

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
OCTOBER 19, 2009
7:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR MEETING**

1. CALL 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, 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.

3. ROLL CALL

4. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation - PSE&G
- Attorney Client Privilege Communication
- Contract Negotiations – DPW

- Open Space – Hudson Greenway

5. RETURN TO PUBLIC SESSION

6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

7. APPROVAL OF AGENDA

8. APPROVAL OF FIRE DEPARTMENT MEMBER – Steven M. VanFleet

9. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

10. 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

11. BOARDS AND COMMITTEES – MEET THE CANDIDATES

12. APPROVAL OF MINUTES - 9/21/2009 regular minutes

- 10/5/2009 regular minutes

- 10/5/2009 closed session minutes

13. APPROVAL OF OCTOBER 19, 2009 BILL LIST

14. CONSENT AGENDA: 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.

- A. *Resolution No. 155–2009 Execution of Agreement Between the NJDOT and the Township of Byram for Police Agreement for Traffic Directors for the Route 206/Waterloo Road Improvements
- B. *Resolution No. 156-2009 Authorizing a Dog License Fee Refund - \$9,00
- C. *Resolution No. 157-2009 Authorizing a Refund of Site Plan Escrow – Blk. 401/204-\$700.00
- D. *Resolution No. 158-2009 Refund of Escrow to East Brookwood Estates Property Owners for Restoration of Public Rights of Way – \$924.29.
- E. *Resolution No. 159-2009 Execution of Change Order No. 2 – Roseville Road, Phase I - \$201,809.41.
- F. *Resolution No. 160-2009 Execution of Change Order No. 2 – Various Streets - \$321,290.76
- G. *Resolution No. 161-2009 Execution of Documents for \$16,543.75 in Grant Funding for Byram Township Community trails network Proejct

15. Resolution 162-2009 – Resolution Expressing Opposition to A-3062 and S-1303 Regarding “Inherently Beneficial Uses”

16. DISCUSSION ITEMS

17. PUBLIC PARTICIPATION II

18. EXECUTIVE SESSION (if needed)

19. RETURN TO OPEN SESSION

20. ADJOURNMENT

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

RESOLUTION NO. 155-2009

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF
TRANSPORTATION AND THE MUNICIPALITY OF BYRAM TOWNSHIP**

WHEREAS, the State of New Jersey intends to construct widening, resurfacing and intersection improvements to Route 206 from Acorn Street to north of Byram Plaza within the Byram Township; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation (NJDOT) may require the limited use of municipal police as Traffic Directors for work zone safety operations supplementing the traffic control plan established under the contract for construction of project; and

WHEREAS, the NJDOT has requested that the Township of Byram enter into a Police Agreement for use of Municipality officers as Traffic Directors.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Byram, in the County of Sussex in the State of New Jersey, that Township Manager Joseph Sabatini and Municipal Clerk Doris Flynn are hereby authorized to execute an agreement between the NJDOT and the Township of Byram to provide Police Officers as Traffic Directors; and

BE IT FURTHER RESOLVED that the costs incurred by the Township of Byram for use of its officers in connection with the State construction project shall be paid directly to the Township of Byram by the NJDOT pursuant to the agreement attached hereto. In addition, the Township of Byram authorizes Chief Financial Officer Theresa Vervaeet and Chief of Police Raymond Rafferty to submit and execute State Payment Vouchers, PV-C, on behalf of agreement signatory.

Adopted: October 19, 2009

Doris J. Flynn, Municipal Clerk

James Oscovitch, Mayor

**TOWNSHIP OF BYRAM
RESOLUTION NO. 156 – 2009**

**RESOLUTION AUTHORIZING A REFUND
OF DOG LICENSE FEE**

WHEREAS, dog license fees were remitted in the incorrect amount by Ron Michaels in the total amount of \$9.00; and

WHEREAS, the Byram Township Health Department, has recognized that this fee was collected was in error; and

WHEREAS, Mayor and Council of the Township of Byram is in agreement with the refund of the fee, in the total amount of \$9.00 to the respective party.

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 refund to the above resident the aforementioned dog license fee.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Raffay	Mayor Oscovitch
By:					
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 19, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 157 – 2009**

**RESOLUTION AUTHORIZING A REFUND
OF BALANCE OF SITE PLAN ESCROW**

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

WHEREAS, the Township of Byram Engineer and the Director of Planning have verified that the following application has been completed:

<u>Applicant Name</u>	<u>Amount</u>
B 401 L 204 Forest Lake Club (deck)	\$700.00

Total: \$700.00

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of monies in the escrow account in the total amount of \$700.00.

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

ATTEST:

James Oscovitch, Mayor

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 19, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 158 – 2009**

**RESOLUTION AUTHORIZING A REFUND
OF THE BALANCE OF ESCROW
TO THE EAST BROOKWOOD ESTATES PROPERTY OWNERS FOR
RESTORATION OF PUBLIC RIGHTS OF WAY**

WHEREAS, a balance of escrow remaining in the account for East Brookwood Estates Property Owners for Restoration of Public Rights of Way shall be released; and

WHEREAS, the Township Clerk has verified that all invoices have been paid to the professionals involved; and

WHEREAS, Mayor and Council of the Township of Byram is in agreement with the release of the balance in the escrow account in the amount of \$924,29.

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 refund to East Brookwood Estates Property Owners the balance in the aforementioned escrow account.

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 19, 2009.

Doris Flynn, RMC
Township Clerk

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

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 2
FOR IMPROVEMENTS TO ROSEVILLE ROAD – PHASE I**

WHEREAS, the Township of Byram (Owner) and Owl Contracting Inc. (Contractor) entered into an Agreement for improvements to Roseville Road – Phase I; and

WHEREAS, it was determined by the Township Engineer, Harold Pellow & Associates and the Contractor that a decrease of \$3,159.50 in the traffic director's line item has occurred and that the resulting final net increase to the contract amount is \$2,611.41 and the final total amount of the contract is \$201,809.41 as outlined in the Engineer's report dated October 5, 2009.

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. 2 outlining a decrease in the traffic director's line item resulting in a total net increase of \$2,611.41, for a total contract price of \$201,809.41.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	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 19, 2009.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 160 - 2009**

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 2
FOR IMPROVEMENTS TO VARIOUS STREETS**

WHEREAS, the Township of Byram (Owner) and Owl Contracting Inc. (Contractor) entered into an Agreement for improvements to various streets; and

WHEREAS, in the process of completing the work, police traffic directors were determined to be necessary for the safe movement of vehicles through the construction area; and

WHEREAS, the use of police traffic directors was determined by the Township Engineer, Harold Pellow & Associates and the Contractor to require an additional \$1,932.00 resulting in a total net increase of \$42,020.76 in the amount of the contract for a total contract price of \$321,290.76 as outlined in the Engineer's report dated October 5, 2009.

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. 2 for a net increase of the contract price in the amount of \$42,020.76 for a total contract price of \$321,290.76.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscoitch
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 5, 2009.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 161 - 2009**

**RESOLUTION AUTHORIZING THE EXECUTION OF DOCUMENTS FOR
\$16,543.75 IN GRANT FUNDING FOR BYRAM TOWNSHIP COMMUNITY
TRAILS NETWORK PROJECT**

WHEREAS, the Township submitted a grant application to the NJDEP Division of Natural and Historic Resources; and

WHEREAS, the Township Council has been awarded this grant to establish trails on Township-owned open space parcels, know as the Beckmann, Arnell, and Owners Maintenance parcels (Block 226, Lot 25.02; Block 336, Lot 43; and Block 335, Lot 2, respectively); and

WHEREAS, this grant is funded by the Federal Highway Administration and administered by the NJDEP Division of Natural and Historic Resources; and

WHEREAS, \$12,480 in-kind services and \$20,725 in-kind supplies provided by the Township are a requirement of the grant, resulting in a total project cost of \$49,748.75.00.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Clerk and Township Manager are hereby authorized to execute any and all documents associated with the Grant Agreement from the NJDEP Division of Natural and Historic Resources.

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 19, 2009.

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 162-2009**

Resolution Expressing Opposition to A-3062 and S-1303 Regarding "Inherently Beneficial Uses"

WHEREAS, A-3062 and S-1303 will establish renewable energy as an "inherently beneficial use" for purposes of municipal zoning; and

WHEREAS, A-3062/S-1303 defines "inherently beneficial use" as a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare, including, but not limited to, a hospital, school, child care center, group home or a wind, solar or photovoltaic energy facility or structure; and

WHEREAS, the Township of Byram does not believe that renewable energy facilities demonstrate the same level of public benefit as is associated with other "inherently beneficial uses" including hospitals, schools, child care centers and group homes; and

WHEREAS, while the intent of A-3062/S-1303 is admirable, it permits solar panel fields and wind generation facilities to be placed anywhere in a municipality without regard to the comprehensive municipal master plan and zoning regulations or any other state planning initiatives; and

WHEREAS, while the Township of Byram supports the intent to develop legislation that will encourage renewable energy in New Jersey, it must be done without negatively affecting the growth, farmland and open space preservation plans of municipalities; and

WHEREAS, municipalities are best equipped to address local land use issues and should be provided with discretion to establish appropriate regulations and controls consistent with their master plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Byram in the County of Sussex, State of New Jersey, hereby urge Governor Corzine to veto A-3062 and S-1303; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to Senator Oroho, Assemblywoman McHose and Assemblyman Chiusano, the New Jersey League of Municipalities and the Governor of the State of New Jersey.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	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 5, 2009.

Doris J. Flynn, Township Clerk