</b> | <b>Amount</b> |
|------------------|-----------------------|---------------|
| 246/472.02, 473  | Heide Hassing         | \$200.00      |

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance in the above mentioned escrow account.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the Finance Officer be authorized to issue payment to the above applicant the aforementioned balance in the escrow account.

**BYRAM TOWNSHIP COUNCIL**

| <b>COUNCIL MEMBER</b> | <b>Councilman Olson</b> | <b>Councilwoman Rafferty</b> | <b>Councilman Rafferty</b> | <b>Councilman Thompson</b> | <b>Mayor Oscovitch</b> |
|-----------------------|-------------------------|------------------------------|----------------------------|----------------------------|------------------------|
| 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM**

**RESOLUTION NO. 89 – 2009**

**BE IT RESOLVED** by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that a renewal of a Plenary Retail Consumption License be issued to Zipload, Inc., trading as SALT, located at 109 Route 206, Stanhope New Jersey 07874. The same license being No. 1904-33-011-002. Said license shall be valid from July 1, 2009 through June 30, 2010.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 90 – 2009**

**RESOLUTION TO AWARD THE  
BID FOR ROAD IMPROVEMENTS TO ROSEVILLE ROAD  
PHASE I**

WHEREAS, the Township of Byram opened bids for road improvements to Roseville Road, Phase I, on June 25, 2009 at 10:00 a.m.; and

WHEREAS, four (4) bids were received from:

1. Owl Contracting in the amount of \$199,198.00
2. English Paving Co., Inc. in the amount of \$201,739.63
3. Top Line Construction Corp. in the amount of \$211,037.50
4. Tilcon New York, Inc. in the amount of \$241,201.59

WHEREAS, the low apparent bid for Roseville Road – Phase I was submitted by Owl Contracting for \$199,198.00. This bid was reviewed by Township Attorney Tom Collins and Township Engineer Cory Stoner and recommended for award.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council, County of Sussex, State of New Jersey to award the bid to Owl Contracting for Roseville Road – Phase I.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | Mayor Oscovich |
|----------------|------------------|-----------------------|---------------------|---------------------|----------------|
| 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 91 – 2009**

**RESOLUTION TO AWARD THE  
BID FOR ROAD RESURFACING OF VARIOUS STREETS**

WHEREAS, the Township of Byram opened bids for road resurfacing of various streets, on June 25, 2009 at 10:00 a.m.; and

WHEREAS, four (4) bids were received from:

1. Owl Contracting in the amount of \$279,270.00
2. English Paving Co., Inc. in the amount of \$285,260.00
3. Top Line Construction Corp. in the amount of \$296,820.00
4. Ticon New York, Inc. in the amount of \$330,020.00

WHEREAS, the low apparent bid for resurfacing of various streets was submitted by Owl Contracting for \$279,270.00. This bid was reviewed by Township Attorney Tom Collins and Township Engineer Cory Stoner and recommended for award.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council, County of Sussex, State of New Jersey to award the bid to Owl Contracting for resurfacing of various streets.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 92 - 2009**

**Authorization to Provide for the Reclamation / Rehabilitation  
of Roseville Road – Phase I for the Township of Byram**

**WHEREAS**, the County of Sussex advertised and received bids for the Reclamation/Rehabilitation of Various Roads; and

**WHEREAS**, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System Identification Number CK03-SXC; and

**WHEREAS**, the following vendor was awarded a contract for the Reclamation / Rehabilitation of Various Roads and has extended their pricing to municipalities, thereby affording the Township of Byram the opportunity of direct purchase without competitive bidding:

Reclamation of Kingston, L.L.C.  
P.O. Box 292  
West Hurley, N.Y. 12491

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Byram does hereby authorize the execution of the necessary purchase orders in the total amount of \$27,594.80 to obtain the Reclamation / Rehabilitation services as specified and priced to the County of Sussex; and

**BE IT FURTHER RESOLVED**, that upon receipt, inspection and approval of vouchers therefore by the Township of Byram, payment, pursuant to said purchase orders, are hereby authorized with the same to be charged against funds established in the appropriate accounts for said purpose; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the County of Sussex Purchasing Agent, County of Sussex Engineering and Planning Department, Municipal Treasurer, and the Municipal Clerk.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

---

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY**

**RESOLUTION NO. 93 – 2009**

**BE IT RESOLVED** by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that a renewal of a Plenary Retail Consumption License be issued to Jacton, LLC, trading as Timbers Your Family Place, located at 239 Route 206, Andover, New Jersey 07821. The same license being No. 1904-33-005-007. Said license shall be valid from July 1, 2009 through June 30, 2010.

**BYRAM TOWNSHIP COUNCIL**

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on July 6, 2009.

\_\_\_\_\_  
Doris Flynn, RMC  
Township Clerk

| <b>COUNCIL MEMBER</b> | <b>Councilman Olson</b> | <b>Councilwoman Rafferty</b> | <b>Councilman Rafferty</b> | <b>Councilman Thompson</b> | <b>Mayor Oscovitch</b> |
|-----------------------|-------------------------|------------------------------|----------------------------|----------------------------|------------------------|
| Motion                |                         |                              |                            |                            |                        |
| 2nd                   |                         |                              |                            |                            |                        |
| Yes                   |                         |                              |                            |                            |                        |
| No                    |                         |                              |                            |                            |                        |
| Abstain               |                         |                              |                            |                            |                        |
| Absent                |                         |                              |                            |                            |                        |

**TOWNSHIP OF BYRAM**  
**RESOLUTION NO. 94 - 2009**  
**CHAPTER 159**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Byram has received \$4,000.00 from the State of New Jersey, Division of Highway Traffic Safety, and wish to amend its 2009 Budget to include this amount as a revenue.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$4,000.00 which is now available as a revenue from:

Miscellaneous Revenues  
 Special Items of General Revenue Anticipated with prior consent of the Director of Local Government Services:  
 Public and Private Revenues offset with Appropriations:  
 Click It or Ticket Grant

BE IT FURTHER RESOLVED that the like sum of \$4,000.00 be and the same is hereby appropriated under the caption of:  
 General Appropriations:

(a) Operations Excluded from CAPS  
 Public and Private Programs Off-set by Revenues:  
 Click It or Ticket 2009

BE IT FURTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

**BYRAM TOWNSHIP COUNCIL**

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | 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 July 6, 2009.

\_\_\_\_\_  
 Doris Flynn, Township Clerk

**ORDINANCE NO. -2009  
BYRAM TOWNSHIP, SUSSEX COUNTY**

**ORDINANCE OF THE TOWNSHIP OF BYRAM CREATING CHAPTER 113  
CONTINUING CERTIFICATE OF OCCUPANCY**

**Purpose Statement:** The purpose of the Continuing Certificate of Occupancy is to promote health and safety while making sure homeowners secure the proper permits, have improvements inspected and to confirm that open permits are closed. Enforcement of the Certificate of Occupancy will secure a strong financial standing by picking-up added assessments and keeping property record cards current.

**WHEREAS,** In order to Promote Health and Safety while making sure homeowners secured the proper permits and have had any improvements inspected;

**WHEREAS,** To Confirm that open permits are closed before a new homeowner takes ownership;

**WHEREAS,** To secure a strong financial standing and pick-up the added assessments and to keep property record cards current;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Byram as follows:

**SECTION 1.** The following chapter and subsections shall be added.

**113-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ENFORCEMENT OFFICER** — The Construction Official, Zoning Official or other designee by the Township Manager.

**RESIDENTIAL PREMISES** — A structure equipped with cooking facilities and designed for use as living space for one or more people, including, but not limited to, one- or two-family homes, duplexes, townhouses and condominiums.

**113-2 Certificate required.**

No residential premises may be changed in tenancy, use or ownership unless the Enforcement Officer has issued a certificate of continued occupancy.

**113-3 Application certificate.**

An application for a continued certificate of occupancy shall be submitted on forms to be furnished by the Enforcement Officer.

**113-4 Inspections.**

- A. The Enforcement Officer is hereby authorized to conduct inspections of residential premises upon receipt of an application advising of a pending change in tenancy, use or ownership.
- B. The inspection of the residential premises shall include a determination that the residential premises conforms, in all respects, to the Zoning and Property Maintenance Ordinances of the Township. If the inspection reveals items such as, but not limited to, additions, attic or basement apartments, finished basements, garages, sheds or pools, second kitchens and/or decks, a determination must be made that the aforementioned were installed or constructed either with the required permits or by virtue of a grant of a variance.

**113-5. Issuance of certificate.**

The Enforcement Officer shall, within 10 business days after receipt of a written application for a certificate of continued occupancy, either issue said certificate, provided that the inspections reveal that the residential premises complies with the requirements contained in § 113-4B or, in the event of noncompliance, notify the applicant as to the reason(s) why the residential premises failed the inspection. The Enforcement Officer will advise the applicant of what remedial action must be taken to correct the conditions.

**113-6 Disclaimer; liability.**

The Township of Byram does not guarantee to the purchaser, mortgagor or mortgagee that the residential premises inspected is free from latent or patent defects; nor is the Township liable for damage or injury caused to any person as a result of any violation not recorded in the inspection report, nor is the Township liable for any damages, claim or injuries to property which is the subject of the inspection.

**113-7 Fees.**

A fee as provided in Ch. A287, fees shall accompany each application for a certificate of continued occupancy; provided, however, that the Enforcement Officer may waive the inspection fee if a certificate of occupancy or a continued certificate of occupancy has been issued within 90 days of the date of the application.

**113-8 Violations and penalties.**

Any person who violates any provision of this chapter shall, upon conviction, be punishable by a fine of up to \$2,000.

**SECTION 3.** Severability. If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 4.** This ordinance shall take effect after publication and passage according to law.

BYRAM TOWNSHIP COUNCIL

Introduced: July 6, 2009

Adopted:

DORIS FLYNN, TOWNSHIP CLERK

JAMES OSCOVITCH, MAYOR

**NOTICE**

**NOTICE OF PENDING ORDINANCE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey, held on July 6, 2009 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on July 20, 2009 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK

**TOWNSHIP OF BYRAM  
COUNTY OF SUSSEX**

**ORDINANCE NO. - 2009**

**AN ORDINANCE TO ADD AN APPENDIX A; FEE SCHEDULE, TO THE CODE OF BYRAM TOWNSHIP**

NOW, THEREFORE, BE IT ORDAINED by the Byram Township Council that Appendix A; Fee Schedule, is hereby amended as follows to the code of the Township of Byram:

**§ 1. Appendix A, Chapter A287, Fees, is amended to the Code of the Township of Byram as follows:**

**Appendix A, Chapter A287, Sections A287-2 through A287-8 shall be deleted and replaced as amended with the following in its entirety:**

**§ A287-2. Planning Board fees.**

A. Planning Board fees shall be as follows:

| <b>Item</b>                         | <b>Fee</b> | <b>Code Location</b> |
|-------------------------------------|------------|----------------------|
| N.J.S.A. 40:55D-70a Appeals         |            | § 45-37A(1)(a)       |
| Residential                         | \$125      |                      |
| Commercial                          | \$125      |                      |
| Industrial                          | \$125      |                      |
| N.J.S.A. 40:55D-70b Interpretations |            | § 45-37A(1)(a)       |
| Residential                         | \$325      |                      |
| Commercial                          | \$325      |                      |
| Industrial                          | \$325      |                      |
| N.J.S.A. 40:55D-70c Variances       |            | § 45-37A(1)(a)       |
| Residential                         | \$150      |                      |
| Commercial                          | \$250      |                      |
| Industrial                          | \$250      |                      |
| N.J.S.A. 40:55D-70d Variances       |            | § 45-37A(1)(a)       |
| Residential                         | \$400      |                      |
| Commercial                          | \$700      |                      |
| Industrial                          | \$1,100    |                      |
| N.J.S.A. 40:55D-36 permits          |            | § 45-37A(1)(a)       |

| Item   | Fee                                       | Code Location           |
|--|---|-------------------------|
| Residential  | \$125                                     |                         |
| Commercial   | \$325                                     |                         |
| Industrial   | \$325                                     |                         |
| N.J.S.A. 40:55D-76 permits   |   | § 45-37A(1)(a)          |
| Residential  | \$350                                     |                         |
| Commercial   | \$650                                     |                         |
| Industrial   | \$1,100                                   |                         |
| Additional escrow deposit if professional review is required   | \$500                                     |                         |
| Escrow for new construction on a vacant lot  | \$1,000                                   |                         |
| Escrow Deposit for extension of variance approval  | \$150                                     |                         |
| Preparation of certified list of adjacent property owners  | \$0.25/name or \$10, whichever is greater | § 45-37A(3)<br>§ 215-14 |
| Escrow deposit for reviews under N.J.S.A. 40:55D-70a, -70b, -70c, and -36  | \$500                                     | § 45-37A(4)(a)          |
| Escrow deposit for reviews under N.J.S.A. 40:55D-70d and -76   | \$1,000                                   | § 45-37A(4)(a)          |
| Special Planning Board meeting fee   | \$1,000                                   | § 45-37A(5); § 215-16   |
| Original submission of minor subdivision application   | \$150                                     | § 45-37B                |
| Each resubmission of a minor subdivision on original application or map which has expired pursuant to N.J.S.A. 40:55D-47   | \$75                                      | § 45-37B                |
| Preliminary plat, resubmission or substantial amendment, provided that it encompasses the same land as the original subdivision, and provided that the resubmission is filed within 6 months of the disapproval of the original submission | \$500, plus \$100/lot                     | § 45-37B                |
| Final plat, original submission  | \$250, plus \$25/lot                      | § 45-37B                |

| <b>Item</b>  | <b>Fee</b>  | <b>Code Location</b> |
|--|---|----------------------|
| Final plat, resubmission or substantial amendment, provided that it encompasses the same land as the original final submission, and provided that the resubmission is filed within 3 years of preliminary approval | 10% of original application, but not less than \$75 | § 45-37B             |
| Initial submission of preliminary site plan  | \$1,000, plus \$50/acre or part thereof             | § 45-37B             |
| Amended site plan  | \$250, plus \$25/acre or part thereof               | § 45-37B             |
| Final site plan  | \$450   | § 45-37B             |
| Minor site plan/site plan waiver   | \$125   |                      |
| Extension of approval for site plan/subdivision  | \$75  |                      |

B. Subdivision and zoning fees.

(1) Subdivision and site plan review fees.

| <b>Item</b>   | <b>Fee</b>                    | <b>Code Location</b> |
|---|-------------------------------|----------------------|
| Informal review of concept plan   | 1/2 regular fee <sup>10</sup> | § 215-12             |
| Obtaining a certificate or approval and/or release of a performance or maintenance bond | \$10/lot                      | § 215-13             |
| Escrow deposits for residential developments:   |                               |                      |
| 1 unit  | \$500                         |                      |
| 2 to 25 units   | \$2,500                       |                      |
| 26 to 100 units   | \$4,500                       |                      |
| 101 to 500 units  | \$9,500                       |                      |
| 501 to 1,000 units  | \$17,000                      |                      |
| 1,000+ units  | \$27,000                      |                      |
| Escrow deposits for commercial/industrial development not involving structures          |                               |                      |
| 0 to 3 lots   | \$2,000                       |                      |
| 3 or more lots  | \$4,000                       |                      |

| Item   | Fee  | Code Location           |
|--|--|-------------------------|
| Escrow deposits for commercial/industrial development involving structures |  |                         |
| 1,250 to 2,500 square feet   | \$1,000  |                         |
| 2,501 to 20,000 square feet  | \$2,000  |                         |
| 20,001+ square feet  | \$3,500  |                         |
| Each additional 20,000 square feet   | \$6,000  |                         |
| Residential development fee  | 1-1/2% of equalized assessed value for new residential development | § 215-62A               |
| Nonresidential development fee   | 2-1/2% of equalized assessed value for nonresidential development  | § 215-63A               |
| Floor area ratio variance  | 6% of equalized assessed value for development                     | § 215-62B and § 215-63B |

(2) Zoning fees.

| Item  | Fee                                       | Code Location |
|---|---|---------------|
| Zoning permits:   |   |               |
| Zoning Permit   | \$50                                      | § 240-71      |
| Review fee submitted with grading plan  | \$75                                      | § 240-11G(1)  |
| Resubmission of permit within 30 days of return of rejected grading plan <sup>o</sup> | \$75                                      | § 240-11G(1)  |
| Escrow for inspections, professional fees or engineering work                         | \$1,000                                   | § 240-11G(2)  |
| VC Village Center concept review and escrow for concept review                        | 1/2 amount charged for formal application | § 140-80B(1)  |

§ A287-3. Animal control fees.

Animal control fees shall be as follows:

| Item                   | Fee | Code Location |
|------------------------|-----|---------------|
| Replacement of dog tag | \$1 | § 87-4G       |

| <b>Item</b>   | <b>Fee</b>        | <b>Code Location</b> |
|---|-------------------|----------------------|
| Kennels:  |                   |                      |
| With 10 or fewer animals                            | \$50              | § 87-8E              |
| With 11 or more animals                             | \$100             | § 87-8E              |
| Pet shop  | \$50              | § 87-8E              |
| Shelter or pound                                    | No fee            | § 87-8E              |
| Potentially dangerous dog license                   | \$300             | § 87-10F             |
| License for spayed or neutered dog <sup>9</sup>     | \$12              | § 87-16A             |
| Three year license for spayed or neutered dog       | \$30              |                      |
| License for dog not spayed or neutered <sup>9</sup> | \$15 <sup>1</sup> | § 87-16A             |
| Three year license for dog not spayed or neutered   | \$39              |                      |
| Late renewal of license <sup>9</sup>                | \$5/dog/month     | § 87-16B             |
| Animal Control Authority Dog Pickup                 | \$60              | § 87-16C             |
| Animal Control Authority Cat Pickup                 | \$60              | § 87-16C             |
| 24-hour boarding and care of impounded dog          | \$10/day          | § 87-16D             |
| 24-hour boarding and care of impounded cat          | \$5/day           | § 87-16D             |
| Disposition of dog                                  | \$120             | § 87-16F             |
| Disposition of cat                                  | \$85              | § 87-16F             |

**§ A287-4. Miscellaneous fees.**

Miscellaneous fees shall be as follows:

| <b>Item</b>                                 | <b>Fee</b>  | <b>Code Location</b> |
|---|---|----------------------|
| Alarm system registration                   | \$10/dwelling unit<br>\$25 all others<br>Maximum \$50 | § 80-3C              |
| Alcoholic beverages:                        |   |                      |
| Plenary retail alcohol consumption license  | \$620   | § 82-3A              |
| Plenary retail alcohol distribution license | \$518   | § 82-3B              |
| Amusement devices:                          |   |                      |

| Item   | Fee                                  | Code Location      |
|--|--------------------------------------|--------------------|
| Amusement or entertainment machines or devices   |                                      | § 85-4A(1)         |
| First machine  | \$25                                 |                    |
| Each additional machine  | \$2                                  |                    |
| Pool or billiard table not operated by coin or slug  | \$25/table                           | § 85-4A(2)         |
| Returned check   | \$20/transaction                     | §§ 87-16H; 107-2   |
| Private campground license   | \$500, plus \$1.25 per site per year | §§ 104-1 and 104-2 |
| Junkyards:   |                                      |                    |
| Annual license   | \$200/year                           | § 156-5            |
| Escrow   | \$750                                | § 156-5            |
| Quarries:  |                                      |                    |
| Basic application fee  | \$500                                | § 189-8A           |
| Escrow fee for quarries  | \$5,000                              | § 189-8B           |
| Licensing:   |                                      |                    |
| Transfer license from one place to another (upon approval by resolution of the Township Council) | \$25                                 | § 164-7            |
| License for foot peddler   | \$25/year                            | § 164-13           |
| License for peddler from vehicle   | \$50/year                            | § 164-13           |
| Solicitor's or canvasser's license (only for-profit organizations)                               | \$50/year                            | § 164-24           |
| Charitable and philanthropic solicitation permit   | No fee                               | § 164-34           |
| Public records:  |                                      |                    |
| Copies of printed materials (up to 11 inches by 17 inches in size)                               | \$.010/page                          | § 187-1            |
| Certified copy of vital statistics   | \$10                                 |                    |
| Maps and plans   |                                      | § 187-2            |
| 24 inches x 36 inches  | Cost incurred from outside vendor    |                    |
| Larger than 24 inches x 36 inches  | Cost incurred from outside vendor    |                    |

| Item  | Fee                             | Code Location |
|---|---------------------------------|---------------|
| Color copies, 8.5 x 11 (single-sided)   | \$.50/page                      | § 187-2       |
| Color copies, 11 x 17 (single-sided)  | \$.75/page                      | § 187-2       |
| Special service charge for voluminous requests for every hour or part of exceeding three hours of labor to complete the request | Employee hourly wage will apply | § 187-3A      |
| Copies of Zoning Ordinance  | \$30                            |               |
| Printed Master Plan   | \$40                            |               |
| Requests for documents/audio recordings on CD   | \$.50/CD                        |               |
| Zoning Map, large color   | \$10                            |               |
| Street Map, large   | \$10                            |               |
| Road vacations:   |                                 |               |
| Escrow  | \$1,000                         |               |
| Application   | \$100                           |               |
| Seasonal sale permit  | \$25/occasion                   | § 195-6       |
| Taxicabs:   |                                 |               |
| Taxicab owner's license   |                                 | § 222-4G      |
| Initial license   | \$100                           |               |
| Annual renewal  | \$50                            |               |
| Taxicab driver's license  |                                 |               |
| Initial license   | \$25                            | § 222-5A(2)   |
| Annual renewal  | \$20                            | § 222-5D      |

**§ A287-5. Municipal Court fees.**

Municipal Court fees shall be as follows:

| Item   | Fee   | Code Location |
|--|---|---------------|
| Application for representation by Municipal Public Defender <sup>8</sup> | Amount necessary to pay costs of services or \$200, whichever is less | § 53-1        |

**§ A287-6. Construction Department fees.**

A. Moving of buildings fees.

| <b>Item</b>   | <b>Fee</b>                                       | <b>Code Location</b> |
|---|--|----------------------|
| Bond for removal of building or structure   | \$5,000 <sup>2</sup>                             | § 99-3               |
| Removal of building or structure from one lot to another or to a new location on same lot | \$15/\$1,000 estimated cost; minimum fee of \$65 | § 99-4               |

B. Uniform Construction Code fees.

(1) Basic construction fee.

| <b>Item</b>  | <b>Fee</b>   | <b>Code Location</b> |
|--|--|----------------------|
| Minimum fee  | \$65   | § 112-3B             |
| Surcharge to provide for required training, certification and technical support programs   | As set forth in N.J.A.C. 5:23-4.19(b)                                | § 112-3C             |
| New construction:  |  |                      |
| Buildings and structures of all use groups and types as classified in Articles 3 and 4 of the Building Subcode   | \$0.027/cubic foot   | § 112-3D(1)          |
| Use Groups A-1, A-2, A-3, A-4, F-1, F-2, S-1, and S-2  | \$0.020/cubic foot   | § 112-3D(1)          |
| Structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for storage of food or grain, or sheltering of livestock | \$0.020/cubic foot   | § 112-3D(1)          |
| Additions  | Computed for the added portion on same basis as for new construction | § 112-3D(2)          |
| Alterations (based on estimated cost of work):   |  |                      |
| Not exceeding \$100,000  | \$24/\$1,000 estimated cost  | § 112-3D(3)          |
| Above \$100,000  | \$20/\$1,000 estimated cost  | § 112-3D(3)          |

| <b>Item</b>                               | <b>Fee</b>  | <b>Code Location</b> |
|---|---|----------------------|
| Combined renovations and additions        | Sum of fees computed separately for additions and alterations | § 112-3D(4)          |
| Tank abandonment in place or tank removal | \$75  | § 112-3D(5)          |
| Inground pool and required fence          | \$300   | § 112-3D(6)          |
| Aboveground pool                          | \$125   | § 112-3D(7)          |

(2) Plumbing fixtures and equipment.

| <b>Item</b>   | <b>Fee</b>                    | <b>Code Location</b> |
|---|-------------------------------|----------------------|
| Installation or replacement of plumbing fixtures  | \$15/fixture                  | § 112-3E(2)(a)       |
| Installation or replacement of plumbing appurtenance or special device  | \$75/appurtenance or device   | § 112-3E(2)(b)       |
| Cross-connections and backflow preventers subject to testing  | \$75/device <sup>3</sup>      | § 112-3E(2)(b)[1]    |
| Annual test of cross-connections and backflow preventers  | \$75                          | § 112-3E(2)(b)[2]    |
| Installation or replacement of plumbing appliance   | \$35                          | § 112-3E(2)(c)       |
| Installation or replacement of dishwashers, ice makers and instant hot water coils when installed in Use Groups R-3 and R-4, new construction, or a complete renovation | \$15                          | § 112-3E(2)(c)       |
| Installation of house or building sewer and/or water service pipe   | \$75                          | § 112-3E(2)(d)       |
| Installation of lawn sprinkler system   | \$5/sprinkler head            | § 112-3E(2)(e)       |
| Installation or replacement of subsoil drains   | \$75/drain                    | § 112-3E(2)(f)       |
| Removal or abandonment in place of sewage disposal system or septic tank  | \$75                          | § 112-3E(2)(g)       |
| Installation or replacement of roof drains and/or area drains   | \$75                          | § 112-3E(2)(h)       |
| Gas line piping   | \$15/gas appliance connection | § 112-3E(2)(i)       |

| <b>Item</b>   | <b>Fee</b>                  | <b>Code Location</b> |
|---|-----------------------------|----------------------|
| Installation or replacement of oil lines and/or oil tank piping | \$75                        | § 112-3E(2)(j)       |
| Radon mitigation, lead abatement, or asbestos abatement         | \$24/\$1,000 estimated cost | § 112-3E(2)(k)       |

(3) Electrical fixtures and devices.

| <b>Item</b>                                  | <b>Fee</b> | <b>Code Location</b> |
|--|------------|----------------------|
| Receptacles or fixtures:                     |            |                      |
| 1 to 50                                      | \$65       | § 112-3F(1)          |
| Each additional 25                           | \$15       | § 112-3F(1)          |
| Motor or electric device:                    |            |                      |
| 1 hp to 10 hp                                | \$20       | § 112-3F(1)          |
| Greater than 10 hp to 50 hp                  | \$60       | § 112-3F(1)          |
| 50 hp to 100 hp                              | \$120      | § 112-3F(1)          |
| Greater than 100 hp                          | \$560      | § 112-3F(1)          |
| Transformers and generators:                 |            |                      |
| 1 kw to 10 kw                                | \$20       | § 112-3F(1)          |
| Greater than 10 kw to 45 kw                  | \$60       | § 112-3F(1)          |
| 45 kw to 112.5 kw                            | \$120      | § 112-3F(1)          |
| Greater than 112.5 kw                        | \$560      | § 112-3F(1)          |
| Service panel, service entrance or subpanel: |            |                      |
| Less than or equal to 200 amperes            | \$92       | § 112-3F(1)          |
| Greater than 200 amperes to 1,000 amperes    | \$120      | § 112-3F(1)          |
| Greater than 1,000 amperes                   | \$560      | § 112-3F(1)          |
| Annual Pool Inspection                       | \$65       |                      |

(4) Fire protection and other hazardous equipment.

| <b>Item</b>                                | <b>Fee</b> | <b>Code Location</b> |
|--|------------|----------------------|
| Sprinklers and detectors (smoke and heat): |            |                      |
| 20 or fewer heads or detectors             | \$95       | § 112-3G(1)          |
| 21 to 100 heads or detectors               | \$165      | § 112-3G(1)          |

| <b>Item</b>  | <b>Fee</b> | <b>Code Location</b> |
|--|------------|----------------------|
| 101 to 200 heads or detectors                                | \$265      | § 112-3G(1)          |
| 201 to 400 heads or detectors                                | \$670      | § 112-3G(1)          |
| 401 to 1,000 heads or detectors                              | \$950      | § 112-3G(1)          |
| Standpipe  | \$300 each | § 112-3G(2)          |
| Preengineered system   | \$295 each | § 112-3G(3)          |
| Gas- or oil-fired appliance not connected to plumbing system | \$65 each  | § 112-3G(4)          |
| Kitchen exhaust system                                       | \$75 each  | § 112-3G(5)          |
| Incinerator  | \$600 each | § 112-3G(6)          |
| Crematorium  | \$600 each | § 112-3G(7)          |

(5) Elevator devices.

| <b>Item</b>  | <b>Fee</b> | <b>Code Location</b> |
|--|------------|----------------------|
| Installation of a new elevator                                       | \$300      | § 112-3H(4)          |
| Witnessing acceptance tests and performing inspections:              |            |                      |
| Traction and winding drum elevators:                                 |            | § 112-3H(4)(a)[1]    |
| 1 to 10 floors   | \$243      |                      |
| Over 10 floors   | \$405      |                      |
| Hydraulic elevators  | \$216      | § 112-3H(4)(a)[2]    |
| Roped hydraulic elevators  | \$243      | § 112-3H(4)(a)[3]    |
| Escalators, moving walks   | \$216      | § 112-3H(4)(a)[4]    |
| Dumbwaiters  | \$54       | § 112-3H(4)(a)[5]    |
| Stairway chair lifts, inclined and vertical wheelchair and man lifts | \$54       | § 112-3H(4)(a)[6]    |
| Additional charges for the following features:                       |            |                      |
| Oil buffers  | \$43 each  | § 112-3H(5)(a)       |
| Counterweight governor and safeties                                  | \$108      | § 112-3H(5)(b)       |
| Auxiliary power generator  | \$81       | § 112-3H(5)(c)       |
| Elevators in Use Group R-3 or R-4 or exempt R-2 <sup>4</sup>         | \$162      | § 112-3H(6)          |

| <b>Item</b>   | <b>Fee</b> | <b>Code Location</b> |
|---|------------|----------------------|
| Witnessing acceptance test and performing inspections of alterations                              | \$54       | § 112-3H(7)          |
| Tests and inspections for devices not in Use Group R-3 or R-4 or otherwise exempt R-2 structures: |            |                      |
| Six-month inspections:  |            |                      |
| Traction and winding drum elevators   |            | § 112-3H(8)(a)[1]    |
| 1 to 10 floors  | \$151      |                      |
| Over 10 floors  | \$194      |                      |
| Hydraulic elevators   | \$108      | § 112-3H(8)(a)[2]    |
| Roped hydraulic elevators   | \$151      | § 112-3H(8)(a)[3]    |
| Escalators or moving walks  | \$151      | § 112-3H(8)(a)[4]    |
| One-year inspections:   |            |                      |
| Traction and winding drum elevators:  |            | § 112-3H(8)(b)[1]    |
| 1 to 10 floors  | \$216      |                      |
| Over 10 floors  | \$259      |                      |
| Hydraulic elevators   | \$162      | § 112-3H(8)(b)[2]    |
| Roped hydraulic elevators   | \$216      | § 112-3H(8)(b)[3]    |
| Escalators, and moving walks  | \$346      | § 112-3H(8)(b)[4]    |
| Dumbwaiters   | \$86       | § 112-3H(8)(b)[5]    |
| Stairway chair lifts, inclined vertical wheelchair and man lifts                                  | \$130      | § 112-3H(8)(b)[6]    |
| Additional annual charges for the following features:   |            |                      |
| Oil buffers   | \$43       | § 112-3H(8)(c)[1]    |
| Counterweight governor and safeties   | \$86       | § 112-3H(8)(c)[2]    |
| Auxiliary power generator   | \$54       | § 112-3H(8)(c)[3]    |
| Three-year or five-year inspections:  |            |                      |
| Traction and winding drum elevators   |            | § 112-3H(8)(d)[1]    |
| 1 to 10 floors  | \$367      |                      |
| Over 10 floors  | \$410      |                      |
| Hydraulic elevators   |            |                      |

| Item                      | Fee   | Code Location     |
|---------------------------|-------|-------------------|
| 3-year inspection         | \$270 | § 112-3H(8)(d)[2] |
| 5-year inspection         | \$162 | § 112-3H(8)(d)[4] |
| Roped hydraulic elevators |       |                   |
| 3-year inspection         | \$270 | § 112-3H(8)(d)[3] |
| 5-year inspection         | \$162 | § 112-3H(8)(d)[5] |

(6) Certificates and other permits.

| Item   | Fee  | Code Location |
|--|--|---------------|
| Demolition permits:  |  |               |
| Demolition of structure less than 5,000 square feet in area and 30 feet in height  | \$75   | § 112-3I(1)   |
| Demolition of one- or two-family residences and structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for storage of food or grain, or sheltering of livestock   | \$75   | § 112-3I(1)   |
| Demolition of structures in all other groups   | \$120/story  | § 112-3I(1)   |
| Permit to construct a sign   | \$24/\$1,000 estimated cost                                      | § 112-3I(2)   |
| Certificates of occupancy:   |  |               |
| In general   | 10% of cost of new construction permit fee; minimum fee of \$120 | § 112-3I(3)   |
| One- or two-family structures less than 5,000 square feet in area and 30 feet in height, and structures on farms, including commercial farm buildings subject to N.J.A.C. 5:23-3.2(d), used exclusively for storage of food or grain, or sheltering of livestock | 10% of cost of new construction permit fee; minimum fee of \$120 | § 112-3I(3)   |
| Certificate granted pursuant to a change of use group  | \$120  | § 112-3I(4)   |
| Certificate of continued occupancy   | \$40   | § 113-7       |

| <b>Item</b>  | <b>Fee</b>    | <b>Code Location</b> |
|--|---------------|----------------------|
| Temporary certificate of occupancy or certificate of approval  | No fee        |                      |
| Extension of Temporary certificate of occupancy or certificate of approval   | \$65          |                      |
| Certificate of compliance for new elevator device  | \$85          | § 112-3I(7)          |
| Review of building for compliance under alternate systems and nondepletable energy source provisions of Energy Subcode     |               | § 112-3I(8)          |
| One- and two-family homes and for light commercial structures having the indoor temperature controlled from a single point | \$200         |                      |
| All other buildings  | \$500         |                      |
| Application for a variation in accordance with N.J.A.C. 5:23-2.10  |               | § 112-3I(9)          |
| Class 1 structures   | \$200         |                      |
| Class 2 and 3 structures   | \$200         |                      |
| Resubmission of application for variation in accordance with N.J.A.C. 5:23-2.10  |               | § 112-3I(9)          |
| Class 1 structures   | \$200         |                      |
| Class 2 and 3 structures   | \$200         |                      |
| Annual construction permit based on number of maintenance workers:   |               | § 112-3I(10)(a)      |
| 1 to 25 workers (including foreman)  | \$425         |                      |
| Each additional worker over 25   | \$165         |                      |
| Annual training registration   | \$140/subcode | § 112-3I(10)(b)      |
| Certificate of smoke detector and carbon monoxide alarm compliance   | \$35          |                      |
| Each additional inspection of smoke detector and carbon monoxide alarm compliance  | \$35          |                      |

(7) Other Construction Department fees.

| <b>Item</b>       | <b>Fee</b>           | <b>Code Location</b> |
|-------------------|----------------------|----------------------|
| Excavation permit | \$50, plus \$10/hole | § 125-2C             |

| Item   | Fee  | Code Location |
|--|--|---------------|
| Uniform Fire Code permit fees:   |  | § 133-9       |
| Type 1   | \$25   |               |
| Type 2   | \$100  |               |
| Type 3   | \$200  |               |
| Type 4   | \$300  |               |
| Type 5   | \$1,000  |               |
| Dredging permit  | \$0.01/estimated cubic yard of material to be removed; minimum fee of \$100                  | § 160-7       |
| Sewers   | See § A287-9 below.  |               |
| Soil removal:  |  |               |
| Soil removal application   | \$100, plus \$1/1,000 yards or part thereof over 100,000 yards; maximum \$1,000 <sup>5</sup> | § 208-5       |
| Soil excavation inspections  | Cost; maximum \$50 <sup>7</sup>  | § 208-10      |
| Street excavation permit   | \$50   | § 213-5       |
| Driveway permit  | \$25 (nonrefundable)   | § 213-12      |
| Winter maintenance for streets in developments prior to acceptance by Township |  | § 213-35A     |
| Plowing  | \$1.00/running foot of street  |               |
| Each application of salt and/or sand   | \$1.00/running foot of street  |               |

**§ A287-7. Police Department fees.**

Police Department fees shall be as follows:

| Item                    | Fee     | Code Location |
|-------------------------|---------|---------------|
| Firearms initial cards  | \$60.25 |               |
| Firearms ID cards       | \$5     |               |
| Pistol purchase permits | \$2     |               |

| Item  | Fee   | Code Location |
|---|---|---------------|
| Duplicate card (only if initial card was not issued by Byram Township)  | \$18  |               |
| Audiocassettes  | Prevailing cost to Township                               |               |
| Reimbursement for services rendered by police, fire, or EMS services in response to leak or spill of hazardous material | Cost of services, including minimum response fee of \$250 | § 169-3       |

**§ A287-8. Sewer system fees.**

Sewer system fees shall be as follows:

| Item  | Fee                              | Code Location      |
|---|----------------------------------|--------------------|
| Application for Class A (residential) permit  | \$50                             | § 201-5A           |
| Application for Class B (commercial and industrial) permit  | \$100                            | § 201-5A           |
| Required escrow for professional services for Class B users   | Minimum \$500; maximum \$2,500   | § 201-5B(10)       |
| Connection permits for sewers (Class A)   | \$50                             | § 201-17C          |
| Connection permits for sewers (Class B)   | \$100                            | § 201-17C          |
| Grease interceptors:  |                                  |                    |
| Class B users' license to construct and operate a grease interceptor                                      | \$300, plus \$500 escrow deposit | § 201-56D(1)(c)    |
| Restoration fee for sewers  | \$100, plus costs of enforcement | §§ 201-56G; 201-79 |
| Permit and inspection fee for users requesting permission to alter or repair public sewers (Class A or B) | \$50                             | § 201-59B          |
| Escrow fee for professional service fees  | \$2,500                          | § 201-66D          |
| Closing of a sewer line or lateral to a building  | Cost plus 10%                    | § 201-85           |

| Item   | Fee   | Code Location |
|--|---|---------------|
| Permit to reopen any sewer line or lateral to a building (Class A) | \$50, plus the actual costs incurred by the Township in the reopening of the line, and an additional 10% to cover administrative costs  | § 201-86      |
| Permit to reopen any sewer line or lateral to a building (Class B) | \$100, plus the actual costs incurred by the Township in the reopening of the line, and an additional 10% to cover administrative costs | § 201-86      |
| Sewer user charges and maintenance fees                            |   |               |
| Per EDU (commencing January 1, 2006)                               | \$303.75  | § 201-76F     |
| Class B units  |   | § 201-76G     |
| Single EDU   | Rate established in § 201-76F   |               |
| Multiple EDUs  | Rate established in § 201-76F multiplied by the total number of allocated EDUs  |               |
| Sewer connection fee   | See § 201-81  | § 201-81B     |
| Fee for reopening line or lateral (Class A)                        | \$50  | § 201-86      |
| Fee for reopening line or lateral (Class B)                        | \$100   | § 201-87      |

**Severability.**

If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any Ordinance or portions thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

**Effective date.**

This Ordinance shall take effect in the time and manner prescribed by law.

**BYRAM TOWNSHIP COUNCIL**

Introduced: July 6, 2009

Adopted:

| COUNCIL MEMBER | Councilman Olson | Councilwoman Raftery | Councilman Raftery | Councilman Raftery | Councilman Thompson | Mayor Oscovitch |
|----------------|------------------|----------------------|--------------------|--------------------|---------------------|-----------------|
| Motion         |                  |                      |                    |                    |                     |                 |
| 2nd            |                  |                      |                    |                    |                     |                 |
| Yes            |                  |                      |                    |                    |                     |                 |
| No             |                  |                      |                    |                    |                     |                 |
| Abstain        |                  |                      |                    |                    |                     |                 |
| Absent         |                  |                      |                    |                    |                     |                 |

DORIS FLYNN, TOWNSHIP CLERK

JAMES OSCOVITCH, MAYOR

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey, held on July 6, 2009 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on July 20, 2009 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

DORIS FLYNN, TOWNSHIP CLERK

**TOWNSHIP OF BYRAM**  
**ORDINANCE NO.     - 2009**

**ORDINANCE TO ESTABLISH A LEASE BETWEEN THE TOWNSHIP OF BYRAM AND NORTH SHORE WATER ASSOCIATION, A NON-PROFIT CORPORATION, PURSUANT TO 40A:12-14© AND 40A:12-15(i)**

WHEREAS, the Township of Byram is the owner of a property known and designated as Block 115, Lot 4 on the Tax Maps of the Township of Byram; and

WHEREAS, the property was acquired by Byram Township by In Rem Tax Foreclosure Final Judgment recorded in the office of the Sussex County Clerk in Deed Book 2552 Page 90 et seq. in 2001; and

WHEREAS, the property serves as a location of a well on the property operated and maintained by the North Shore Water Association, a non-profit corporation of the State of New Jersey, and is used to provide seasonal potable water supply to two off-site properties known as 2 Pathfinder Trail and 5 Pathfinder Trail located in the Township of Byram, County of Sussex, State of New Jersey; and

WHEREAS, by way of this agreement, it is the intent of the Township of Byram and the North Shore Water Association for North Shore Water Association to lease the lot, well, well pipes and well improvements (hereinafter “well improvements”) on the Township property to the North Shore Water Association for a period of ten (10) years at a nominal sum of \$10.00 to confirm that North Shore Water Association is authorized to continue to utilize the property for the well improvements and to provide water service to the two off-site properties at 2 Pathfinder Trail and 5 Pathfinder Trail; and

WHEREAS, this lease agreement is being authorized by written ordinance of the Council of the Township of Byram pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15(i); and

WHEREAS, pursuant to N.J.S.A. 40A:12-14.1, this lease may be for nominal consideration since it is leased for a public purpose served by a non-profit corporation known as the North Shore Water Association providing water service to two off-site properties and their occupants subject to a requirement that the Association annually submit a report to the Township Manager, who is so designated by the governing body to receive the report, stating the use to which the leasehold has been put for the year, the activities the tenant has undertaken in furtherance of the public purpose and the approximate value and cost of the activities in furtherance of the public purpose and an affirmation that the tax exempt status of the non-profit corporation, North Shore Water Association, has continued for the past year; and

NOW THEREFORE, the parties agree to this Lease as follows:

This Lease is made on the 6<sup>th</sup> day of July, 2009

BETWEEN the Tenant(s), North Shore Water Association, a non-profit corporation of the State of New Jersey

whose address is

“Tenant”, referred to as the

AND the Landlord, Township of Byram, a municipal corporation of the State of New Jersey

whose address is 10 Mansfield Drive, Byram Township, Sussex County, New Jersey  
Referred to as the “Landlord”

The word “Tenant” means each Tenant named above.

**1. Property.** The Tenant agrees to rent from the Landlord and the Landlord agrees to lease to the Tenant the property known as Block 115, Lot 4 on the Tax Maps of the Township of Byram (hereinafter referred to as the “Property”).

**2. Term.** The term of this Lease is for 10 years starting on September , 2008 and ending September , 2018. The parties confirm that Tenant is in possession of the property and they continue to remain in possession during the Lease term.

**3. Rent.** The Tenant agrees to pay \$10.00 as rent for the ten year period, receipt of which is hereby acknowledged by the signing of the Lease by the Landlord. The Tenant shall not be charged any late charge since the rent is already paid.

**4. Use of Property.** The Tenant may use the Property only for the following purpose(s):

Maintenance of the existing well, well shed, and well improvements on the property and the water lines on the property to service the off-site properties known as 2 Pathfinder Trail and 5 Pathfinder Trail in the Township of Byram.

**5. Eviction.** The Landlord may evict the Tenant if the Tenant does not comply with all of the terms of this Lease and for all other causes allowed by law. The Tenant must also pay all costs, including reasonable attorney fees, related to the eviction and collection of any moneys owed the Landlord, along with the cost of re-entering, re-renting, cleaning and repairing the Property.

**6. Payments by Landlord.** If the Tenant fails to comply with the terms of this Lease, the Landlord may take any required action and charge the cost, including reasonable attorney fees, to the Tenant. Failure to pay such costs upon demand is a violation of this Lease.

**7. Care of the Property.** The Tenant has examined the Property, including all facilities, well, well shed and well improvements, and is satisfied with its present condition. The Tenant agrees to maintain the property in as good condition as it is at the start of this Lease except for ordinary wear and tear and to bear all responsibility for the cost and maintenance of the property, the well on the property and the shed on the property and any related pipes and improvements. The Landlord shall have no responsibility to the Tenant or to its customers for the provision of the water and water supply related to the property. Tenant will remove all of the Tenant's property at the end of the Lease. Any property that is left becomes the property of the Landlord and may be thrown out.

**8. Maintenance of Well and Well Improvements.** Lessee shall be responsible for the maintenance and operation of the well, all well improvements and the provision of all water service and all water service requirements. Lessor shall have no obligation or responsibility for the maintenance and operation of the well, well improvements and the provision of water service and water service requirements and the Township shall have no such responsibilities or obligations even if this lease is terminated.

**9. Insurance.** Tenant shall include the premises and improvements on its General Liability Insurance Policy and have the Township named as "additional insured" and provide the township annually with a Certificate of Insurance confirming the same.

**10. Annual Report to Manager.** As required by N.J.S.A. 40A:12-14.1(c), the North Shore Water Association shall submit an annual report to the Township Manager who is designated by the Council as its recording entity for purposes of this Lease. The annual report shall be submitted by August 15<sup>th</sup> of each year. The report shall explain the use to which the leasehold has been put for the past year, the activities the Lessee has undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value of cost, if any, of such activities in furtherance of the purpose of providing water to the two properties and an affirmation of the continuation of the tax exempt status of the North Shore Water Association pursuant to both State and Federal Law. This annual report, in compliance with its requirements and the non-profit status shall be a term and condition of this Lease.

**11. Quiet Enjoyment.** The Tenant may remain in and use the Property without interference subject to the terms of this Lease.

**12. Validity of Lease.** If a clause or provision of this Lease is legally invalid, the rest of this Lease remains in effect.

**13. Parties.** The Landlord and the Tenant are bound by this Lease. All parties who lawfully succeed to their rights and responsibilities are also bound. This Lease is not assignable by either party without the written consent of the other party.

**14. Entire Lease.** All promises the Landlord has made are contained in this written Lease. This Lease can only be changed by an agreement in writing by both the Tenant and Landlord.

**15. Signatures.** The Landlord and Tenant agree to the terms of the Lease. If this Lease is made by a corporation, its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by: TOWNSHIP OF BYRAM

\_\_\_\_\_  
Doris Flynn, Clerk

(Seal)

\_\_\_\_\_  
James Oscovitch, Mayor

NORTH SHORE WATER ASSOCIATION

Witnessed by:

\_\_\_\_\_  
North Shore Water Association

**SECTION 1. Severability.**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 2. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

INTRODUCED: JULY 6, 2009

ADOPTED:

TOWNSHIP OF BYRAM

ATTESTED:

\_\_\_\_\_  
JAMES OSCOVITCH, MAYOR

\_\_\_\_\_  
DORIS FLYNN, TWP. CLERK

NOTICE

NOTICE is hereby given that the above entitled Ordinance was introduced and passed first reading at the meeting of the Township Council of the Township of Byram on the 6th day of July, 2009. The 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 the 20th day of July 2009 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
BYRAM

\_\_\_\_\_  
DORIS FLYNN, CLERK