

**TOWNSHIP OF BYRAM**  
**COUNCIL AGENDA, TUESDAY, FEBRUARY 17, 2015**  
**EXECUTIVE SESSION – 7:00 P.M.**  
**REGULAR SESSION – 7:30 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. **RESOLUTION FOR EXECUTIVE SESSION**
  - a. Attorney Client Privilege Communication/Anticipated Litigation - Gordon Byram
  - b. Attorney Client Privilege Communication - General
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **APPROVAL OF NEW FIRE DEPARTMENT MEMBER – Thomas J. Laird**
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. **2015 CAPITAL BUDGET PRESENTATION**
11. **RENEWAL OF LICENSES - 2015**
  - Tilcon N.Y. Quarry
  - Raimos Junkyard
  - North Jersey Auto Wreckers
12. **REPORTS**
  - Township Manager
  - Mayor and Council Members
  - Township Attorney
13. **APPROVAL OF MINUTES**
  - February 3, 2015 Regular Meeting Minutes
  - February 3, 2015 Closed Session Minutes
14. **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. 38 – 2015 – Resolution Confirming the Redemption of TTL #2012-016
  - B. Resolution No. 39 – 2015 – Authorize the Release of the 2014 Executive Session Minutes to the Public
  - C. Resolution No. 40 – 2015 – Approval of Execution of a Shared Services Agreement between Byram Township and the Town of Newton to Provide Certified Tax Collection Services for May 1, 2015 through December 31, 2015
  - D. Resolution No. 41 – 2015 – Amendment to Resolution No. 157-2014 – Authorization to Purchase Salt under the Morris County Cooperative Pricing Council and Sussex County Cooperative Pricing System
15. **APPROVAL OF FEBRUARY 17, 2015 BILL LIST**
16. **ORDINANCE 2-2015 – Public Hearing**  
Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)  
**Purpose Statement:** The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.
17. **ITEMS FOR DISCUSSION**
  - a. Proposed Sign Ordinance
  - b. Transportation Trust Fund
18. **PUBLIC PARTICIPATION II**
19. **EXECUTIVE SESSION – Session II (if necessary)**
20. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
21. **ADJOURNMENT**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 38 – 2015**

**RESOLUTION CONFIRMING THE REDEMPTION OF TTL # 2012-016**

**WHEREAS**, at the Municipal Tax Sale held on October 10, 2012 and lien was placed on Block 337 Lot 9.06 also known as 10 Catalina Drive, for 2011 delinquent real estate taxes; and

**WHEREAS**, this lien which is known as Tax Sale Certificate #2012-016, which was “struck off” to the Township of Byram with an 18% redemption fee; and

**WHEREAS**, Barbara A. Tanfara, Esquire attorney for the new owner has effected a redemption of certificate #2012-016 in the amount of \$26,219.23 on February 10, 2015;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Byram that this Governing Body acknowledges and confirms the redemption of tax sale certificate #2012-016; and

**BE IT FURTHER RESOLVED**, that the Certified Tax Collector is authorized to process all the necessary documents to redeem said lien, to bring the account current and cancel the certificate from record with the Sussex County Clerk’s Office.

**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, February 17, 2015.

\_\_\_\_\_  
Doris Flynn, RMC

**TOWNSHIP OF BYRAM  
RESOLUTION 39 - 2015**

**AUTHORIZE THE RELEASE OF THE 2014 EXECUTIVE SESSION MINUTES  
TO THE PUBLIC**

WHEREAS, the Byram Township Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of the 2014 meeting minutes to the public with certain redactions due to on-going need for confidentiality.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Township of Byram, in the County of Sussex, and State of New Jersey that the 2014 minutes of the Executive Sessions be released to the public, with certain redactions due to on-going need for confidentiality.

**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 February 17, 2015.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 40 - 2015**

**RESOLUTION APPROVING THE EXECUTION OF A SHARED SERVICE  
AGREEMENT BETWEEN THE TOWNSHIP OF BYRAM AND THE TOWN  
OF NEWTON FOR TAX COLLECTION SERVICES FROM MAY 1, 2015  
THROUGH DECEMBER 31, 2015**

WHEREAS, Byram Township entered into a Shared Service Agreement with the Town of Newton for Certified Tax Collection Services on a part-time basis on September 16, 2014; and

WHEREAS, Linda Ann Roth, who is the Certified Tax Collector (CTC) for the Town of Newton, has been fulfilling the requirements of the CTC for Byram Township on a part-time basis under this agreement that expires April 30, 2015; and

WHEREAS, the Township Manager would like to continue the part-time CTC services through December 31, 2015; and

WHEREAS, the Mayor and Council of the Township of Byram has reviewed and approved the agreement for the CTC services from May 1, 2015 through December 31, 2015.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Byram that the Township Manager and Municipal Clerk are authorized to execute the Shared Services Agreement between the Township of Byram and Town of Newton for Tax Collection Services.

**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 February 17, 2015.

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

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 41 - 2015**

**Amendment to Resolution No. 157-2014 - Authorization to Purchase Salt under the Morris County Cooperative Pricing Council and Sussex County Cooperative Pricing System**

**WHEREAS**, the Township council of the Township of Byram passed Resolution No. 157-2014 at the October 21, 2014 meeting; and

**WHEREAS**, there is a need to amend said resolution to reflect correct Cooperative Pricing System Byram Township can purchase from; and

**WHEREAS**, Byram Township is a member of both the Morris County Cooperative Pricing Council and Sussex County Cooperative Pricing System; and

**WHEREAS**, the Morris County Cooperative Pricing Council awarded a contract to International Salt Company under Contract 3 – Rock Salt and Calcium Chloride for the period October 15, 2013 – October 14, 2014, thereby affording the Township of Byram the opportunity of direct purchase of salt at \$57.60/ton without competitive bidding:

International Salt Co., Inc.  
655 Northern Blvd.  
Clark Summit, PA 18411

**WHEREAS**, the Sussex County Cooperative Pricing System awarded a contract to Morton Salt, Inc. awarded October 8, 2014 – May 31, 2015 thereby affording the Township of Byram the opportunity of direct purchase of salt at \$65.47/ton without competitive bidding:

Morton Salt, Inc.  
123 North Wacker Drive  
Chicago, IL 60606

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Byram does hereby authorize the execution of the necessary purchase orders not to exceed \$150,000 to obtain Ice Control materials as specified and priced to the Morris County Cooperative Pricing Council and Sussex County Cooperative Pricing System; and

**BE IT FURTHER RESOLVED**, that upon receipt, inspection and approval of vouchers therefore by the Township of Byram, payment, pursuant to said purchase orders, are hereby authorized with the same to be charged against funds established in the appropriate accounts for said purpose; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the Morris County Cooperative Pricing Council, the Sussex County Cooperative Pricing System, Municipal Treasurer, and the Municipal Clerk.

**BYRAM TOWNSHIP COUNCIL**

	COUNCIL MEMBER	Councilman Gray	Councilwoman Rafferty	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 February 17, 2015.

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

**TOWNSHIP OF BYRAM  
ORDINANCE NO. 2 - 2015**

**CALENDAR YEAR 2015  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**Purpose Statement:** The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Township of Byram in the County of Sussex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$174,560.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of Township of Byram, in the County of Sussex a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Byram shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$305,481.58 and that the CY 2015 municipal budget for the Township of Byram be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that this ordinance takes effect immediately upon adoption; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Attest:**

**BYRAM TOWNSHIP COUNCIL**

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

\_\_\_\_\_  
James Oscovitch, Mayor

Introduced: 1/20/15

Adopted: 2/17/15

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at the meeting of the Byram Township Council held at the Byram Township Municipal Building, 10 Mansfield Drive on the 20th day of January 2015. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township on the 17th day of February 2015 at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.