

**TOWNSHIP OF BYRAM  
COUNCIL AGENDA, TUESDAY, DECEMBER 2, 2014  
EXECUTIVE SESSION – 7:00 P.M.  
REGULAR SESSION – 7:30 P.M.**

*Revised 12/2/2014*

- 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, N.J.S.A. 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 – General
  - b. Attorney Client Privilege Information – Partridge Run
  - c. Personnel
  - d. Contract Negotiations – 7 Waterloo Road
    - BARKS
    - Shared Services – County Dispatch, Zoning, OEM
- 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 17, 2014 Regular Meeting Minutes
  - November 17, 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. 171-2014 – Authorizing the Canceling of Outstanding Checks
  - B. Resolution No. 172-2014 - Resolution Canceling Escrow Balances - \$1,448.39
  - C. Resolution No. 173-2014 – Final Acceptance of Wood Beam Guide Rail at C.O. Johnson Park Completed by A-Better Fence Co.
  - D. Resolution No. 174-2014 - Final Acceptance of Outfield Fencing Upgrades at C.O. Johnson Park Completed by N.J. Fence & Guardrail, Inc.
  - E. Resolution No. 175-2014 – Resolution Authorizing Refund of Redemption Monies to Outside Lien - \$3,146.97.
  - F. Resolution No. 176-2014 – Resolution to Transfer 2014 Budget Appropriations – Current Fund
  - G. Resolution No. 177-2014 – Resolution to Authorize CP Engineers & Architecture to Perform an Annual Inspection of Byram Township’s Sanitary Sewer System
- 12. ORDINANCE NO. 11-2014– 2<sup>nd</sup> Reading Public Hearing**

**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.
- 13. APPROVAL OF DECEMBER 2, 2014 BILL LIST**
- 14. ITEMS FOR DISCUSSION** – Recreation Committee Policy of Byram Parks and Recreation Facilities
- 15. PUBLIC PARTICIPATION II**
- 16. EXECUTIVE SESSION – Session II (if necessary)**
- 17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
- 18. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 171 - 2014  
CANCELING OUTSTANDING CHECKS**

**WHEREAS**, there exists an outstanding check in the Current Fund Account of the Township of Byram; and,

**WHEREAS**, said check has been outstanding and can no longer be presented for payment; and,

**WHEREAS**, the bearer was sent a letter to contact the Township to have said check reissued, as they are now stale dated; and,

**WHEREAS**, the following payee did not make contact to have the check reissued:

<u>Check No.</u>	<u>Check Date</u>	<u>Amount</u>	<u>Payee</u>
19510	02/19/2013	\$493.19	US Bank Cust for Pro Capital, I, LLC

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, that the outstanding check listed above be and is hereby canceled and the proceeds returned to the Township:

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Councilwoman Raffav	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 December 2, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 172 – 2014**

**CANCELING ESCROW BALANCES**

**WHEREAS**, there exists outstanding escrow balances within the Developers' Escrow Trust Fund of the Township of Byram; and,

**WHEREAS**, the accounts indicated are no longer utilized as these escrow accounts cannot be identified; and

**WHEREAS**, the balances in the accounts indicated are interest accruals from prior years;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, that these outstanding escrow balances be hereby canceled and the proceeds returned to the Township:

<u>Account Number and Name</u>	<u>Cancellation Amount</u>
1719 – Twp of Byram Performance	\$17.48
1727 – Twp of Byram Escrow Funds	\$112.43
1735 – Twp of Byram Escrow Funds	\$136.60
1743 – Twp of Byram Escrow	\$149.38
1751 – Twp of Byram Escrow	\$429.34
1778 – Twp of Byram Escrow	\$101.05
2776 – Twp of Byram Performance	\$409.96
5586 – Township of Byram	\$92.15
 Total Escrow Cancellations:	 \$1,448.39

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	Councilwoman Raffav	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Cecovitch
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 December 2, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 173 –2014**

**FINAL ACCEPTANCE OF WOOD BEAM GUIDE RAIL AT C.O. JOHNSON  
PARK COMPLETED BY A-BETTER FENCE CO.**

WHEREAS, on September 16, 2014, by adoption of Resolution No. 140-2014 the Byram Township Council, County of Sussex, State of New Jersey, awarded a contract to A-Better Fence Co. for the installation of Wood Beam Guide Rail at C.O. Johnson Park; and

WHEREAS, in the Township Engineer’s memo dated November 17, 2014, he recommended that said project be accepted as complete.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Township of Byram, County of Sussex, State of New Jersey, that it hereby concurs with the Township Engineer’s recommendation and accepts the Wood Beam Guide Rail at C.O. Johnson Park as complete.

**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 December 2, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 174 -2014**

**FINAL ACCEPTANCE OF OUTFIELD FENCING UPGRADES AT C.O.  
JOHNSON PARK COMPLETED BY N.J. FENCE & GUARDRAIL, INC.**

WHEREAS, on September 16, 2014, by adoption of Resolution No. 139-2014 the Byram Township Council, County of Sussex, State of New Jersey, awarded a contract to N.J. Fence & Guardrail, Inc. for the installation of Outfield Fencing at C.O. Johnson Park; and

WHEREAS, in the Township Engineer's memo dated November 17, 2014, he recommended that said project be accepted as complete.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Township of Byram, County of Sussex, State of New Jersey, that it hereby concurs with the Township Engineer's recommendation and accepts the Outfield Fencing at C.O. Johnson Park as complete.

**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 December 2, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 175 – 2014**

**RESOLUTION AUTHORIZING REFUND OF  
REDEMPTION MONIES TO OUTSIDE LIEN**

**WHEREAS**, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 365 Lot 8.01 also known as 32 Lackawanna Drive, for 2012 delinquent utility charges; and

**WHEREAS**, this lien which is known as Tax Sale Certificate #2013-014, was sold to US Bank Cust/Pro Cap III LLC for 18% redemption fee; and

**WHEREAS**, Chase Bank, the mortgage company has effected a redemption of Certificate #2013-014 in the amount of \$3,146.97;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Byram that this Governing Body acknowledges that US Bank Cust/Pro Cap III LLC is entitled to the redemption in the amount of \$ 3,146.97; and

**BE IT FURTHER RESOLVED**, that the Certified Finance Officer be authorized to issue a check in the amount of \$3,146.97 for the redemption of Certificate #2013-014 payable to US Bank Cust/Pro Cap III LLC, 2 Liberty Place, 50 S 16<sup>th</sup> Street, Philadelphia, PA 19102.

**BYRAM TOWNSHIP COUNCIL**

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

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Township Council of the Township of Byram at a regular meeting of said Governing Body conducted on Tuesday, December 2, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 176 – 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>
Parks & Playgrounds OE – Seminars & Meetings	01-201-28-375-203	\$ 1,047.00	
Celebration of Public Events	01-201-30-420-020		\$ 1,047.00

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	<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 December 2, 2014.

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

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NJ  
RESOLUTION NO. 177 – 2014**

**RESOLUTION TO AUTHORIZE CP ENGINEERS & ARCHITECTURE TO  
PERFORM AN ANNUAL INSPECTION OF BYRAM TOWNSHIP'S SANITARY  
SEWER SYSTEM**

WHEREAS, the Township desires to have CP Engineers & Architecture perform an annual inspection of the Township's Sanitary Sewer System; and

WHEREAS, CP Engineers & Architecture submitted a proposal to perform this inspection for \$3,600.00; and

WHEREAS, funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council, County of Sussex, State of New Jersey, that CP Engineers & Architecture is authorized to perform an annual inspection of the sanitary sewer system for \$3,600.00.

**BYRAM TOWNSHIP COUNCIL**

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

ATTEST:

I certify that the Byram Township Council at a meeting held on December 2, 2014 adopted the foregoing resolution.

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



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

**ORDINANCE NO. 11 - 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: December 2, 2014

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

**ATTEST:**

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

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

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

**NOTICE**

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 considered the Ordinance for second reading and final passage thereof at a meeting 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 was held by the Township Council and all persons and citizens in interest were given the opportunity to be heard concerning same. It was finally passed and adopted and will be in full force in the Township according to law.