

**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
OCTOBER 5, 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

- Dispatch Services
- SECTV
- SCUMA Flow Control

**5. RETURN TO PUBLIC SESSION**

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

**7. APPROVAL OF AGENDA**

**8. REPORTS**

- Township Manager
- Mayor and Council Members
- Township Attorney

**9. 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**

**10. APPROVAL OF MINUTES - 9/21/2009 regular minutes  
- 9/21/2009 closed session minutes**

**11. APPROVAL OF OCTOBER 5, 2009 BILL LIST**

**12. ORDINANCE – 2<sup>nd</sup> READING AND PUBLIC HEARING**

**ORDINANCE 14-2009 – ORDINANCE TO REPEAL CAPITAL IMPROVEMENTS STEERING COMMITTEE**

Purpose: The purpose of this ordinance is to delete the code section 3-54, which created an Advisory Committee to be known as the “Capital Projects Steering Committee”, since the Manager, Mayor and Council have determined the Committee is no longer necessary.

**13. 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. 147-2009 Creation of a Municipal Records Management Committee
- B. \*Resolution No. 148-2009 Adoption of By-laws of the Lenape Municipal Alliance Coalition on Alcoholism and Drug Abuse (MACADA)
- C. \*Resolution No. 149-2009 Authorizing the Tax Collector to Waive the Third Quarter Interest on Block 55/Lot 37
- D. \*Resolution No. 150-2009 Support of Byram Township’s Participation as a 2010 Census Partner
- E. \*Resolution No. 151-2009 Refund of Maintenance Bond – Rehe Excavating - \$10,000
- F. \*Resolution No. 152-2009 Authorizing Sale at Public Auction of Property not needed for Public Use
- G. \*Resolution No. 153-2009 Execute Change Order No. 1 – Reclamation of Kingston-Roseville Road, Phase I - \$1,099,33

**14. DISCUSSION ITEMS**

**a. Boards and Committees**

**15. PUBLIC PARTICIPATION II**

**16. EXECUTIVE SESSION**

**17. RETURN TO OPEN SESSION**

**18. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
ORDINANCE NO. 14 -2009**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF  
BYRAM AMENDING CHAPTER 3 ENTITLED “ADMINISTRATIVE CODE” TO  
DELETE SECTION 3-54 ENTITLED “CAPITAL PROJECTS STEERING  
COMMITTEE”**

**Statement of Purpose:** The purpose of this ordinance is to delete the code section 3-54, which created an Advisory Committee to be known as the “Capital Projects Steering Committee”, since the Manager, Mayor and Council have determined the Committee is no longer necessary.

WHEREAS, the Manager, Mayor and Council have determined that the “Capital Projects Steering Committee” is no longer needed and this ordinance deletes Code Section 3-54 and abolishes the Capital Projects Steering Committee; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Byram that Chapter 3 in the Byram Township Code entitled “Administrative Code” be hereby revised as follows:

**SECTION 1.** Chapter 3 Entitled “Administrative Code” of the Code of the Township of Byram is hereby amended to delete section 3-54, in its entirety, and the “Capital Projects Steering Committee” is hereby abolished.

**SECTION 2.** Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; which shall continue in full force and effect; and to this end the provision of this Ordinance are hereby declared severable.

**SECTION 3.** This ordinance shall take effect in the time and manner as prescribed by law.

**BYRAM TOWNSHIP COUNCIL**

\_\_\_\_\_  
Doris J. Flynn, Twp. Clerk

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

Introduced: September 21, 2009

Adopted:

**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 21st day of September, 2009. The said Ordinance was further considered for final passage at a meeting of the Township Council held in the Municipal Building, 10 Mansfield Drive, in the Township of Byram on the 5th day of October, 2009, at which time all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

BYRAM TOWNSHIP

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 47- 2009**

**RESOLUTION AUTHORIZING CREATION OF A MUNICIPAL RECORDS  
MANAGEMENT COMMITTEE**

WHEREAS, a viable Municipal Records Management Committee helps ensure that all municipal government departments have a voice in the planning of government-wide records management programs, especially those with heavy records management duties and functions; and

WHEREAS, A Municipal Records Management Committee allows for discussion of records management issues, which can lead to:

1. Identifying records management problems shared by numerous departments, so that a common solution may be sought;
2. Specific departments offering experience and solutions for problems that arise in other departments that have already been solved in theirs;
3. Creating a unified front for seeking records management funding and support from the governing body;
4. Sharing records management successes and failures, sharing of data and experience, and opening dialogue relative to records management plans; and
5. Development of projects that have government-wide scope and/or would benefit the most departments within the local government.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Byram does hereby create the Byram Township Municipal Records Management Committee, which shall be comprised of the following individuals:

1. Township Manager
2. Township Clerk/Registrar of Vital Statistics
3. Chief Finance Officer/Tax Collector
4. Tax Assessor
5. Technical Assistant to the Construction Official
6. Board of Health Secretary

~~~~~

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Township Council of the Township of Byram, in the County of Sussex, New Jersey, at a meeting held on October 5, 2009.

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

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 148 – 2009**

**RESOLUTION ADOPTING THE BY-LAWS OF THE LENAPE MUNICIPAL  
ALLIANCE COALITION ON ALCOHOLISM AND DRUG ABUSE  
(MACADA)**

WHEREAS, Byram Township recognizes the important of increasing alcohol and drug awareness; and

WHEREAS, Byram Township has always participated in the Lenape Municipal Alliance Coalition which promotes awareness in alcoholism and drug abuse.

NOW THEREFORE BE IT RESOLVED the Mayor and Council of the Township of Byram adopts the Bylaws of the “Lenape” Municipal Alliance Coalition on Alcoholism and Drug Abuse (MACADA).

**BYRAM TOWNSHIP COUNCIL**

|                       |                  |                      |                    |                     |                 |
|-----------------------|------------------|----------------------|--------------------|---------------------|-----------------|
| <b>COUNCIL MEMBER</b> | 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 Flynn, Municipal Clerk

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

**RESOLUTION NO. 149 - 2009**

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO WAIVE THE THIRD  
QUARTER INTEREST ON BLOCK 55/LOT 37**

WHEREAS, N.J.S.A. 54:4-67 provides authority to the Governing Body, by resolution, to fix the rate of interest to be charged for nonpayment of taxes or assessments on or before the date when they would become delinquent, and

WHEREAS, the Mayor and Council may waive interest, and

WHEREAS, the Tax Collector discovered an error in the billing of Block 55; Lot 37 of the tax records of the Township of Byram, and

WHEREAS, the Tax Collector is requesting that the interest be waived by the Mayor and Council of the Township of Byram on this block and lot for the 3<sup>rd</sup> quarter 2009.

BE IT RESOLVED by the Township Council of the Township of Byram, Sussex County, New Jersey, that the Tax Collector be relieved of collecting interest for only the third quarter billing 2009 of Block 55; Lot 37.

**BYRAM TOWNSHIP MAYOR AND COUNCIL**

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

I HEREBY CERTIFY that the foregoing to be a true copy of a resolution adopted by the Township Council of Byram Township, in the County of Sussex, at its meeting held on October 5, 2009.

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

**TOWNSHIP OF BYRAM**

**RESOLUTION NO. 150- 2009**

**RESOLUTION SUPPORTING BYRAM TOWNSHIP'S PARTICIPATION AS A 2010 CENSUS PARTNER**

**WHEREAS**, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population; and

**WHEREAS**, more than \$435 billion per year in federal and state funding is allocated to states and communities based, in part, on census data; and

**WHEREAS**, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts; and

**WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment; and

**WHEREAS**, the information collected by the census is confidential and protected by law.

**NOW, THEREFORE, BE IT RESOLVED** that Byram Township is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census; and

**BE IT FURTHER RESOLVED** that copies of this resolution be transmitted to Geraldine Clark, Partnership Coordinator of the U.S. Census Bureau and the New Jersey League of Municipalities.

**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 September 8, 2009.

---

Doris J. Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 151 – 2009**

**RESOLUTION AUTHORIZING A REFUND  
OF A MAINTENANCE BOND**

WHEREAS, a maintenance bond deposited on March 14, 2006 by Rehe Excavating for the East Brookwood Restoration Project shall be released; and

WHEREAS, the Township Engineer, Cory Stoner, has approved the release of the bond on this location after inspections were completed; and

WHEREAS, Mayor and Council of the Township of Byram is in agreement with the release of the maintenance bond in the amount of \$10,000.00 plus interest.

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 Rehe Excavating the aforementioned maintenance bond.

**BYRAM TOWNSHIP COUNCIL**

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 5, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 152 – 2009**

**A RESOLUTION TO AUTHORIZE THE SALE AT PUBLIC  
AUCTION OF PROPERTY NOT NEEDED  
PUBLIC USE**

**WHEREAS**, the Township of Byram is the owner of certain personal property (as defined in N.J.S.A. 40A:12-3(f)), as hereinafter described in Schedule A attached, which is not needed or required for municipal use; and

**WHEREAS**, the Mayor and Council of the Township of Byram have deemed it in the best interests of the Township of Byram to sell said property by public sale at auction pursuant to N.J.S.A. 40A:12-13-1.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Byram, that:

1. The Township shall sell the property set forth in the attached Schedule A.
2. The said property shall be included in the property offered for public sale at the next Sparta Township surplus auction.
3. The Township does not warrant or certify to the condition of the property and it is being sold strictly "AS IS".
4. The terms and conditions of sale shall be as established by Sparta Township.

**BYRAM TOWNSHIP COUNCIL**

|                       |                  |                      |                    |                     |                 |
|-----------------------|------------------|----------------------|--------------------|---------------------|-----------------|
| <b>COUNCIL MEMBER</b> | 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 Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 153 - 2009**

**AUTHORIZATION TO RESCIND RESOLUTION NO. 115-2009 AND  
EXECUTE CHANGE ORDER NO. 1  
FOR IMPROVEMENTS TO ROSEVILLE ROAD – PHASE I BY  
RECLAMATION OF KINGSTON**

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

WHEREAS, in the process of completing the work, certain additional materials were determined to be necessary to extend the length of the project; and

WHEREAS, the revised work was determined by the Township Engineer, Harold Pellow & Associates and the Contractor and was found to require an increase of \$1,099.33 in the total amount of the contract as outlined in the Engineer’s Report dated September 17, 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. 1 for a net increase of the contract price in the amount of \$1,099.33 for a total contract price of \$28,694.13.

**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 5, 2009.

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