

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
DECEMBER 21, 2009
7:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR MEETING**

1. CALL TO ORDER

2. OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 by forwarding the annual notice to the New Jersey Herald, the Township Journal, posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

3. ROLL CALL

4. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation - PSE&G
- Attorney Client Privilege Communication
- Contract Negotiations – Non-emergent use of water
Open Space – Hudson Greenway Parcel

5. RETURN TO PUBLIC SESSION

6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

7. APPROVAL OF AGENDA

8. APPROVAL OF MEMBERS FOR FIRE DEPARTMENT

- Jonathan Fernandez
- James Winterrmute

9. REPORTS

- Township Manager
- Mayor and Council Members

10. 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

**11. APPROVAL OF MINUTES - 12/7/2009 regular minutes
- 12/7/2009 closed session minutes**

12. APPROVAL OF DECEMBER 21, 2009 BILL LIST

13. CONSENT AGENDA: All items with an (*) are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

*Resolution No. 181–2009 – Budget Appropriation Transfers - \$5,701.00

*Resolution No. 182-2009 – Chapter 159 - \$150,000 NJDOT Grant for Roseville Road

*Resolution No. 183-2009 - Execute PSA for Veterinary Services with Golub Animal Hospital

*Resolution No. 184-2009 - Authorizing the Application for a New Jersey State Recreational Trails Grant for Brookwood Park

*Resolution No. 185-2009 – Award of Bid – Backstops and Fencing for Neil Gyling Park

14. ORDINANCE – 2nd Reading and Public Hearing

AN ORDINANCE DELETING CHAPTER 96 ENTITLED “BRUSH, GRASS AND WEEDS” AND AMENDING CHAPTER 186 ENTITLED, “PROPERTY MAINTENANCE” OF THE REVISED ORDINANCES OF THE TOWNSHIP OF BYRAM

Statement of Purpose: For the purpose of consistency and for enforcement as a property maintenance issue.

Chapter 96 of the Township Code titled Brush, Grass and Weeds is being deleted and incorporated into Chapter 186 of the Township Code titled Property Maintenance

15. DISCUSSION ITEMS

16. PUBLIC PARTICIPATION II

17. EXECUTIVE SESSION – Personnel – Township Manager Evaluation

18. RETURN TO OPEN SESSION

19. ADJOURNMENT

**TOWNSHIP OF BYRAM
RESOLUTION NO. 181 – 2009**

**RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX,
STATE OF NEW JERSEY, AUTHORIZING BUDGET APPROPRIATION
TRANSFERS FOR 2009 CURRENT BUDGET**

WHEREAS, the following 2009 budget appropriation transfers are necessary;

<u>TRANSFER FROM</u>		<u>TRANSFER TO</u>	
Mayor & Council S/W	\$ 5,000.00	Clerk S/W	\$ 5,000.00
Zoning O/E	\$ 1.00	Zoning S/W	\$ 1.00
Buildings & Grounds O/E	\$ 500.00	Buildings & Grounds S/W	\$ 500.00
Mayor & Council S/W	\$ 200.00	Recycling S/W	\$ 200.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Township of Byram, County of Sussex, N.J., that the Finance Officer is hereby authorized and directed to make the above 2009 Budget Appropriation Transfers.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovich
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 21, 2009.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 182 - 2009

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Byram has received notice of an award of \$150,000.00 from the State of New Jersey, Department of Transportation, and wishes to amend its 2009 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Byram, in the County of Sussex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of.....\$150,000.00

which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

Public and Private Revenues Off-set with
Appropriations:

Department of Transportation Grant

BE IT FURTHER RESOLVED that the like sum of.....\$150,000.00 be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS

Public and Private Programs Off-set by Revenues:
Department of Transportation Grant

BE IT FURTHER RESOLVED, that the Town Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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 December 21, 2009.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 183 – 2009**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR VETERINARY SERVICES FOR 2010 IN ACCORDANCE WITH THE
TOWNSHIP'S FERAL CAT POLICY BETWEEN THE TOWNSHIP OF
BYRAM AND GOLUB ANIMAL HOSPITAL**

WHEREAS, Byram Township has a need to enter into an agreement with Golub Animal Hospital to provide veterinary services in accordance with the Township's feral cat policy; and

WHEREAS, the attached agreement outlines the fees that would be charged by Golub Animal Hospital.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor be authorized to sign the agreement between the Township and Golub Animal Hospital.

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 December 21, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 184 -2009**

**Resolution of the Byram Township Council
Regarding the application for a New Jersey State Recreational Trails Grant,
Byram Township, Sussex County, NJ**

Whereas, the Byram Township *Open Space And Recreation Plan* recommends enhancing and connecting the Township trail system and protected lands in the Township and preserving the Lubbers Run Greenway; and

Whereas, the New York-New Jersey Trails Conference recommends that Byram Township establish a trail and other recreational amenities on the 4.21-acre Brookwood Park, which consists of the original East Brookwood Park plus the Vetter open space parcel, providing access to Lubbers Run as a link in the Lubbers Run Greenway; and

Whereas, the proposed trail project can combine with future potential trail networks within Byram Township, thereby increasing ecotourism opportunities; and

Whereas, the proposed Brookwood Park project will beautify the entrance to the East Brookwood neighborhood, provide a variety of recreational facilities, while providing proper stewardship of Township preserved open space, thereby further protecting the Township's drinking water supply.

Whereas, the Mayor and Council supports the submission of the grant application conditional upon the regulations of the Safe Water Drinking Act and the NJDEP being resolved successfully.

NOW THEREFORE BE IT RESOLVED, We, the Township Council of Byram, support the efforts of the Byram Township Environmental Commission and Recreation Committee and the New York-New Jersey Trails Conference to apply for a New Jersey State Recreational Trails Grant in the amount of \$15,286 with a Township in-kind match of \$10,210 to fund the trail projects described above.

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 December 21, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 185 – 2009**

**RESOLUTION TO AWARD THE
BID FOR BACKSTOPS AND FENCING AT NEIL GYLING PARK**

WHEREAS, the Township of Byram opened bids for the proposed backstops and fencing at Neil Gyling Park on December 18th 10:00 a.m.; and

WHEREAS, three (3) bids were received from:

1. Bragaton Construction, Inc. - \$37,000.00
2. Andy-Matt, Inc.- \$24,906.00
3. A-Better Fence - \$14,789.30

WHEREAS, the low apparent bid for the proposed backstops and fencing at Neil Gyling Park was submitted by A-Better Fence at \$14,789.30.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council, County of Sussex, State of New Jersey to award the bid to A-Better Fence for the Backstops and Fencing at Neil Gyling Park in Byram Township.

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 December 21, 2009.

Doris Flynn, RMC
Township Clerk

**ORDINANCE NO. 15 – 2009
TOWNSHIP OF BYRAM, COUNTY OF SUSSEX,
STATE OF NEW JERSEY**

**AN ORDINANCE DELETING CHAPTER 96
ENTITLED “BRUSH, GRASS AND WEEDS AND
AMENDING CHAPTER 186 OF THE REVISED
ORDINANCES OF THE TOWNSHIP OF BYRAM
ENTITLED, “PROPERTY MAINTENANCE”**

Statement of Purpose: For the purpose of consistency and for enforcement as a property maintenance issue, Chapter 96 of the Township Code titled Brush, Grass and Weeds is being deleted and incorporated into Chapter 186 of the Township Code titled Property Maintenance

WHEREAS, the Township Council of the Township of Byram (hereinafter referred to as the “Township Council”) has found redundancy in the Byram Township Code with regard to care of exterior property in Chapter 96 and Chapter 186; and,

WHEREAS, for clarification the Township Council has determined Chapter 96 should be deleted in its entirety; and,

WHEREAS, the Township Council has determined that Chapter 186 requires an amendment to address dead and dying trees.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Byram, County of Sussex, State of New Jersey, that Chapter 96 be deleted in its entirety; and

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Township Council of Byram, County of Sussex, State of New Jersey, that:

Section 1. Chapter 186-14(G) is revised as follows:

- G. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds or dead or dying trees;

Section 2. Chapter 186-15(A) is revised as follows:

- A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and free of public nuisance. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition and free of public nuisance.



Section 3. Severability:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a Court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

Section 4. Effective date:

This Ordinance shall take effect upon final passage and publication according to law.

BYRAM TOWNSHIP COUNCIL

Introduced: 12/7/09
Adopted: 12/21/09

Attested: _____ Signed: _____
Doris Flynn, Municipal Clerk James Oscovitch, Mayor

NOTICE is hereby given that the above titled Ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 7th day of December 2009. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 21st day of December 2009 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.

Doris Flynn, Township Clerk