

**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
TUESDAY, NOVEMBER 1, 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 18, 2011 Regular Meeting Minutes
- October 18, 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. 122-2011 – Resolution to Renew North Jersey Municipal Employee Health Benefits Fund for Three (3) years
- B. Resolution No. 123-2011 Resolution to Accept Tamarack Park Trail Plan
- C. Resolution No. 124-2011 - PSA for Heyer, Gruel & Associates do Supplement Work on the Master Plan Reexamination Report not to exceed \$3000.00
- D. Resolution No. 125-2011 – PSA for Laddey, Clark & Ryan LLP in connection with revisions to the Byram Township Personnel Policy Manual not to exceed \$1,500.00
- E. Resolution No. 126-2011 – Change Order – Tilcon NY - \$5,069.57
- F. Resolution No. 127-2011 - Resolution of Adoption of the Sussex County All Hazards Pre Disaster Mitigation Plan
- G. Resolution No. 128-2011 – 2011 Budget Transfer - \$7,500.00
- H. Resolution No. 129-2011 – Authorization to Purchase a Hypress Standard Vertical Compressor and Optional Equipment for the Byram Township Fire Department
- I. Proclamation – National Family Caregivers Month, November 2011

**10. APPROVAL OF NOVEMBER 1, 2011 BILL LIST**

**11. ORDINANCE – Introduction**

Ordinance Making the Provisions of Subtitle One of Title 39 with Various Traffic Regulations Applicable to the JTK Industrial Park and Regulating the Use and Operation of Motor Vehicles on Said Roadways, Streets, Driveways, and Parking Lots by Revising Chapter 230 of the Byram Township Code

**12. ORDINANCES – 2<sup>nd</sup> Reading/Public Hearing**

- A. Ordinance No. 14 - 2011 - Ordinance to Authorize Sale of Non-Conforming Parcels to Contiguous Properties Not Needed for Public Use
- B. Ordinance No. 15 – 2011 - Ordinance to Authorize Sale of Public Properties Not Needed for Public Use to the Highest Bidder

**13. DISCUSSION ITEMS**

- SCMUA Proposed Increases

**14. PUBLIC PARTICIPATION II**

**15. RESOLUTION FOR EXECUTIVE SESSION**

- Attorney Client Privilege Information – Water Company Issues
- Contract Negotiations

**TOWNSHIP OF BYRAM  
RESOLUTION 123 -2011**

**RESOLUTION TO ADOPT THE TAMARACK PARK TRAIL PLAN**

WHEREAS the Township of Byram purchased the Tamarack Greenway for open space and recreation; and

WHEREAS a trail has been proposed across the Greenway to link the fields at Jones Lane off Route 206 with wooded areas of the Greenway, Johnson Lake, and the trailhead on Roseville Road opposite C.O. Johnson Park; and

WHEREAS The Land Conservancy of New Jersey was hired to locate and develop this trail and to prepare a written trail plan; and

WHEREAS the Tamarack Park Trail Plan has been completed and approved by Hudson Farm, the owners of the sections of the Tamarack Park greenway on which the Township holds access and trail easements; and

WHEREAS the Township Open Space Committee has reviewed and approved the Plan and recommended its adoption by the Township Council;

NOW THEREFORE be it resolved that the Byram Township Council adopts the Tamarack Park Trail Plan and supports the development of this trail.

**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 November 1, 2011.

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Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 124 – 2011**

**RESOLUTION AUTHORIZING HEYER, GRUEL & ASSOCIATES TO  
PROVIDE PLANNING SERVICES FOR SUPPLEMENTAL WORK FOR THE  
MASTER PLAN REEXAMINATION REPORT FOR THE TOWNSHIP OF  
BYRAM**

**WHEREAS**, the Council of the Township of Byram has determined that there is a need to enter into a professional services agreement with Heyer, Gruel & Associates to provide planning services in connection with the Master Plan Reexamination Report for the Township of Byram; and

**WHEREAS**, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Council of the Township of Byram has determined and certified in writing that the value of the professional services will not exceed \$3,000; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Professional Services without competitive bid and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council, County of Sussex, State of New Jersey that:

1. The Township of Byram hereby authorizes the execution of a professional services agreement with Heyer, Gruel & Associates.
2. The Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution.
3. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

**BYRAM TOWNSHIP COUNCIL**

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

ATTEST:

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 125 – 2011**

**RESOLUTION AUTHORIZING LADDEY, CLARK & RYAN, LLP TO  
PROVIDE LEGAL SERVICES FOR REVISING THE BYRAM TOWNSHIP  
PERSONNEL POLICY MANUAL**

**WHEREAS**, the Council of the Township of Byram has determined that there is a need to enter into a professional services agreement with Laddey, Clark & Ryan, LLP to provide legal services in connection with revisions to the Byram Township Personnel Policy Manual; and

**WHEREAS**, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Council of the Township of Byram has determined and certified in writing that the value of the professional services will not exceed \$1,500; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Professional Services without competitive bid and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council, County of Sussex, State of New Jersey that:

1. The Township of Byram hereby authorizes the execution of a professional services agreement with Laddey, Clark & Ryan, LLP
2. The Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution.
3. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

**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 Byram Township Council at a meeting held on November 1, 2011 adopted the foregoing resolution.

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 126 - 2011**

**Amend Award of Bid to Tilcon under the Morris County Cooperative Pricing Council –  
Contract #6 – Road Resurfacing**

**WHEREAS**, the Township Council of the Township of Byram adopted Resolution No. 97-2011 authorized the execution of a purchase order not to exceed \$181,000 on August 16, 2011 for Road Resurfacing to be completed by Tilcon New York, Inc. through the Morris County Cooperative Pricing Council-Contract #6; and

**WHEREAS**, during construction additional paving was required to level uneven roadways and resurface a section of Jan Way that was not anticipated during the planning for the project; and

**WHEREAS**, the additional paving resulted in the total cost of the project to be increased by \$5,069.57 over the amount of the originally approved purchase order and the total amount of the project to be equal to \$186,069.56; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Byram does hereby authorize the increase of the originally approved purchase order to a total cost of \$186,069.56 for Road Resurfacing through the Morris County Cooperative Pricing Council-Contract #6; and

**BE IT FURTHER RESOLVED**, that upon receipt, inspection and approval of voucher therefore by the Township of Byram, payment, pursuant to said purchase order, is 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 Morris County Cooperative Pricing Council, 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 November 1, 2011.

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 127 - 2011**

**RESOLUTION OF ADOPTION  
Sussex County, New Jersey All Hazards Pre Disaster Mitigation Plan**

WHEREAS the Township of Byram is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship;

WHEREAS a Multi-Jurisdictional All-Hazards Pre-Disaster Mitigation Plan (the Plan) has been developed through the work of the Sussex County Hazard Mitigation Working Group, and interested parties within the Township of Byram;

WHEREAS the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within the Township of Byram, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Township of Byram's leadership in emergency preparedness efforts;

WHEREAS the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Township of Byram to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities;

WHEREAS public meetings were held to receive comment on the Plan as required by DMA 2000;

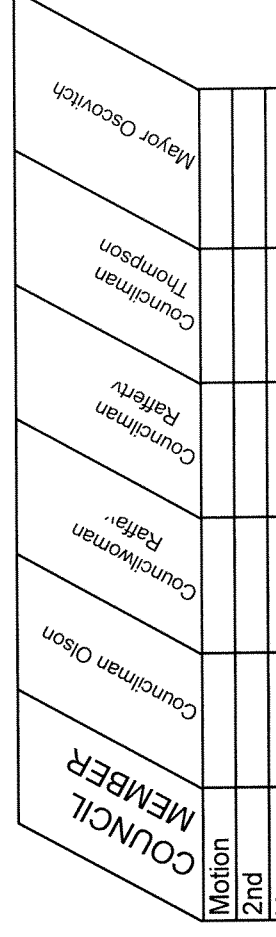
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Byram that:

1. Township of Byram adopts the Sussex County, New Jersey Pre-Disaster Hazard Mitigation Plan, dated March 14, 2011 as this jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
2. The Township of Byram officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Township of Byram Office of Emergency when any of the projects are to be implemented with availability of funding and allocation of staff.
3. The Township of Byram Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Byram Town Council. This report shall be submitted to the Byram Township Council by December 31 of each year provided implementation of projects have stated with availability of funding and allocation of staff.
4. The Township of Byram Office of Emergency Management will undertake periodic updates of the Plan in concert with the Sussex County Division of Emergency Management as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

ADOPTED this 1st day of November, 2011, at the meeting of the Byram Town Council.

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

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



**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 129 - 2011**

**Authorization to Purchase a Hypress Standard Vertical Compressor and Optional  
Equipment for the Byram Township Fire Department**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 128 – 2011**

**RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY, AUTHORIZING BUDGET TRANSFERS FOR 2011  
CURRENT BUDGET.**

WHEREAS, the following 2011 budget appropriation transfers are necessary:

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>
Legal o/e    \$7,500.00	Tax Assessment o/e    \$7,500.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Township of Byram, County of Sussex, New Jersey, that the Finance Officer is hereby authorized and directed to make the above 2011 Current Account Budget Transfers.

**BYRAM MAYOR AND COUNCIL**

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 1, 2011.

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Doris Flynn, RMC  
Township Clerk

**RESOLUTION NO. 122 - 2011**

**NORTH JERSEY MUNICIPAL EMPLOYEE HEALTH BENEFITS FUND  
RESOLUTION to RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

**WHEREAS**, the governing body of Township of Byram, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

ADOPTED: November 1, 2011

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
MAYOR CLERK

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND  
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 1st day of November, 2011, in the County of Sussex, State of New Jersey, By and Between the NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND, hereinafter referred to as "The FUND" and the governing body of the TOWNSHIP OF BYRAM, a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

**WITNESSETH:**

**WHEREAS**, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3-2, have collectively formed a Joint Health Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

**WHEREAS**, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.
3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **January 1, 2012** and ending on **January 1, 2015 at 12:00 AM** provided, however, that the LOCAL UNIT may withdraw at any time upon **90 day** written notice to the Fund.
4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of the FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance and/or dental insurance
- b) Employee contributions to contributory group health insurance and/or dental insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

DATE ADOPTED: \_\_\_\_\_

BY: \_\_\_\_\_  
MAYOR JAMES OSCOVITCH

ATTEST:  
\_\_\_\_\_  
MUNICIPAL CLERK DORIS FLYNN

## Proclamation

### National Family Caregivers Month, November 2011 From Mayor and Council of Byram Township

Whereas,

During this season of Thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a community, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best.

Whereas,

The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are a fast growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver.

Whereas,

Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of family life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE, WE, the Mayor and Council of Byram Township do hereby proclaim November 2011 as National Family Caregivers Month in Byram Township, New Jersey. We call upon government officials, businesses, communities, educators, religious leaders, volunteers and the entire Byram Township community to acknowledge the invaluable efforts of family caregivers this month and throughout the year.

### BYRAM TOWNSHIP COUNCIL

James Oscovitch, Mayor

Attest:

This proclamation was hereby adopted on November 1, 2011

Doris J. Flynn, Clerk

Byram Township  
Sussex County, New Jersey  
Ordinance No.

AN ORDINANCE, MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE JTK INDUSTRIAL PARK AND REGULATING THE USE AND OPERATION OF MOTOR VEHICLES ON SAID ROADWAYS, STREETS, DRIVEWAYS, AND PARKING LOTS BY REVISING CHAPTER 230 OF THE BYRAM TOWNSHIP CODE

**WHEREAS**, JTK Associates has filed a written consent with the Township of Byram that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots within the proposed industrial park, to be located at the subject property at 9 Lackawanna Drive, known as Lot 16 in Block 226 pursuant to the Tax Maps of the Township of Byram, County of Sussex, New Jersey.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Byram that the following regulations shall be enforceable and Chapter 230 of the Byram Township Code, entitled "Vehicles and Traffic, is hereby amended as follows:

ARTICLE IX 'Traffic Regulations Applicable to the JTK Associates Industrial Park'

Section 1.

Regulation(s):

- 230-71. General Parking:
- A. All vehicles must park in designated areas and between the lines provided.

B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking regulations.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
1. All Roads and Aisles	Both	All	Entire Length

230-72.

Handicapped Parking:

All stalls shall be 8 feet wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the parking areas designated for persons who have been issued a Handicapped Parking Permit by the Division of Motor Vehicles.

230-73.

Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the through street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
1. Proposed Access Drive	Entire Length
2. Service Drive, Bldg 'A'	Entire Length
3. Service Drive, Bldg 'B'	Entire Length
4. Service Drive, Bldg 'C' / Outdoor Storage 'B'	Entire Length
5. Service Drive Outdoor Storage 'A'	Entire Length

230-74.

Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop Signs shall be installed as provided therein.

Intersection	Stop Sign On:
Service Drive, Bldg 'A' / Access Drive [2 locations]	Service Drive, Bldg 'A'
Service Drive, Bldg 'B' / Access Drive [1 location]	Service Drive, Bldg 'B'
Service Drive and Outdoor Storage 'A' / Access Drive [1 location]	Service Drive and Outdoor Storage 'A'
Service Drive, Bldg 'C' and Outdoor Storage 'B' / Access Drive [1 location]	Service Drive and Outdoor Storage 'B'
Service Drive, Bldg 'B' / Service Drive and Outdoor Storage Area 'A'	Service Drive and Outdoor Storage Area 'A'
Service Drive, Outdoor Storage Area 'A' / Service Drive, Bldg 'C' and Outdoor Storage Area 'B'	Service Drive Bldg 'C' and Outdoor Storage Area 'B'

230-75.

One-Way Streets:

The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

<u>Name of Street</u>	<u>Direction</u>
Service Drive, Bldg 'A'	Counterclockwise (Rear of bldg only)

230-76. Speed Limits:

- A. The speed limit for both directions of traffic in the parking lot(s) shall be 15 M.P.H.
- B. The speed limit for both directions of travel on the following roadways is as follows:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
All Roads and Aisles	15	Entire Length
Access Drive	25	Entire Length

- C. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation and the Manual of Uniform Traffic Control Devices.

230-77. Tow-Away Zones:

Any vehicle parked or standing so as to obstruct or impede the normal flow of traffic, block all entrance or exit way, loading zone, oil fill, and/or grassy area pedestrian walkway, or present in any way a safety or traffic hazard, may be removed by towing the vehicle at the expense of its owner or operator.

230-78. Loading Zone(2):

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of good and materials.

<u>Name of Street</u>	<u>Time</u>	<u>Location</u>
1. All Areas	All	As indicated on site plan.

230-79.

Signs:

- A. All signs, posts, or other necessary materials shall be installed and paid for by the applicant.
- B. All signing shall conform to the current Manual of Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27
- C. Traffic Control Signs are described on Pages 2 and 13 of the Site Plan and are as follows:

<u>Sign Designation</u>	<u>Description</u>
R1-1	Stop
R3-5	Left and Right Turn Movements
R5-1	Do Not Enter
R6-2	One Way
R7-8	ADA Sign
R7-8P	ADA Penalty Sign

Section 2.

230-80. Violations and Penalties:

Unless another penalty is expressly provided for by new Jersey Statute, every person convicted of a violation of this Ordinance or any supplement thereto shall be liable to a penalty of not more than one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding fifteen (15) days or both.

Section 3.

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.

Section 4.

Effective Date of Ordinance:

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

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Doris Flynn, Township Clerk

Introduced: November 1, 2011

Adopted:

-----  
James Oscovitch, Mayor

**TOWNSHIP OF BYRAM  
ORDINANCE NO. 14 - 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: November 1, 2011

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

**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 18th day of October 2011. 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 1<sup>st</sup> day of November, 2011 at 7:00 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.

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Doris Flynn, Township Clerk  
Township of Byram

**TOWNSHIP OF BYRAM  
ORDINANCE NO. 15 - 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.

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 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.

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BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK