

**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
DECEMBER 7, 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. 10:4-4 to 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

1. DPW

2. Interlocal Agreement

**5. RETURN TO PUBLIC SESSION**

**6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**

**7. APPROVAL OF AGENDA**

**8. SECTV PRESENTATION**

**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. MEET THE CANDIDATE**

**12. APPOINTMENTS**

- Mayoral Appointment of Environmental Commission Members

**13. APPROVAL OF MINUTES - 11/23/2009 regular minutes**

- 11/23/2009 closed session minutes

- 11/30/2009 special work session meeting

**14. APPROVAL OF DECEMBER 7, 2009 BILL LIST**

**15. 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.**

A. \*Resolution No. 174-2009 – Authorizing Grant Application – Brookwood Park Phase I

B. \*Resolution No. 175-2009 – PSA-Farr Forestry Services-Forest Stewardship Work on Township Open Space Parcels

C. \*Resolution No. 176-2009 - Authorizing Tax Collector to Cancel Certain Under of Over Tax Payments in the Amount of Two Dollars (\$2.00) or less.

D. \*Resolution No. 177-2009 – Refund of Taxes

**16. ORDINANCE – Introduction**

**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

**17. DISCUSSION ITEMS – Holiday Lights**

**18. PUBLIC PARTICIPATION II**

**19. EXECUTIVE SESSION (if needed)**

**20. RETURN TO OPEN SESSION**

**21. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 174 -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.

**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 7, 2009.

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Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 175 – 2009**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES  
AGREEMENT FOR FOREST STEWARDSHIP WORK ON BYRAM  
TOWNSHIP OPEN SPACE PARCELS**

**WHEREAS**, has determined that there is a need to enter into a professional services agreement with Farr Forestry Services, LLC for Forest Stewardship work on Byram Township Open Space Parcels; and

**WHEREAS**, funds are available for this purpose through the Open Space Trust Fund; 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 Farr Forestry Services, LLC.
2. The agreement is outlined in the attached letter dated December 4, 2009 from Farr Forestry Services.
3. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	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 December 7, 2009 adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

RESOLUTION NO. 176 - 2009  
 TOWNSHIP OF BYRAM  
 SUSSEX COUNTY, NEW JERSEY

**RESOLUTION AUTHORIZING THE TAX COLLECTOR  
 TO CANCEL CERTAIN TAX PAYMENTS**

WHEREAS, the Tax Collector has balances over or under two dollars (\$2.00) on certain properties.

BE IT RESOLVED by the Township Council of the Township of Byram, Sussex County, New Jersey, that the Tax Collector be and is hereby authorized to cancel any over or under payment in the amount of two dollars (\$2.00) or less for the tax year 2009.

**BYRAM TOWNSHIP COUNCIL**

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

I HEREBY CERTIFY that the foregoing to be a true copy of a resolution adopted by the Township Council of Byram Township, in the County of Sussex, at its meeting held on December 7, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 177 - 2009**

**REFUND OF 2009 TAXES**

WHEREAS, the Tax Collector has established that various properties have credit balances at year-end 2009; and

WHEREAS, the Tax Collector has determined that these amounts should be refunded to the homeowner or the appropriate party for the reasons stated below.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Byram, Sussex County, State of New Jersey, that in accordance with the recommendation of the Tax Collector and Chief Financial Officer, the following refunds are hereby authorized:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL.</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>
Proulx	10	691		\$ 346.46	State Rebate
First American	40	16		\$5,015.35	Paid in error
Langowsky	56	48.01		\$ 227.52	100% Dis. Veteran
Johnson	71	1		\$ 138.38	Lower
Assessment					
Remien	143	111		\$ 628.36	State Rebate
Frenches Grove	169	8		\$ 605.46	Lower
Assessment					
Water					
Frenches Grove	182	46		\$ 504.99	Lower
Assessment					
Water					
EG Anderson/ Assessment	225	15	QFARM	\$ 4.93	Lower
Kellogg					
Falcone/Sirva owner	279	360		\$1,613.02	Paid 2x/new
Relocation LLC					
Leonard	336	1.08		\$4,782.89	Lower
Assessment/ Overpayment					
Seneca Lake Club	341	3		\$ 105.86	Lower
Assessment					
Johnson-Ference	343	7	QFARM	\$ 56.56	Lower
Assessment					
Esposito	344	26.03	QFARM	\$ 219.96	Lower
Assessment					
MMK Reinsurance	349	1	QFARM	\$ 76.81	Lower
Assessment					
LTD					
Hopatcong Land	365.06	24		\$2,170.37	Lower
Assessment					
Dev.					

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	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 7, 2009.

Doris J. Flynn, RMC  
Township Clerk

ORDINANCE NO.        – 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**

**NOTICE** is hereby given that the above-entitled Ordinance was introduced and passed first reading at the 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 7<sup>th</sup> day of December, 2009. The said Ordinance will be further considered for final passage at a meeting of said Township Council to be held in the Municipal Building, Mansfield Drive, in the Township of Byram on the 21st day of December at a meeting beginning at 7:30 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance.

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Doris Flynn, Township Clerk