

**TOWNSHIP OF BYRAM
COUNCIL AGENDA, MONDAY, NOVEMBER 3, 2014
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION – 7:30 P.M.**

Revised 10-31-2014

- 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. Attorney Client Privilege Information/Anticipated Litigation
 - Partridge Run
 - Cub Lake Association Letter by Mr. Doerr, Esq.
 - b. Attorney Client Privilege Information
 - General
 - PSE&G
 - c. Contract Negotiations
 - Health Benefits
- 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 NEW FIRE DEPARTMENT MEMBER** – Casey Margo
- 11. APPROVAL OF MINUTES**
 - October 21, 2014 Regular Meeting Minutes
 - October 21, 2014 Closed Session Minutes
- 12. 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. 162-2014 – Resolution of Acceptance of a Donation from Mountain Creek Resort on Behalf of the Friends of Waterloo Village
 - B. Resolution No. 163-2014 – Resolution Authorizing the Execution of an Animal Control Agreement Between the Township of Byram and the Township of Mt. Olive
 - C. Resolution NO. 164-2014 – Budget Transfer 2014 Budget Appropriations Sewer Utility Fund
 - D. Resolution No. 165-2014 – Budget Transfer 2014 Budget Appropriations Current Fund
 - E. Approval of Raffle Application – The 11th Hour Animal Rescue – December 6 & 7, 2014 at Waterloo Village – 50/50 and Tricky Tray
- 13. APPROVAL OF OCTOBER 21, 2014 BILL LIST**
- 14. ORDINANCE – 2nd Reading/Public Hearing**

Ordinance of the Mayor and Council of the Township of Byram, Accepting the Dedication of Partridge Road and Drainage, Sight Triangle, Conservation Easements and Restrictions and Any Other Easements
Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to accept Partridge Road as a public street in the Township of Byram, whereby granting the Township, its agents, assigns and general public a right of way to pass in, over, and upon all or a portion of Partridge Road for travel. In addition, the Ordinance authorizes the Mayor and Council of the Township of Byram to accept the drainage, conservation, and sight triangle easements of the Partridge Run subdivision, as shown on the map entitled “Final Plat Partridge Run” by Pittenger & Keith, Inc., dated March 5, 2007, and recorded in the Sussex County Clerk’s Office on April 4, 2007, as Map No. 1431 and the Deed for the Right-of-Way. An express reservation of rights is retained by the Township, to allow the Township to pursue any and all claims and remedies against the Developer (Bell and McConnell) for the failure of Developer to complete all required subdivision improvements to the subdivision, including and not limited to the stormwater management basin for the Partridge Run subdivision.
- 15. ITEMS FOR DISCUSSION** – County Health Department Services
- 16. PUBLIC PARTICIPATION II**
- 17. EXECUTIVE SESSION – Session II (if necessary)**
- 18. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
- 19. ADJOURNMENT**

**TOWNSHIP OF BYRAM
RESOLUTION NO. 162 - 2014**

**RESOLUTION OF ACCEPTANCE OF A DONATION FROM
MOUNTAIN CREEK RESORT ON BEHALF OF THE
FRIENDS OF WATERLOO VILLAGE**

WHEREAS, the Friends of Waterloo Village hosted the Annual Waterloo Harvest Moon Festival which is a fundraiser for the restoration of historic Waterloo Village, and

WHEREAS, the Township's Recreation Director was requested to solicit a donation from Mountain Creek by a representative of the Friends of Waterloo Village as an item for the silent auction; and

WHEREAS, the Mountain Creek Resort is dedicated to the development of educational and community programs donated two complimentary all access lift tickets valid for the winter 2014/2015 season; and

WHEREAS, Byram Township received the two complementary tickets in October and provided them to a representative of the Friends of Waterloo Village; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, acknowledge and appreciate the donation by the Mountain Creek Resort for the Friends of Waterloo Village.

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | <i>Councilwoman Raffav</i> | <i>Councilman Gray</i> | <i>Councilman Olson</i> | <i>Councilwoman Kash</i> | <i>Mayor Oscovitch</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 November 3, 2014.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 163 – 2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN ANIMAL
CONTROL AGREEMENT BETWEEN THE TOWNSHIP OF BYRAM AND
THE TOWNSHIP OF MT. OLIVE**

WHEREAS, the Township has entered into an inter-local agreement to have the Township of Mount Olive provide Animal Control Services to the Township of Byram.

WHEREAS, the Township and Mt. Olive have agreed to continue this shared service for the period commencing January 1, 2015 and ending December 31, 2016.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor has authorization to sign the agreement between the Township of Byram and the Township of Mt. Olive.

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 3, 2014.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 164 – 2014**

**RESOLUTION TO TRANSFER
2014 BUDGET APPROPRIATIONS
SEWER UTILITY FUND**

WHEREAS, transfers between budget appropriations are permitted by N.J.S.A. 40A:4-58 during the last two months of the fiscal year; and

WHEREAS, certain 2014 Township Budget Appropriations are expected to be insufficient to meet the expenditure requirements through the end of the fiscal year, and certain 2014 sewer utility budget appropriations are expected to have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, (not less than two-thirds thereof affirmatively concurring) that the transfers as listed between 2014 Township Budget Appropriations be made in the Sewer Utility Fund:

| <u>Department</u> | <u>Account Number</u> | <u>Amount – From:</u> | <u>Amount – To:</u> |
|------------------------|-----------------------|-----------------------|---------------------|
| Operating – Other Exp. | 05-201-55-502-020 | \$ 3,500.00 | |
| Operating – Salaries | 05-201-55-501-010 | | \$ 3,500.00 |

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | <i>Councilwoman Ralfav</i> | <i>Councilman Gray</i> | <i>Councilman Olson</i> | <i>Councilwoman Kash</i> | <i>Mayor Oscovitch</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 November 3, 2014.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 165 – 2014**

**RESOLUTION TO TRANSFER
2014 BUDGET APPROPRIATIONS
CURRENT FUND**

WHEREAS, transfers between budget appropriations are permitted by N.J.S.A. 40A:4-58 during the last two months of the fiscal year; and

WHEREAS, certain 2014 Township Budget Appropriations are expected to be insufficient to meet the expenditure requirements through the end of the fiscal year, and certain 2014 budget appropriations are expected to have funds available to offset these expenditure requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, (not less than two-thirds thereof affirmatively concurring) that the transfers as listed between 2014 Township Budget Appropriations be made in the Current Fund:

| <u>Department</u> | <u>Account Number</u> | <u>Amount – From:</u> | <u>Amount – To:</u> |
|-----------------------------|-----------------------|-----------------------|---------------------|
| Finance Admin. – Salaries | 01-201-20-130-010 | \$ 15,000.00 | |
| Tax Collection – Salaries | 01-201-20-145-010 | \$ 12,000.00 | |
| Group Ins. – Group Plans | 01-201-23-220-230 | \$ 10,000.00 | |
| Planning Brd OE – Legal Srv | 01-201-21-180-215 | \$ 1,000.00 | |
| Finance Admin. OE – Consul | 01-201-20-130-217 | | \$ 25,000.00 |
| Finance Admin. OE – Misc. | 01-201-20-130-272 | | \$ 6,000.00 |
| Tax Collection OE – Misc. | 01-201-20-145-272 | | \$ 6,000.00 |
| Tax Collection OE – Seminar | 01-201-20-145-203 | | \$ 1,000.00 |

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | <i>Councilwoman Raffav</i> | <i>Councilman Gray</i> | <i>Councilman Olson</i> | <i>Councilwoman Kash</i> | <i>Mayor Oscovitch</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 November 3, 2014.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
ORDINANCE – 10 - 2014**

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE TOWNSHIP OF BYRAM,
ACCEPTING THE DEDICATION OF PARTRIDGE ROAD
AND DRAINAGE, SIGHT TRIANGLE,
CONSERVATION EASEMENTS AND RESTRICTIONS
AND ANY OTHER EASEMENTS**

Purpose Statement: The purpose of this Ordinance is to authorize the Mayor and Council of the Township of Byram to accept Partridge Road as a public street in the Township of Byram, whereby granting the Township, its agents, assigns and general public a right of way to pass in, over, and upon all or a portion of Partridge Road for travel. In addition, the Ordinance authorizes the Mayor and Council of the Township of Byram to accept the drainage, conservation, and sight triangle easements of the Partridge Run subdivision, as shown on the map entitled “Final Plat Partridge Run” by Pittenger & Keith, Inc., dated March 5, 2007, and recorded in the Sussex County Clerk’s Office on April 4, 2007, as Map No. 1431 and the Deed for the Right-of-Way. An express reservation of rights is retained by the Township, to allow the Township to pursue any and all claims and remedies against the Developer (Bell and McConnell) for the failure of Developer to complete all required subdivision improvements to the subdivision, including and not limited to the stormwater management basin for the Partridge Run subdivision.

WHEREAS, heretofor to wit: the Township of Byram Planning Board approved a subdivision as shown on the map entitled “Final Plat Partridge Run” by Pittenger & Keith, Inc., dated March 5, 2007, and recorded in the Sussex County Clerk’s Office on April 4, 2007, as Map No. 1431 (“the Map”); and

WHEREAS, by virtue of the filing of the Map, the street rights of way for Partridge Road, together with the drainage easements, conservation easements and restrictions, sight triangle easements, and any and all turnarounds and easements within the Partridge Run subdivision were dedicated to the public; and

WHEREAS, the Township of Byram Mayor and Council deems it advisable to accept the streets, drainage, conservation and sight triangle easements, and turnarounds so dedicated, subject to an explicit reservation of the Township’s rights to pursue any and all claims and remedies against the Developer for the failure of Developer to complete all required subdivision improvements, including and not limited to the stormwater management basin for the Partridge Run subdivision.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Byram as follows:

SECTION 1: The streets and roads, as designated on the map entitled “Final Plat Partridge Run” by Pittenger & Keith, Inc., dated March 5, 2007, and recorded in the Sussex County Clerk’s Office on April 4, 2007, as Map No. 1431, are hereby accepted as public streets of the Township of Byram.

SECTION 2: The drainage easements, sight triangle easements, conservation easements and restrictions and any other easements and any and all turnarounds within the Partridge Run Subdivision are hereby accepted as public easements and improvements of the Township of Byram.

SECTION 3: The Developer did not complete all of the required improvements including, but not limited to, the stormwater management basin, and, to the extent that the Letter of Credit funds of \$44,640 are insufficient to pay the costs of completing all required improvements and for paying escrows, maintenance funds, maintenance guarantees, inspection fees and costs, taxes, and costs of the municipality, the Township reserves all rights and claims against the Developer.

SECTION 4. This Ordinance shall take effect after publication and passage according to law.

INTRODUCED: October 21, 2014

ADOPTED: November 3, 2014

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey held on October 21, 2014. It was considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on November 3, 2014 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey at which time all persons were given the opportunity to be heard concerning said ordinance. It was finally passed and adopted and will be in full force in the Township according to law.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK