

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
MONDAY, DECEMBER 19, 2011 - 7:00 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. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

5. APPROVAL OF AGENDA

6. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

7. 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.

8. APPROVAL OF MINUTES

- December 6, 2011 Regular Meeting Minutes
- December 6, 2011 Executive Session Minutes

9. APPOINTMENTS

- **BYRAM TOWNSHIP REGISTRAR – Doris Flynn (3 year term)**

10. 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. 145-2011 – Resolution to Join the Statewide Insurance Fund (Renew)
- B. Resolution No. 146-2011 – Resolution Authorizing Harold Pellow & Associates to Prepare Engineering Specifications Regarding the Jones Lane Parcel Not to Exceed \$45,000
- C. Resolution No. 147-2011 – Resolution Authorizing Execution of Risk Management Consultant’s Agreement – D & H Alternative Risk Solutions
- D. Resolution No. 148-2011 – Resolution Authorizing Refund of 2011 Taxes – Blk. 337.10/32.10&337.11/38.11
- E. Resolution No. 149-2011 – Resolution Authorizing Cancellation of Certain Tax Payments
- F. Resolution No. 150-2011 – Resolution Authorizing a Refund of Balance of Escrows-\$1,037.50
- G. Resolution No. 151-2011 – PSA – Annual Renewal of The Land Conservancy Contract for Open Space Services - \$11,500
- H. Resolution No. 152-2011 – Resolution Authorizing In Rem Foreclosure of the Tax Sale Certificates Shown on the Attached Tax Foreclosure List

11. APPROVAL OF DECEMBER 19, 2011 BILL LIST

12. PUBLIC PARTICIPATION II

13. EXECUTIVE SESSION (IF NECESSARY)

14. RETURN TO OPEN SESSION

15. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

16. ADJOURNMENT

**TOWNSHIP OF BYRAM
RESOLUTION NO. 145 - 2011**

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Byram Township ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2012** terminating on **January 1, 2015** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.

6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

ATTEST:

Doris J. Flynn

Clerk

By: _____

Title: James Oscovitch, Mayor

STATEWIDE INSURANCE FUND

By: _____
Chairman

ATTEST: _____
Secretary

Dated: _____

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

YES NO

Workers' Compensation & Employer's Liability
Liability, Property, Crime-Faithful Performance and Fidelity,
Inland Marine, Boiler and Machinery, Comprehensive General
Liability, Auto Liability, Auto Physical Damages
and Professional Liability
Pollution Liability

BE IT FURTHER RESOLVED that Joseph Sabatini is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Member name: Joseph Sabatini

By: _____

Title: Mayor James Oscovitch

ATTEST:

Doris J. Flynn

Dated: _____

This Resolution agreed to the 19th day of December, 2011, by a vote of:

___ Affirmative ___ Abstain ___ Negative ___ Absent

STATEWIDE INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 19th day of December 2011, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and Byram Township in the County of Sussex_a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.
2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND's Bylaws and Risk Management Program.
3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2015**, at 12:01 a. m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.
4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the

**EXHIBIT A
STATEWIDE INSURANCE FUND**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of **N.J.S.A. 10:5-31 et seq.** and **N.J.A.C. 17:27 et seq.**

The successful professional service entity shall submit to the Statewide Insurance Fund, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

(c) A photocopy of a completed Employee Information Report (Form AA302) provided by the Division of Contract Compliance and completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Statewide Insurance Fund during normal business hours.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____
SIGNATURE: _____
PRINT NAME: _____
TITLE: _____ DATE: _____

**TOWNSHIP OF BYRAM
RESOLUTION NO. 146 – 2011**

**RESOLUTION AUTHORIZING HAROLD PELLOW &
ASSOCIATES TO PREPARE ENGINEERING SPECIFICATIONS
REGARDING THE JONES LANE PARCEL**

WHEREAS, has determined that there is a need to enter into a professional services agreement with Harold Pellow & Associates to provide engineering services for preparing specifications for constructing recreation fields and parking on the Jones Lane parcel; and

WHEREAS, funds are available through the Open Space Trust for this purpose; 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 Harold Pellow & Associates. not to exceed \$45,000 as per proposal dated December 13, 2011.
2. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

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 Byram Township Council at a meeting held on December 19, 2011 adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 147 – 2011

RESOLUTION AUTHORIZING THE EXECUTION OF THE RISK
MANAGEMENT CONSULTANT’S AGREEMENT

WHEREAS, Byram Township (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, Byram Township wishes to appoint a Risk Management Consultant as required by the Fund;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Byram that the Mayor is authorized to execute any and all documents related to the Risk Management Consultant’s Agreement.

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 19, 2011.

Doris Flynn, Municipal Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 148 - 2011

RESOLUTION TO AUTHORIZE REFUND OF 2011 TAXES

WHEREAS, the Tax Collector has established that various properties have credit balances at year-end 2011; and

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

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL.</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>
Holt	337.10	32.10		\$ 4,556.20	Duplicate payment
Urbano*	337.11	38.11		\$ 2,913.02	Duplicate payment
*(payable to Chase)					

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 refunds are hereby authorized.

BYRAM TOWNSHIP COUNCIL

<u>COUNCIL MEMBER</u>	<u>Councilman Olson</u>	<u>Councilwoman Raftery</u>	<u>Councilman Raftery</u>	<u>Councilman Thompson</u>	<u>Mayor Oscovitch</u>
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 a December 19, 2011.

Doris Flynn, Municipal Clerk

TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 149 – 2011

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO
CANCEL CERTAIN TAX PAYMENTS

WHEREAS, the Township of Byram has acquired the following four parcels through an Open Space purchase; and

Block 256; Lot 582
Block 257; Lot 616

Block 256; Lot 585
Block 258; Lot 623

WHEREAS, the closing on these properties was held on March 2, 2011; and

WHEREAS, there is a balance due on the on the records of the Tax Collector for the remainder of 2011 and preliminary taxes due for 2012:

<u>Block/Lot</u>	<u>256/582</u>	<u>256/585</u>	<u>257/616</u>	<u>258/623</u>
2 nd quarter 2011	\$34.38	\$177.65	\$124.17	\$207.58
3 rd quarter 2011	\$36.79	\$190.07	\$132.84	\$222.09
4 th quarter 2011	\$36.78	\$190.06	\$132.84	\$222.09
1 st quarter 2012	\$35.59	\$183.86	\$128.51	\$214.84
2 nd quarter 2012	\$35.58	\$183.86	\$128.50	\$214.83

NOW 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 the remaining taxes on said parcels for 2011 and 2012.

BYRAM TOWNSHIP COUNCIL

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 19, 2011.

Doris Flynn
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 150 – 2011**

**RESOLUTION AUTHORIZING A REFUND
OF BALANCE OF ESCROWS**

WHEREAS, a balance of escrow in the following accounts shall be released:

<u>Block/Lot</u>	<u>Applicant Name</u>	<u>Amount</u>
34/18	Angelo Inglima	\$250.00
119/3	Brian Leahy	87.50
213/1	Mary Jennings	700.00

TOTAL \$1,037.50

WHEREAS, the Township of Byram Planning Department verified that the applications have been completed; and

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of monies in the above escrow accounts.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the finance officer be authorized to issue payment to the above applicants the aforementioned balance in the escrow accounts.

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 19, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 151 – 2012**

**RESOLUTION OF THE TOWNSHIP OF BYRAM RATIFYING AND
AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES TO THE LAND CONSERVANCY OF NEW
JERSEY**

WHEREAS, the Township of Byram will require professional services for open space related services; and

WHEREAS, the above mentioned services can be performed adequately and effectively by The Land Conservancy of New Jersey; and

WHEREAS, funds are available for these services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5 permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award of contracts for professional services be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Byram, County of Sussex, State of New Jersey, as follows:

1. The Township Manager, Mayor and Township Clerk are hereby authorized and directed to enter into a contract with The Land Conservancy of New Jersey for open space consulting services in the amount of \$1,500.00 for the period January 1, 2012 through December 31, 2012 in accordance with the Contract attached hereto and made a part hereof.
2. This contract is entered into without competitive bidding as a “Professional Service” pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
3. This Contract and Resolution shall be on file and available for public inspection at the office of the Clerk of the Township of Byram.
4. Notice of this award shall be published once in the New Jersey Herald in accordance with the requirements of the Local Public Contracts Law of New Jersey.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	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 19, 2011.

Doris J. Flynn, RMC

**TOWNSHIP OF BYRAM
RESOLUTION NO. 152 - 2011**

**AUTHORIZING IN REM FORECLOSURE OF THE TAX SALE
CERTIFICATES SHOWN ON THE ATTACHED TAX FORECLOSURE LIST**

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Township Council for the Byram Township in the County of Sussex, a municipality of the State of New Jersey, is the holder of certain Tax Sale Certificates covering the lands and premises situated in the Byram Township for the amounts, including subsequent liens as shown on the Tax Foreclosure List, Schedule 1 through 6 hereto annexed and made a part hereof.

*NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF
THE TOWNSHIP COUNCIL OF BYRAM TOWNSHIP:*

1. That it is hereby determined to foreclose, *In Rem*, those tax sale certificates appearing on the attached Tax Foreclosure List for open space purposes.
2. That the tax collector or its designee is hereby authorized and directed to foreclose the tax sale certificates appearing on the attached tax foreclosure list by summary proceedings as provided by statute.
3. That the township clerk shall certify a true and accurate copy of this resolution to be made a part of such action instituted for the purpose of foreclosing the aforesaid tax sale certificates.
4. That the costs associated with these foreclosures be funded through the Current Fund.
5. This resolution shall take effect immediately.

BYRAM TOWNSHIP COUNCIL

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

Certification

I, DORIS J. FLYNN, Township Clerk, of the Byram Township, hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council for Byram Township, at a duly convened meeting held on December 19, 2011.

Doris J. Flynn, RMC
Township Clerk