

**TOWNSHIP OF BYRAM  
COUNCIL AGENDA, MONDAY, NOVEMBER 17, 2014  
EXECUTIVE SESSION – 7:00 P.M.  
REGULAR SESSION – 7:30 P.M.**

- 1. CALL MEETING TO ORDER**
- 2. OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, 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. RESOLUTION FOR EXECUTIVE SESSION**
  - a. Contract Negotiations
    - Liability/Workman's Compensation – Wayne Dietz
    - 7 Waterloo Road
  - b. Personnel – Tax Collection & Zoning
  - c. Attorney Client Privilege Information
    - General
- 5. RETURN TO OPEN 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**
  - November 3, 2014 Regular Meeting Minutes
  - November 3, 2014 Closed Session Minutes
- 11. 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. 166-2014 – Resolution of the Mayor and Council of the Township of Byram Dismissing and Denying with Prejudice the Appeals of Catherine Varian of the Resolutions of the Planning Board of the Township of Byram in the C Variance Matters of Ms. Bernadette Scully (App. No. Z10-13), Mr. John Seekamp (App. No. Z14-2013 and Mr. Brian Lanci (App. No. Z05-2014)
  - B. Resolution No. 167-2014 – Resolution of Support to Relocate New Jersey Transit Bus Stop on Route US 206 Northbound at Tamarack Road
  - C. Resolution No. 168 – 2014 – Person-to-Person Liquor License Transfer - Levkovitz to 239 Route 206 LLC
  - D. Resolution No. 169 – 2014 – Authorization for the Purchase, Installation and Training of Web Trac Software Supporting On-Line Registration for the Township of Byram Recreation Department
  - E. Resolution No. 170-2014 – Authorization to Execute Change Order No. 1 Township of Byram for DPW Garage Floor Replacement
- 12. APPROVAL OF NOVEMBER 17, 2014 BILL LIST**
- 13. ORDINANCE – First Reading/Introduction**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY REPEALING CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE VII, "MUNICIPAL COURT," AND ARTICLE VIII, "MUNICIPAL COURT PROSECUTOR" AND ADDING NEW CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE VII, "JOINT MUNICIPAL COURT"**

Purpose Statement: The Township of Byram has entered into an Agreement to form a Joint Municipal Court with the Township of Andover, Township of Hampton, the Township of Fredon and Andover Borough. Collectively these five municipalities will be part of the Andover Joint Municipal Court effective January 1, 2015.
- 14. ITEMS FOR DISCUSSION**
  - Holiday Lights
  - Byram Day
- 15. PUBLIC PARTICIPATION II**
- 16. EXECUTIVE SESSION – Session II (if necessary)**
- 17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
- 18. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 166 -2014**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM DISMISSING AND DENYING WITH PREJUDICE THE APPEALS OF CATHERINE VARIAN OF THE RESOLUTIONS OF THE PLANNING BOARD OF THE TOWNSHIP OF BYRAM IN THE C VARIANCE MATTERS OF MS. BERNADETTE SCULLY (APP. NO. Z10-13), MR. JOHN SEEKAMP (APP. NO. Z14-2013) AND MR. BRIAN LANCI (APP. NO. Z05-2014)**

**DECIDED AND ADOPTED: November 17, 2014**

**WHEREAS**, Catherine Varian (hereinafter "the Appellant") emailed a letter to the Township of Byram purportedly appealing pursuant to N.J.S.A. 40:55D-17, and Township Ordinance Section 45-35, the Planning Board decisions in the matters of Ms. Bernadette Scully, Resolution Number Z10-13 adopted October 17, 2013; Mr. John Seekamp, Resolution Number Z14-2013 adopted May 1, 2014; and Mr. Brian Lanci, Resolution Number Z05-2014 adopted July 17, 2014 (hereafter "Planning Board c Variance Resolutions"); and

**WHEREAS**, the Appellant's Letter of Appeal was emailed on October 26, 2014; and

**WHEREAS**, the Mayor and Council of the Township of Byram find that the Appeal is out of time since it was not filed within ten days after the date of publication of the notices adoption of the Resolutions in the three above Planning Board matters, as required by Ordinance Section 45-35 and Municipal Land Use Law Section 40:55D-17a; and

**WHEREAS**, the Mayor and Council of the Township of Byram also finds and concludes that the Appeals are not within the jurisdiction of the Mayor and Council of the Township of Byram since the underlying cases at the Planning Board were c variance applications that did not involve grants of d variances which are the only variances which may be appealed to the Mayor and Council pursuant to Ordinance Section 45-35 and Municipal Land Use Law Section N.J.S.A. 40:55D-17a and d;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey that Catherine Varian's Appeal by email dated October 26, 2014, is hereby dismissed and denied with prejudice, since it was not a timely appeal, having been sent on October 26, 2014, well more than ten days after the date of publication of the notices of adoption of the Planning Board c Variance Resolutions, and because the Mayor and Council have no jurisdiction over appeals of c variance applications.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

**ATTEST:**

I certify that the foregoing Resolution was adopted by the Byram Township Council at a meeting held on Monday, November 17, 2014.

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

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 167 – 2014**

**RESOLUTION OF SUPPORT TO ESTABLISH A NEW JERSEY TRANSIT BUS STOP  
ON ROUTE US 206 NORTHBOUND**

WHEREAS, in order to legally establish a bus stop along Route 206 which has been recommended for approval, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO); and

WHEREAS, an initial step in the TRO process is to receive a resolution of support from the municipality's governing body; and

WHEREAS, the Township of Byram supports the location of the bus stop along Route 206 northbound between Willor Drive and Tamarack Road.

NOW, THEREFORE, BE IT RESOLVED that the Township of Byram hereby supports and approves the following:

**Repeal** (Near-Side)

Along Route US 206 northbound on the easterly side thereof at:

Tamarack Road – (Near-Side)

Beginning at the southerly curb line of Tamarack Road and extending 120 feet southerly therefrom.

**Establish** (Mid-Block)

Along Route US 206 northbound, on the easterly side thereof, between:

Willor Drive and Tamarack Road – (Mid-Block)

Beginning 1,300 feet north of the center line of Willor Drive and extending 135 feet northerly therefrom.

<b>BYRAM TOWNSHIP COUNCIL</b>						
<b>COUNCIL MEMBER</b>	<i>Councilwoman Raffav</i>	<i>Councilman Gray</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Ossovitch</i>	
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 Monday, November 17, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 168 – 2014**

**TRANSFER OF LIQUOR LICENSE BY JACK LEVKOVITZ, INDIVIDUALLY TO  
239 ROUTE 206 LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1904-33-005-008 (“the License”), by Jack Levkovitz, with an address of 239 Route 206 South, Byram, New Jersey individually, to Applicant 239 Route 206 LLC, trading as Stonewood Tavern (“Applicant”), for the subject premises located at 239 Route 206 South, Byram, New Jersey, (insert lot and block numbers); and

**WHEREAS**, the Applicant is qualified to be licensed pursuant to all applicable standards established by the New Jersey Alcoholic Beverage Law, codified at N.J.S.A. 33:1-1, et seq. in Title 33 of the New Jersey Statutes and relevant regulations promulgated thereunder, as well as applicable local Township of Byram ordinances and other conditions consistent with Title 33; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Byram hereby approves, effective November 17, 2014, the transfer of the aforesaid Plenary Retail Consumption License to 239 Route 206 LLC, trading as Stonewood Tavern, subject to the condition that any and all on-site managers for the Applicant at the subject premises complete applicable dactyloscopic analysis (i.e. finger-printing) at the Byram Township Police Department, within thirty (30) days of commencement of employment for Applicant.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and Council of the Township of Byram 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 239 Route 206 LLC effective November 17, 2014”.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 17, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 169 – 2014**

**Authorization for the Purchase, Installation and Training  
of Web Trac Software Supporting On-Line Registration for the  
Township of Byram Recreation Department**

**WHEREAS**, the Byram Township Recreation Department uses Vermont Systems Recreation and Parks Software for the registration and management of programs offered through the Recreation Department; and

**WHEREAS**, Vermont Systems Recreation and Parks Software offers Web Trac which provides support for on-line registrations and payments; and

**WHEREAS**, it has been requested by consumers of the Recreation Programs and recommended by the Recreation Committee and Director to support on-line registrations and payments; and

**WHEREAS**, the quotation received from Vermont Systems Recreation and Parks Software exceeds the Township's quote threshold; and

**WHEREAS**, since the software used by the Recreation Department is proprietary there are no other vendors to solicit competitive quotations; and

**WHEREAS**, the contract may be awarded without advertising and may be negotiated according to the Local Public Contracts Law, N.J.S.A. 40A:11-5. Exceptions (dd) stating the provision of performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or the acquire or update non-proprietary software; and

**WHEREAS**, the Township has confirmed that the Recreation Trust can be used for the acquisition of the software, installation and initial training and can be used to cover the annual webhosting fees as the Recreation Program user fees are setup for self funding recreation programs; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Byram, in the County of Sussex and State of New Jersey, hereby authorize and direct to execute a contract in accordance with the proposal for Vermont Systems Recreation and Parks Software for the Township of Byram Recreation Department, for the total price of \$12,460.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

**ATTEST:**

I certify that the foregoing Resolution was adopted by the Byram Township Council at a meeting held on Monday, November 17, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 170 - 2014**

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. I  
TOWNSHIP OF BYRAM FOR DPW GARAGE FLOOR REPLACEMENT**

WHEREAS, the Township of Byram (Owner) and Edge Property Maintenance (Contractor) entered into an Agreement for the replacement of the DPW garage floor; and

WHEREAS, in the process of completing the work, certain changes were authorized by the Owner as detailed in Change Order No. 1; and

WHEREAS, the revised work was negotiated between the engineer Harold Pellow & Associates and the Contractor and was found to require a net increase of \$3,000.00 in the total of the contract.

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 \$3,000.00 per the attached Change Order No. 1 for a total contract price of \$102,990.00.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	Councilwoman Raffav	Councilman Gray	Councilman Olson	Councilwoman Kesh	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 Monday, November 17, 2014.

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

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

**ORDINANCE NO. - 2014**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY REPEALING CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE VII, "MUNICIPAL COURT," AND ARTICLE VIII, "MUNICIPAL COURT PROSECUTOR" AND ADDING NEW CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE VII, "JOINT MUNICIPAL COURT"**

**WHEREAS**, the Township of Byram has entered into an Agreement to form a Joint Municipal Court with the Township of Hampton, the Township of Andover, the Township of Fredon and Andover Borough (collectively "the five [5] municipalities" or "members"); and

**WHEREAS**, it is in the best interest of the Township of Byram to participate in the joint municipal court with Hampton, Fredon and Andover Township and Andover Borough;

**WHEREAS**, a Joint Municipal Court has been created and agreed to by the five (5) municipalities.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Byram, in the County of Sussex, and State of New Jersey as follows:

**SECTION 1.**

That Chapter 3 "Administration of Government," Article VII "Municipal Court" and Article VIII "Municipal Court Prosecutor" is repealed and that a new Chapter 3 "Administration of Government," Article VII "Joint Municipal Court" be established as follows:

**CHAPTER 3. ADMINISTRATION OF GOVERNMENT.**

§ 3-22. Creation; Name; Jurisdiction.

- A. Creation of Court. There has been created a joint Municipal Court consisting of the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram and Andover Borough (collectively "the five [5] municipalities"). This Court is created by the shared services agreement executed by the five (5) municipalities in October of 2014, and is subject to the terms thereof. The shared services agreement is attached hereto and incorporated in this chapter and shall be approved by and filed with the Administrative Director of the Courts.
- B. Name of Court. The name of the Joint Municipal Court shall be the "Andover Joint Municipal Court (Andover, Hampton, Fredon and Byram Township and Andover Borough)" and it shall have a seal bearing said name.

- C. Jurisdiction. The jurisdiction of the Andover Joint Municipal Court shall be coextensive with the territories of the Townships of Andover, Hampton, Fredon and Byram and the Borough of Andover in the County of Sussex. The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 10, – Morris/Sussex, of the Superior Court of New Jersey.

§ 3-23. Municipal Judge; powers, duties and qualifications.

- A. There shall be a Joint Municipal Judge appointed by the Governor as provided by law with regard to Joint Municipal Courts. The Municipal Judge shall serve for a term of three (3) years from the date of appointment and until a successor is appointed and qualified.
- B. The Municipal Judge shall have and possess the requisite qualifications in order to serve as a Municipal Court Judge as provided by the laws of the State of New Jersey.
- C. The Municipal Judge shall faithfully carry out all of the responsibilities of a Municipal Court Judge and shall abide by all rules and regulations established for Municipal Court Judges by the Administrative Office of the Courts, the New Jersey Supreme Court and any other applicable laws and rules.

§ 3-24. Municipal Prosecutor.

There shall be appointed a Municipal Prosecutor for the Joint Municipal Court who shall prosecute all cases in the Joint Municipal Court.

- A. The Municipal Prosecutor shall be appointed annually by Andover Township at the same time and in the same manner as other annual appointments are customarily made, and shall continue to serve until a successor is duly appointed and qualified.
- B. The Municipal Prosecutor shall serve at the will of Andover Township, which service may be terminated upon thirty (30) days' written notice.
- C. Qualifications for the position of Prosecutor are that the appointee shall be a duly licensed attorney at law of New Jersey, in good standing, and remain so throughout the term of service.
- D. There shall also be appointed by Andover Township an Alternate Municipal Court Prosecutor, whose duties shall be the same as the Municipal Prosecutor's, but who shall act as Municipal Prosecutor only in the event the Municipal Prosecutor is absent or unavailable, or in the event the Municipal Prosecutor is unable to represent the Township as a result of a conflict of interest. All provisions and references to Municipal Prosecutor in this chapter shall apply to the Alternate Municipal Prosecutor in all respects. In the event that the Municipal Prosecutor is absent, unavailable or unable to represent the Township due to a conflict of interest, the Municipal Prosecutor shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned or transferred to the Alternate Municipal Prosecutor, through the office of the Municipal Court Administrator.



### § 3-25. Municipal Court Administrator.

There shall be an Administrator of the Andover Joint Municipal Court who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to municipal courts and by the Municipal Court Judge. The compensation of the Administrator shall be determined by Andover Township. The duties of Municipal Court Administrator shall include, but are not limited to:

- A. Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.
- B. Interviewing and speaking to persons wishing to file criminal complaints or wishing information in that regard; receiving complaints and dispensing information relative to Court matters.
- C. Maintaining the financial records of the Court.
- D. Attending court sessions; recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments.
- E. Taking and preparing bail bonds, recognizances and security in lieu thereof; making inquiry concerning their sufficiency and equity; receiving and accounting for fines and costs.
- F. Interviewing persons on informal Police Court matters to determine if there is a basis for formal action and, if necessary, issuing summonses requiring court appearances; maintaining and classifying records and files. ;
- G. Maintaining, forwarding, receiving and reporting such records, reports and files as are required by the State Director of Motor Vehicles.
- H. Making a yearly report to the Township Committee.
- I. Performing all other duties required by law.

### § 3-26. Deputy Municipal Court Administrator

There shall be a Deputy Administrator of the Andover Joint Municipal Court who shall perform the functions and duties prescribed by law, by the rules applicable to municipal courts and by the Municipal Court judge. The Deputy Administrator shall be appointed in accordance with the applicable court rules. The compensation of the Deputy Administrator shall be determined by Andover Township.

### § 3-27. Municipal Public Defender

The Township of Andover shall, by resolution, annually appoint a Public Defender to serve within the Andover Joint Municipal Court. The Public Defender shall be compensated as determined by the Township of Andover. It shall be the Municipal Public Defender's duties to

represent eligible, indigent defendants, in proceedings over which the Andover Joint Municipal Court has jurisdiction.

- A. Qualifications. The Municipal Public Defender shall be an attorney at law of the State of New Jersey in good standing. The Municipal Public Defender need not be a resident of the Township, and may hold the same title in one or more Municipal Courts. The Municipal Public Defender may represent private clients in this and any other municipality, subject to the Rules of Court governing the conduct of lawyers, judges and court personnel.
- B. Term. The Municipal Public Defender shall serve for a term of one year from the date of his or her appointment, and may continue to serve in office pending reappointment of a successor. The Municipal Public Defender shall be removed by the governing body of a municipality for good cause shown and after a public hearing, upon due notice with an opportunity to be heard. Failure to reappoint a Municipal Public Defender shall not constitute a removal from office.
- C. Salary. Remuneration for the position of Municipal Public Defender and Conflict Public Defender shall be fixed by ordinance.
- D. Duties. The Municipal Public Defender shall represent defendants who meet the eligibility requirements set forth below. The Municipal Public Defender shall be responsible for handling all phases of the defense, including but not limited to discovery, pre-trial and post-trial hearings, motions, removals to Federal District Court and other collateral functions. Duties of the Public Defender shall not include de novo appeals in Superior Court.
- E. Eligibility requirements. To be eligible for the services of the Municipal Public Defender, a defendant must:
  - (1) Be charged with a crime as specified in N.J.S.A. § 2B:12-18; or
  - (2) Be charged with an offense of which there is a likelihood, in the opinion of the Municipal Court, that the defendant, if convicted, will be subject to imprisonment or other consequence of magnitude; and
  - (3) Meet the financial eligibility requirements, in the opinion of the Municipal Court, as set forth in N.J.S.A. § 2A:158A-14 and guidelines promulgated by the New Jersey Supreme Court; and
  - (4) Provide all necessary applications, releases and authorizations, and documents.
  - (5) Pay an application fee of \$200. This fee may be waived or reduced by the Municipal Court upon clear and convincing proof that the fee is an unreasonable burden upon the applicant. Said fee may be paid over time, not to exceed four months.
  - (6) In the event that the Municipal Court cannot determine eligibility before the time when the first services are to be rendered, the Municipal Court shall refer the defendant to the Municipal Public Defender provisionally. If it is later determined that the defendant is ineligible, or if it is determined that the initial determination was erroneous, the Court shall inform the

defendant, and the defendant shall be obliged to engage his own counsel and to reimburse the municipality for the cost of the services rendered.

F. Juvenile defendants.

- (1) In the event the defendant is under the age of 18 years, the eligibility for service shall be determined on the basis of the financial circumstances of the individual and the individual's parents or legal guardian.
- (2) The Municipal Court shall be entitled to recover the cost of legal services from the parents or legal guardian, and shall have the authority to require parents or legal guardians to execute and deliver any authorizations required to determine eligibility.

G. Municipal responsibilities and reimbursements.

- (1) The municipality shall be responsible for payment of all necessary services of representation as determined by the Court. The factors of need and real value to a defendant may be weighed against the financial constraints of the municipality in determining the necessary services.
- (2) The municipality shall have a lien on any property to which the defendant shall have or acquire an interest up to the amount of the reasonable value of the services rendered to a defendant. To effectuate such lien, the Municipal Attorney shall file a notice setting forth the services rendered to the defendant and the reasonable value thereof with the Clerk of the Superior Court. Within 10 days of said filing, the Municipal Attorney shall send a copy of the notice with a statement of the date of the filing to the defendant by certified mail to the defendant's last known address. The filing of the notice shall constitute a lien for a period of 10 years from the date of filing and shall have the priority of a judgment.
- (3) The Municipal Attorney may do all things necessary to collect any money due to the municipality for reimbursement for services rendered by the Municipal Public Defender, including remedies available for recovery of a civil judgment, counsel fees and costs.
- (4) All application fees collected shall be deposited in a dedicated fund administered by the Treasurer of the municipality and shall be used exclusively to meet the costs incurred in providing the services of a Municipal Public Defender.

H. There shall also be appointed by Andover Township a Conflict Public Defender, whose duties shall be the same as the Public Defender's, but who shall act as Public Defender only in the event the Public Defender is absent or unavailable, or in the event the Public Defender is unable to represent an eligible defendant as a result of a conflict of interest. All provisions and references to Municipal Public Defender in this chapter shall apply to the Conflict Public Defender in all respects. In the event that the Municipal Public Defender is absent, unavailable or unable to represent an eligible defendant due to a conflict of interest, the Municipal Public Defender shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned or transferred to the Conflict Public Defender, through the office of the Municipal Court Administrator.

§ 3-28. Auditor

The auditor appointed by Andover Township shall act as the auditor for the Andover Joint Municipal Court. The auditor shall perform a yearly audit of the Andover Joint Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1, *et seq.* A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

§ 3-29. Additional Court Personnel

The Township of Andover shall, hereafter, by resolution have the power to designate such other persons as may be required to serve as clerks, staff and other officers thereof and to establish compensation to be paid to the respective persons to manage and run the day-to-day operations of the Joint Municipal Court. Compensation thereof shall be in accordance with the salary ordinance adopted annually by the Township of Andover.

§ 3-30. Withdrawal by member municipality.

The members of the Andover Joint Municipal Court established by this Chapter are the Township of Andover, Township of Hampton, Township of Fredon, Township of Byram and Borough of Andover. Collectively, the Township of Andover, Township of Hampton, Township of Fredon, Township of Byram and Borough of Andover shall be referred to as members. Any member of the Andover Joint Municipal Court may withdraw by complying with the provisions of the shared services agreement amongst the members identified in § 3-22(A) above or such subsequent agreements or amendments then existing and in effect.

§ 3-31. Contributions and compensation.

- A. The Township of Hampton, the Township of Fredon, the Township of Byram and the Borough of Andover shall pay the Township of Andover a fee in accordance with the shared services agreement then existing between the parties.
- B. The Township of Andover shall remit fines and levies collected for infractions occurring in the Township of Hampton, the Township of Fredon, the Township of Byram and Andover Borough to the applicable municipality on at least a monthly basis or as set forth in the agreement amongst the municipalities.

**SECTION 2. Repealer.**

All ordinances of the Township of Byram, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3. Severability.**

If any section, subsection, sentence, 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.

**SECTION 4.** Effect

This Ordinance shall take effect upon final passage, approval, and publication as required by law.

**SECTION 5.** Renumeration

This Ordinance may be renumbered for codification purposes.

**BY ORDER OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM**

Introduced: November 17, 2014      Adopted:

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

**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 November 17, 2014. 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 December 2, at 7:30 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. Copies of this ordinance are available at the Clerk's office Monday through Friday from 8:30 a.m. to 4:30 p.m.

**ATTEST:**

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

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

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