

**TOWNSHIP OF BYRAM  
SPECIAL MEETING OF THE  
TOWNSHIP COUNCIL AND PLANNING BOARD  
OCTOBER 18, 2011 AT 6:30 P.M.**

TAKE NOTICE that the Township Council and Planning Board will hold a joint public meeting, prior to the regular Council Meeting, on Tuesday, October 18, at 6:30 p.m. at the Byram Municipal Bldg., 10 Mansfield Drive, for the purposes of reviewing the schedule for Implementation of Highlands Plan Conformance. Action may be taken. The following is the agenda:

- 1. CALL MEETING TO ORDER**
- 2. OPEN PUBLIC MEETING STATEMENT**  
Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.
- 3. ROLL CALL**
- 4. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
- 5. REVIEW OF SCHEDULE FOR IMPLEMENTATION OF HIGHLANDS PLAN CONFORMANCE**
- 6. ADJOURN**

Doris J. Flynn, RMC  
Byram Township Clerk

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**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
TUESDAY, OCTOBER 18, 2011 - 7:00 P.M.**

**1. CALL MEETING TO ORDER**

**2. OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

**3. ROLL CALL**

**4. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**

**5. APPROVAL OF AGENDA**

**6. REPORTS**

- Township Manager
- Mayor and Council Members
- Township Attorney

**7. 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.

**8. APPROVAL OF MINUTES**

- October 4, 2011 Regular Meeting Minutes
- October 4, 2011 Executive Session Minutes

**9. 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. 118-2011 - Person to person Liquor License Transfer from Byram Liquors, LLC to Venture Two, LLC – License No. 1904-33-009-003
- B. Resolution No. 119-2011 – Cancellation of Balance of Taxes for Block 266, Lot 287.07 and Refund of 2011 Taxes Paid
- C. Resolution No. 120-2011 – Authorize Change Order No. 1 For Improvements to Roseville Road – Phase II and Tomahawk Trail
- D. Resolution No. 121-2011 – Authorizing In Rem Foreclosure of the Tax Sale Certificates Shown on the Attached Tax Foreclosure List
- E. Raffle – Lenape Valley Soccer Club – December 10, 2011

**10. APPROVAL OF OCTOBER 18, 2011 BILL LIST**

**11. ORDINANCE - INTRODUCTION**

- Ordinance to Authorize Sale of Non-Conforming Parcels to Contiguous Properties Not Needed for Public Use
- Ordinance to Authorize Sale of Public Properties Not Needed for Public Use to the Highest Bidder

**12. DISCUSSION ITEMS**

- North Jersey Municipal Employee Benefits Fund - Dividend towards next year's first assessment installment
- Softball Request - Permission to use a motorized vehicle to drag fields for Softball Tournament

**13. PUBLIC PARTICIPATION II**

**14. RESOLUTION FOR EXECUTIVE SESSION**

- Attorney Client Privilege Information – Sewer Charges/Stanhope Sewer Agreements
- Contract Negotiations – Health Benefits
- Personnel – Leave of Absence Request

**15. RETURN TO OPEN SESSION**

**16. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**

**17. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 118 - 2011**

**PERSON-TO-PERSON TRANSFER  
FROM BYRAM LIQUORS, LLC TO VENTURE TWO, LLC**

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Consumption License Number 1904-33-009-003, heretofore issued to Venture Two, LLC, for premises located at 11 Route 206, Byram, New Jersey; and

WHEREAS, the submitted applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the application has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Byram does hereby approve, effective October 18, 2011, the transfer of the aforesaid Plenary Retail Consumption License to Venture Two, LLC, trading as Venture Two, and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Venture Two, LLC effective October 18, 2011".

**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 October 18, 2011.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 119-2011**

**RESOLUTION AUTHORIZING CANCELLATION OF BALANCE OF TAXES  
FOR BLOCK 266, LOT 287.02 AND REFUND OF 2011 TAXES PAID**

WHEREAS, Block 266, Lot 287.02 was sold to Arthur D. White on August 9, 2011, and

WHEREAS, Arthur White applied to the Tax Assessor for a 100% Disabled Veteran exemption in accordance with 54:4-3.30, which was granted for the year 2012, and

WHEREAS, the taxpayer has requested that the balance of his 2011 taxes be exempt and any taxes paid be refunded to him.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Byram, Sussex County, New Jersey, that the Tax Collector be and is hereby authorized to cancel the 2011 balance on Block 266, Lot 287.02 in the amount of \$3,087.36 and

FURTHER BE IT RESOLVED by the Township Council that the Tax Collector refund the amount of \$1,062.52, which is the prorated amount paid by the current owner for 2011 taxes.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER								
Motion								
2nd								
Yes								
No								
Abstain								
Absent								
	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch		

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 18, 2011.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 120 - 2011**

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. I  
TOWNSHIP OF BYRAM FOR IMPROVEMENTS TO ROSEVILLE ROAD –  
PHASE II AND TOMAHAWK TRAIL**

WHEREAS, the Township of Byram (Owner) and Top Line Construction Corp. (Contractor) entered into an Agreement for improvements to Roseville Road – Phase II and Tomahawk Trail; and

WHEREAS, the amount of the original contract to Top Line Construction Corp for the Tomahawk Trail project in the amount of \$200,842.00 and for Roseville Road – Phase II project in the amount not to exceed \$225,000.00; and

WHEREAS, prior to the start of construction the quantities for Roseville Road – Phase II project were adjusted to result in a total contract amount of \$224,950.56 and stay \$49.44 below the initial award which was not to exceed the amount of \$225,000.00; and

WHEREAS, in the process of completing the work, certain items originally anticipated were not required and certain items had to be added for both projects and are detailed in Change Order No. 1 by the Contractor; and

WHEREAS, the revised work was negotiated between the engineer Harold Pellow & Associates and the Contractor and was found to require an overall decrease in the Tomahawk Trail project of \$2,688.71 and an overall decrease in the amount of the Roseville Road project of \$7,445.88 for a total reduction in the contract amount of \$10,134.59 for Change Order No. 1 (not including the \$49.44 mentioned above).

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram in the County of Sussex, State of New Jersey to authorize the Mayor to execute Change Order No. 1 for a net decrease of the contract price in the amount of \$10,134.59 and a final total contract price of \$415,657.97.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	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 October 18, 2011.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 121 - 2011**

**AUTHORIZING IN REM FORECLOSURE OF THE TAX SALE  
CERTIFICATES SHOWN ON THE ATTACHED TAX FORECLOSURE LIST**

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Township Council for the Byram Township in the County of Sussex, a municipality of the State of New Jersey, is the holder of certain Tax Sale Certificates covering the lands and premises situated in the Byram Township for the amounts, including subsequent liens as shown on the Tax Foreclosure List, Schedule I through 4 hereto annexed and made a part hereof.

*NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF  
THE TOWNSHIP COUNCIL OF BYRAM TOWNSHIP:*

1. That it is hereby determined to foreclose, *In Rem*, those tax sale certificates appearing on the attached Tax Foreclosure List for open space purposes.
2. That the tax collector or its designee is hereby authorized and directed to foreclose the tax sale certificates appearing on the attached tax foreclosure list by summary proceedings as provided by statute.
3. That the township clerk shall certify a true and accurate copy of this resolution to be made a part of such action instituted for the purpose of foreclosing the aforesaid tax sale certificates.
4. That the costs associated with these foreclosures be funded through the Open Space Trust Fund.
5. This resolution shall take effect immediately.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

Certification

I, DORIS J. FLYNN, Township Clerk, of the Byram Township, hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council for Byram Township, at a duly convened meeting held on October 18, 2011.

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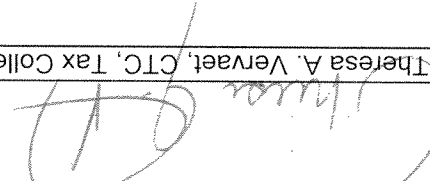
Doris J. Flynn, RMC  
Township Clerk

Township of Byram  
In Rem Foreclosure List

Schedule Number	Certificate Number	Name of owner as it appears on last Tax Duplicate	Description of land as it appears on Tax Duplicate	Block and Certificate of Sale Lot	Date of Tax Sale	Amount of Tax Sale	Amount of liens accruing subsequent to Tax Sale	Amount to Redeem (to 10/18/11)	Date of Recording	Book & Page or instrument number in County Clerks Office
1	03-27	Mohawk View Homeowners % Winkler	337.05	5	10/29/2003	\$ 18.98	\$ 400.27	564.64	12/1/2003	B05873; P152/153
2	03-28	Mohawk View Homeowners % Winkler	337.07	10	10/29/2003	\$ 18.98	\$ 199.60	315.30	12/1/2003	B05873; P154/155
3	03-29	Mohawk View Homeowners % Winkler	337.08	13	10/29/2003	\$ 18.98	\$ 1,625.07	2,086.52	12/1/2003	B05873; P156/157
4	01-37	Garrison Holdings Corp % AOR	337.11	38.08	6/13/2001	\$ 18.30	\$ 967.75	1,286.53	6/28/2001	B4069; P078/079

This Foreclosure is certified to be a True Copy made on the 14th day of October, 2011,

by Theresa A. Vervaeet, Tax Collector

Signed:  Theresa A. Vervaeet, CTC, Tax Collector, Township of Byram

**TOWNSHIP OF BYRAM  
ORDINANCE NO.     - 2011**

**AN ORDINANCE TO AUTHORIZE THE SALE OF NON-CONFORMING  
TOWNSHIP-OWNED PARCELS TO CONTIGUOUS PROPERTY OWNERS  
WHICH ARE NOT NEEDED FOR PUBLIC USE**

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

**WHEREAS,** the Township of Byram owns the properties set forth on Schedule A attached hereto, and said properties are not needed or required for public use; and

**WHEREAS,** the lot sizes of these properties are all less than the minimum size required for development under the Township of Byram Municipal Ordinances and are without capital improvements thereon; and

**WHEREAS,** the Mayor and Council of the Township of Byram have deemed it in the best interest of the Township to sell these properties to the owners of contiguous property in accordance with N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

**WHEREAS,** the conditions of sale are set forth herein under Schedule B, attached hereto, and made a part hereof; and

**WHEREAS,** these parcels that are non-conforming must first be offered to adjacent property owners before being offered to the general public.

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

**Section 1. General Terms and Conditions.**

1. The Township of Byram shall sell the properties set forth on Schedule A, attached hereto, to any contiguous property owners for the respective amounts set forth on Schedule A attached hereto.
2. Since the properties are undersized and without capital improvements, it will be sold only to the owner of adjoining property.
3. After final passage of this Ordinance at the regular meeting of the Mayor and Council of the Township of Byram at 7:00 pm on November 1, 2011,

the Township will sell the properties as set forth in Schedule A subject to the Conditions of Sale listed in Schedule B, attached hereto, at public auction at said time and date. The meeting will be held at the Byram Township Municipal Building, 10 Mansfield Drive, Byram, New Jersey.

**Section 2. Severability.**

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

**Section 3. Repealer.**

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

**Section 4. Effective Date.**

This Ordinance shall take effect upon its final passage and publication according to law.

Introduced: October 18, 2011

Adopted:

TOWNSHIP OF BYRAM

By: \_\_\_\_\_  
James Oscovitch, Mayor

Attest: \_\_\_\_\_  
Doris Flynn, Township Clerk

**SCHEDULE A**  
**Parcels of Real Property**

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>APPROX. SIZE</u></b>	<b><u>MINIMUM BID</u></b>
276	543	.195	\$1,000
276	549	.165	\$1,000
277	580	.136	\$1,000
307	1919	.160	\$1,000
404	31	.196	\$1,000

**SCHEDULE B**  
**Conditions of Sale of Real Property**

1. The property will be sold at no less than the minimum prices indicated and to the highest bidder.
2. The sale will be for cash and the successful bidder will be required at the conclusion of the sale to sign a purchase offer agreement and post a non-refundable amount equal to ten percent (10%) of the bid price to guarantee the sale. The balance due shall be paid within thirty (30) days of confirmation of the sale by the Township governing body.
3. All sales are subject to final confirmation by the Township governing body.
4. Any property will be sold as vacant land unless otherwise specified.
5. The Township will pay no real estate commission.
6. All property will be sold subject to N.J.S.A. 40A:12-13 providing the right of contiguous property owners to purchase non-conforming property; all non-conforming properties sold to adjacent landowners will be joined with the successful bidder's contiguous property and shall become known as one parcel (lot). In such cases, the successful bidder shall provide a copy of his or her exiting property Deed to the Township within seven (7) days of their being notified that they are the successful bidder of the sale and the Deed of Conveyance shall be in the same name or names as the adjoining property. The Deed of Conveyance shall contain a prohibition of subdividing the property.
7. All property will be sold subject to municipal zoning ordinances in effect at the time of sale.
8. All property will be conveyed by tax lot and block only.
9. The Township will convey only such title as it possesses and by Quit Claim Deed.

10. All property will be sold in an “as is” condition. No representations as to the quality of title or the quantity of property being conveyed are made by the Township. Any bidder is required to perform an investigation prior to the auction. Any sizes of property, which are listed on Schedule A, are made for information purposes only and may not be a representation as to the true dimensions of the property. Any potential bidder is required to do a due diligence investigation prior to the auction.

11. The listing of the property as “non-conforming” is made for informational purposes only and shall not be binding upon the Township.

12. Prior to any sale, the Township reserves the right to withdraw any parcel from the sale market.

13. Lots listed together shall not be sold as separate parcels.

14. Taxes shall be apportioned as of the date the Deed is recorded, and the purchaser shall be responsible for all omitted assessments based upon the current year assessment value.

15. The successful purchaser must pay the balance of the purchase price plus the sum of \$600.00 for legal fees and expenses incurred by the Township, including recording fees, within thirty (30) days after the date that the Council adopts the Resolution confirming the winning bids. The balance shall be paid by certified or bank funds. Once the purchase price has been paid, a Quit Claim Deed without covenants will be prepared by the Township attorney and, after its execution by the Township officials, shall be recorded with the Sussex County Clerk's Office by the Township Attorney. Additional work performed by the Township attorney beyond the standard preparation of the sale Resolutions and Deed shall be billed at the rate charged by the Township attorney, which will be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

16. The Deed will be subject to all matters of records that may affect title, including what an accurate survey may reveal. The municipality reserves an easement for all natural or constructed drainage systems or waterways, if any, on the premises and the continued right of maintenance and flow.

17. The sale shall not be used as grounds to support any variance or relief from any zoning Ordinance regulations.

18. The failure of the purchaser to close title within the thirty (30) days previously set forth will constitute a breach of this Agreement, unless the Township agrees in writing prior to the date to extend the time of the closing. In the event the purchaser fails to close within the said time period, the deposit paid by the purchaser shall be retained by the Township as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs, including, but not limited to, advertising costs, attorneys' fees, lost tax revenues, cost of resale and any difference in sale price.

## NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on the 18th day of October, 2011. Introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on the 1st day of November, 2011, at 7:00 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same.

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

A copy of the Ordinance is available to any member of the general public, at no cost, at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, office of the Township Clerk, during regular business hours.

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Doris Flynn, Township Clerk  
Township of Byram

**TOWNSHIP OF BYRAM**  
**ORDINANCE NO. \_\_\_\_ - 2011**

**AN ORDINANCE TO AUTHORIZE SALE OF  
PUBLIC PROPERTIES NOT NEEDED FOR PUBLIC USE  
TO THE HIGHEST BIDDER**

**PURPOSE STATEMENT:** The purpose of this ordinance is to authorize the Mayor and Council of the Township of Byram to convey Township owned properties to the highest bidder because they are not needed or required for public use.

**WHEREAS**, the Township of Byram owns the properties set forth on Schedule A attached hereto, and said properties are not needed or required for public use; and

**WHEREAS**, the Mayor and Council of the Township of Byram have deemed it in the best interest of the Township to sell these properties to the highest bidder in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

**WHEREAS**, the conditions of sale are set forth herein under Schedule A, attached hereto, and made a part hereof; and

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

**Section 1. General Terms and Conditions.**

1. The Township of Byram shall sell the three (3) properties set forth on Schedule A, attached hereto, to the highest bidder, for the minimum bids for each property as listed on Schedule A.
2. Upon final passage of this Ordinance at the regular meeting of the Mayor and Council of the Township of Byram at 7:00 pm on November 1, 2011, the Township will sell the properties as set forth in Schedule A subject to the highest bidder at public auction at a time and date to be determined. The meeting of the Mayor and Council will be held at the Byram Township Municipal Building, 10 Mansfield Drive, Byram, New Jersey.
3. The properties set forth in Schedule A shall be sold subject to the additional terms and conditions as set forth on Schedule B, attached hereto.

**Section 2. Severability.**

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

**Section 3. Repealer.**

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

**Section 4. Effective Date.**

This Ordinance shall take effect upon its final passage and publication according to law.

Introduced: October 18, 2011

Adopted: November 1, 2011

TOWNSHIP OF BYRAM

By: James Oscovitch, Mayor

By: Doris Flynn, Township Clerk



**SCHEDULE A**  
**Conforming Township Properties for Sale**

Property:	Minimum Bid:
Block 276, Lot 538.02	\$1000.00
Block 285, Lot 28	\$1000.00
Block 286, Lot 147	\$1000.00

**SCHEDULE B**  
**Conditions of Sale of Real Property**

1. The property will be sold to the highest bidder at auction.
  2. The sale will be for cash and the successful bidder will be required at the conclusion of the sale to sign a purchase offer agreement and post a non-refundable amount equal to ten percent (10%) of the bid price to guarantee the sale. The balance due shall be paid within thirty (30) days of confirmation of the sale by the Township governing body.
  3. All sales are subject to final confirmation by the Township governing body.
  4. Any property will be sold as vacant land unless otherwise specified.
  5. The Township will pay no real estate commission.
  6. All property will be sold subject to municipal zoning ordinances in effect at the time of sale.
  7. All property will be sold subject to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq.
  8. All property will be conveyed by tax lot and block only.
  9. The Township will convey only such title as it possesses and by Quit Claim Deed.
  10. All property will be sold in an "as is" condition. No representations as to the quality of title or the quantity of property being conveyed are made by the Township. Any bidder is required to perform an investigation prior to the auction. Any potential bidder is required to do a due diligence investigation prior to the auction.
  11. The Deed of Conveyance shall contain a prohibition against subdivision of the property.
  12. The Deed of Conveyance shall contain a prohibition against the construction of any principal structures. Accessory structures shall only be permitted in accordance with applicable Township ordinances. This prohibition shall be enforceable by the Township.
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13. Prior to any sale, the Township reserves the right to withdraw any parcel from the sale market.

14. Taxes shall be apportioned as of the date the Deed is recorded, and the purchaser shall be responsible for all omitted assessments based upon the current year assessment value.

15. The successful purchaser must pay the balance of the purchase price plus the sum of \$600.00 for legal fees and expenses incurred by the Township, including recording fees, within thirty (30) days after the date that the Committee adopts the Resolution confirming the winning bids. The balance shall be paid by certified or bank funds. Once the purchase price has been paid, a Quit Claim Deed without covenants will be prepared by the Township attorney and, after its execution by the Township officials, shall be recorded with the Sussex County Clerk's Office by the Township Attorney. Additional work performed by the Township attorney beyond the standard preparation of the sale Resolutions and Deed shall be billed at the rate charged by the Township attorney, which will be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

16. The Deed will be subject to all matters of records that may affect title, including what an accurate survey may reveal. The municipality reserves an easement for all natural or constructed drainage systems or waterways, if any, on the premises and the continued right of maintenance and flow.

17. The sale shall not be used as grounds to support any variance or relief from any zoning Ordinance regulations.

18. The failure of the purchaser to close title within the thirty (30) days previously set forth will constitute a breach of this Agreement, unless the Township agrees in writing prior to the date to extend the time of the closing. In the event the purchaser fails to close within the said time period, the deposit paid by the purchaser shall be retained by the Township as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs, including, but not limited to, advertising costs, attorneys' fees, lost tax revenues, cost of resale and any difference in sale price.

## NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on the 18th day of October, 2011. Introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on the 1st day of November, 2011, at 7:00 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same.

The purpose of this ordinance is to authorize the Mayor and Council of the Township of Byram to convey Township owned properties to the highest bidder because they are not needed or required for public use.

A copy of the Ordinance is available to any member of the general public, at no cost, at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, office of the Township Clerk, during regular business hours.

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Doris Flynn, Township Clerk  
Township of Byram