

**TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, JANUARY 20, 2015
SPECIAL BUDGET WORK SESSION 6:00 P.M.
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, N.J.S.A. 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. BUDGET WORK SESSION**
- 5. ADJOURN**
- 6. CALL MEETING BACK TO ORDER**
- 7. RESOLUTION FOR EXECUTIVE SESSION**
 - a. Attorney Client Privilege Communication - General
 - b. Anticipated Litigation – Gordon Byram Associates
 - c. Contract Negotiations – Open Space - Boyd Property
 - d. Personnel
 - Township Manager
 - Emergency Mgmt. Coordinator and Deputy Emergency Mgmt. Coordinator
- 8. RETURN TO OPEN SESSION**
- 9. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
- 10. APPROVAL OF AGENDA**
- 11. REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
- 12. 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.
- 13. APPROVAL OF MINUTES**
 - January 6, 2015 Regular Meeting Minutes
 - January 6, 2015 Closed Session Minutes
 - January 15, 2015 Special Meeting Minutes
- 14. COUNCIL APPOINTMENT** – EDAC Committee
- 15. 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. 31-2015 – Resolution Approving the Transfer of the Ownership of the Community Home at 8 Francis Drive from NewBridge Services, Inc. to Advancing Opportunities, Inc.
 - B. Resolution No. 32-2015 – Final Acceptance of Byram Road Department Garage Floor Replacement by Edge Property Maintenance, Inc.
 - C. Resolution No. 33-2015 – Authorizing a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission
 - D. Resolution No. 34-2015 – Resolution of Support for Making 35 MPH the Official Speed Limit on Route 206 from Acorn Street to the North Corner of Byram Plaza
- 16. APPROVAL OF JANUARY 20, 2015 BILL LIST**
- 17. ORDINANCE – Introduction**

Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)
Purpose Statement: The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.
- 18. ORDINANCE – 2ND reading/public hearing**

Ordinance 1-2015 – Amended Ordinance for Administration & Hourly Positions Salary and Wages for the Years 2013-2016
- 19. ITEMS FOR DISCUSSION** – Hazard Mitigation Grant for Little Paint Way
- 20. PUBLIC PARTICIPATION II**
- 21. EXECUTIVE SESSION – Session II (if necessary)**
- 22. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
- 23. ADJOURNMENT**

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 31 -2015**

**Approving the Transfer of the Ownership of the Community Home at 8 Francis Terrace,
also known as Block 69, Lot 11
from NewBridge Services, Inc., to Advancing Opportunities, Inc.**

WHEREAS on August 14, 2013 the Byram Township Council adopted Resolution Number 129-2013 approving NewBridge Services, Inc., as a qualified developer and owner of Block 69 Lot 11, at 8 Francis Terrace; and

WHEREAS NewBridge Services, Inc., was so approved to establish a community residence at 8 Francis Terrace to house four individuals with developmental disabilities and the Township contributed \$62,500 from its Affordable Housing Trust Fund for the purchase of this home; and

WHEREAS such group homes are identified as one of the elements within the Township's Housing Element and Fair Share Plan filed with COAH on May 17, 2010 and its Affordable Housing Trust Fund Spending Plan; and

WHEREAS the Township has entered into a memorandum of Agreement with New Jersey Housing and Mortgage Finance Agency (HMFA) and New Jersey Department of Human Services (DHS) to create housing for individuals with developmental disabilities in the community through the purchase and conversion of existing residential structures; and

WHEREAS NewBridge Services, Inc., now has agreed to sell the home at 8 Francis Terrace to Advancing Opportunities, Inc., a service provider approved and funded by the New Jersey Division of Developmental Disabilities and which was named the operator of this community residence under an agreement with NewBridge Services, Inc. and as stipulated in the Township's Resolution 83-2012;

NOW THEREFORE BE IT RESOLVED that the Byram Township Council approves the sale by NewBridge Services, Inc., of the community residence at 8 Francis Terrace to the current operator, Advancing Opportunities, Inc. The Council's approval of this sale is conditioned upon:

- The filing of deeds documenting the sale at the Sussex County Clerk's Office;
- The stipulation that the sale price has been granted any necessary approvals by the NJ Housing and Mortgage Finance Agency (HMFA), which was required to appraise the property before its original sale to NewBridge Services, Inc., as stipulated in the Memorandum of Understanding (MOA) between HMFA and New Jersey Department of Human Services and the Township dated June 25, 2012;
- The confirmation that Advancing Opportunities, Inc., remains an owner/operator in good standing that has been screened by the NJ Department of Human Services Special Needs Partnership and meets all SNP standards for this type of community residence;
- The fulfillment of all other conditions and requirements stipulated under the June 25, 2012 MOA signed by the Township, the NJ DHS, and the HMFA, as well as the May 20, 2013 Special Needs Housing Partnership Loan Program Municipal Affordable Housing Trust Fund Note signed by NewBridge Services, Inc., as well as all other State or Township resolutions or documents pertinent to the sale and operation of the 8 Francis Terrace community residence.

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 January 20, 2015.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 32 - 2015**

**FINAL ACCEPTANCE OF BYRAM ROAD DEPARTMENT GARAGE
FLOOR REPLACEMENT BY EDGE PROPERTY MAINTENANCE, INC.**

WHEREAS, on August 12, 2014, by adoption of Resolution No. 117-2014 the Byram Township Council, County of Sussex, State of New Jersey, awarded a contract to Edge Property Maintenance, Inc. in the amount of \$99,990.00 for replacement of the Road Department garage floor; and

WHEREAS, on November 17, 2014, the Byram Township Council authorized Change Order No. 1 in the amount of \$3,000 in the contract price for certain changes authorized by the Township Engineer, resulting in an adjusted contract amount of \$102,990.00; and

WHEREAS, in the Township Engineer's memo dated January 13, 2015, he recommended that said project be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Township of Byram, County of Sussex, State of New Jersey, that it hereby concurs with the Township Engineer's recommendation and accepts the Byram Road Department garage floor replacement project as complete.

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 January 20, 2015.

Doris Flynn, Municipal Clerk

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 33 - 2015**

**AUTHORIZING A COOPERATIVE PRICING AGREEMENT WITH
THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 20, 2015 the Byram Township Council, Sussex County, New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED that pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission (HCESC). HCESC shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

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 January 20, 2015.

Doris Flynn, Municipal Clerk

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 33 - 2015**

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THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 20, 2015 the Byram Township Council, Sussex County, New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED that pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission (HCESC). HCESC shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

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 January 20, 2015.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 34 - 2015**

RESOLUTION OF SUPPORT FOR MAKING 35 MPH THE OFFICIAL SPEED LIMIT ON ROUTE 206 FROM ACORN STREET TO THE NORTH CORNER OF BYRAM PLAZA

WHEREAS, officials from Byram Township, Sussex County, and the New Jersey Department of Transportation held numerous Context Sensitive Design discussions and negotiated all aspects of the Route 206 improvement project between Acorn Street and the northernmost corner of Byram Plaza; and

WHEREAS, all parties agreed to detailed plans and specifications for that stretch of roadway; and

WHEREAS, those agreements stipulated a 35 mile per hour speed limit along the length of this project area, from Mile Post 98.37 to Mile Post 99.60; and

WHEREAS, the 35 m.p.h. limit was approved for the benefit of Byram's Route 206 businesses, to prevent the widened roadway from becoming a speedway rather than a community center and shopping area, and for safety reasons, to help avoid collisions when cars are turning into businesses and to help protect pedestrians;

NOW THEREFORE BE IT RESOLVED that the Byram Township Council supports the official designation of 35 miles per hour as the State-imposed speed limit on Route 206 between Mile Post 98.37 and Mile Post 99.60.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Gray	Councilwoman Raffay	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 January 20, 2015.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
ORDINANCE NO. 2 - 2015**

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Purpose Statement: The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Byram in the County of Sussex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$174,560.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of Township of Byram, in the County of Sussex a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Byram shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$305,481.58 and that the CY 2015 municipal budget for the Township of Byram be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that this ordinance takes effect immediately upon adoption; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

BYRAM TOWNSHIP COUNCIL

Doris J. Flynn, Township Clerk

Introduced: 1/20/15

Adopted:

NOTICE is hereby given that the above titled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 20th day of January, 2015. 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 17th day of February 2015 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies are available to the public at the Clerk's office between the hours of 8:30 a.m. and 4:30 p.m.

**TOWNSHIP OF BYRAM
ORDINANCE NO. 1 - 2015**

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

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

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

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Mayor and Council Member	3,500	3,500
Municipal Manager	85,000	116,000
Executive Assistant	15,000	65,000
Chief of Police	115,000	160,000
Township Clerk/Registrar	50,000	80,000
Chief Financial Officer/Municipal Treasurer	55,000	92,000
Assistant Municipal Treasurer	15,000	45,000
Municipal Tax Collector	15,000	70,000
Assistant Municipal Tax Collector	10,000	40,000
Tax Assessor	30,000	60,000
Public Works Superintendent	60,000	103,000
Director of Planning	50,000	75,000
Recreation Director	30,000	72,000
Municipal Court Administrator	30,000	57,000
Judge Municipal Court	15,000	50,000
Construction Code Official	30,000	75,000
Plumbing Inspector	10,000	20,000
Electrical Inspector	10,000	20,000
Fire Inspector	2,000	2,500
Fire Official	2,000	2,500
Zoning Officer	15,000	35,000
Assistant Zoning Officer	2,500	20,000
Deputy Registrar Vital Statistics Stipend	1,000	1,000
Planning Board Secretary Stipend	1,000	1,000
Sanitary Sewer License Operator Stipend	5,500	5,500

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

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

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

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

SECTION 5: Personnel covered by the existing labor contracts or an individual contract with the Township shall be entitled to benefits as per contract, if applicable. Full time annual salaried employees not covered by contracts shall be entitled to the benefits but not including longevity, educational, or overtime payments, which

are provided to the bargaining unit of their department, or to the clerical bargaining unit if not otherwise covered.

SECTION 6: All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.

SECTION 7: This Ordinance shall take effect after publication and passage according to law and shall be effective until revised.

BY ORDER OF THE MAYOR AND COUNCIL OF BYRAM TOWNSHIP

JAMES OSCOVITCH, MAYOR

Attest:

**DORIS J. FLYNN
MUNICIPAL CLERK**

Introduced: 1/6/15 Adopted: 1/20/2015

NOTICE

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at the meeting of the Byram Township Council held at the Byram Township Municipal Building, 10 Mansfield Drive on the 6th day of January 2015. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township on the 20th day of January 2015 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.