

**TOWNSHIP OF BYRAM  
COUNCIL AGENDA  
TUESDAY, FEBRUARY 21, 2012 – 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. RESOLUTION FOR EXECUTIVE SESSION – Personnel- Planning Consultant**

**7. REPORTS**

- Township Manager
- Mayor and Council Members
- Township Attorney

**8. 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.**

**9. APPROVAL OF MINUTES**

- February 7, 2012 Regular Meeting Minutes
- February 7, 2012 Executive Session Minutes
- Release of 2011 Closed Session Minutes

**10. PROCLAMATION – READ ACROSS AMERICA DAY – MARCH 2, 2012**

**11. ORDINANCE**

- Ordinance for Authorizing the Sale of Township Property Not Needed for Public Use to the Highest Bidder at Public Sale by Auction
- Ordinance to Amend Chapter 48 of the Township Code, entitled Police Department, Article II, 48-24 entitled Outside Services

**12. 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. 39-2012 – Place-to-Place Transfer (Expansion of Premises) Byram Beverage, Inc.
- B. Resolution No. 40–2012 – Resolution Opposing the Proposed Legislation Known as the New Jersey Public Water Supply Fluoridation Act (A1811/S959).
- C. Resolution No. 41-2012 - Resolution Granting North Jersey Auto Wreckers, Inc. a License for 2012 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- D. Resolution No. 42-2012 - Resolution Granting Raimos of Stanhope, Inc. a License for 2012 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- E. Resolution No. 43-2012 – Resolution Authorizing the Execution of Amendment No.1 to the Interlocal Agreement Between Byram Township and Netcong Borough for Construction Department Services
- F. Resolution No. 44-2012 – Resolution Opposing Proposed Legislation, S-1085, Also Known As Forest Harvest on State Lands
- G. Resolution No. 47-2012 – Resolution Adopting a Concession Policy

**13. RESOLUTION NO. 45-2012 – Resolution Granting Tilcon New Jersey Inc. the Quarry License Renewal for 2012**

**14. APPROVAL OF FEBRUARY 21, 2012 BILL LIST**

**15. DISCUSSION ITEMS**

- Concession Stand – Neil Gyling Park  
Consideration of Resolution No. 46-2012 – Acceptance of a Donation Exceeding \$7,500 from the Lenape Blazers Softball League to the Township of Byram for the Materials and Labor for Construction Improvements to the Bathroom Facility at Neil Gyling Park to Convert to a Concession Stand
  - Tamarack Park (Jones Lane Parcel) – Maintenance Costs
- 16. PUBLIC PARTICIPATION II**
- 17. RESOLUTION FOR EXECUTIVE SESSION**
- Attorney Client Privileged Information/Contract Negotiations – Possible Consolidation of Municipal Services

**18. RETURN TO OPEN SESSION**

**19. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**

**20. ADJOURNMENT**

# TOWNSHIP OF BYRAM SUSSEX COUNTY, NEW JERSEY PROCLAMATION

**WHEREAS**, the citizens of Byram Township stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, the Byram Township Mayor and Council have provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

**WHEREAS**, **NEA's Read Across America**, a national celebration of reading, will be conducted on March 2, 2012, which would have been the 108<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

**WHEREAS**, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

**NOW, THEREFORE, BE IT RESOLVED** that the Byram Township Mayor and Council calls on the citizens of Byram Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2012; and

**BE IT FURTHER RESOLVED** that this body enthusiastically endorses **NEA's Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

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James Oscovitch  
Mayor of the Township of Byram  
February 21, 2012

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 39 - 2012**

**PLACE-TO-PLACE TRANSFER  
(EXPANSION OF PREMISES)  
BYRAM BEVERAGE INC.**

WHEREAS, an application has been filed for a place-to-place transfer (expansion of premises) of a Plenary Retail Consumption License Number 1904-44-012-007, heretofore issued to Byram Beverage Inc., for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Byram does hereby approve, effective February 21, 2012, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 90-70 Route 206 North, to place under license the area delineated in the application form and the sketch of the licensed premises attached hereto.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	Councilman Laaces	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Osovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the Byram Township Council at a meeting held on February 21, 2012, adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 40 - 2012**

**RESOLUTION OPPOSING THE PROPOSED  
LEGISLATION KNOWN AS THE NEW JERSEY PUBLIC  
WATER SUPPLY FLUORIDATION ACT (A1811/S959).**

**WHEREAS**, clean, safe drinking water is a necessity for life; and

**WHEREAS**, Byram Township is located in Sussex County, in the heart of the New Jersey Highlands, a geographic region that is the source of clean, safe drinking water for nearly six million New Jersey residents; and

**WHEREAS**, Byram Township has historically been a champion of the protection of clean, safe drinking water, being a leader in conformance to the Regional Master Plan, as adopted by the New Jersey Highlands Water Protection and Planning Council in 2008 and created by the Highlands Water Protection and Planning Act of 2004; and

**WHEREAS**, the residents of Byram Township are served by eleven small, private and public water companies; and

**WHEREAS**, the purpose of a public water supply is to provide safe drinking water to the entire community, which is composed of people with varying health conditions, in varying stages of life, and of varying economic status; not to forcibly mass medicate the population, which is a civil rights violation; and

**WHEREAS**, mandated fluoridation of drinking water is mass medication of the public through the public water supply; and

**WHEREAS**, current science shows that fluoridation chemicals can pose increased risk to sensitive subpopulations, including infants, the elderly, diabetics, kidney patients, and people with poor nutritional status; and

**WHEREAS**, the National Research Council in 2006 established that there are large gaps in the research on fluoride's effects on the whole body; a fact that contradicts previous assurances made by public health officials and by elected officials that fluorides and fluoridation have been exhaustively researched; and

**WHEREAS**, a growing number of cities and health professionals have rejected fluoridation based on current science and the recognition of a person's right to choose what goes into his/her body; and

**WHEREAS**, the Center for Disease Control now recommends that non-fluoridated water be used for infant formula (if parents want to avoid dental fluorosis – a permanent mottling and staining of teeth), the purchase of which would create an economic hardship for large numbers of families, minority and otherwise; and

**WHEREAS**, the U.S. Health and Human Services and the Environmental Protection Agency (January 2011) have recently affirmed the results of a National Research Council's Study stating citizens may be ingesting too much fluoride and that the exposure is primarily from drinking water; and

**WHEREAS**, while the proponents of fluoridation promise a safe and effective dental health additive, these same benefits can be achieved by use of fluoridated toothpastes, oral hygiene products and treatment by dental professionals at the discretion and personal choice of individuals; and

**WHEREAS**, mandated fluoridation of drinking water will place a significant economic burden upon Byram Township's eleven small, private and public water companies;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of Byram Township opposes pending legislation, the proposed New Jersey Public Water Supply Fluoridation Act (A1811/S959) and commends efforts by all citizens, organizations and public or private local water companies that oppose forced mass medication of public drinking supplies using fluorides that are industrial grade, toxic waste by-products which may contain contaminants (arsenic, lead, mercury) which may further endanger life; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of Byram Township supports efforts by all citizens, organizations and public or private local water companies working to stop the unreasonable added expenses and forced medication through the public water system because it could be considered an unfunded mandate by State government that violates the civil rights of New Jersey residents; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of Byram Township questions why the New Jersey Legislature and New Jersey's government agencies – entrusted with protecting the public health and well being – would enact a policy of fluoridation before any and all threats to the public health and well-being are considered; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of Byram Township opposes the public policy of fluoridation because it forces undo fiscal hardships on the eleven small, public or private water companies servicing the residents of Byram Township; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of Byram Township directs the Township Clerk to forward certified copies of this resolution to New Jersey Governor Chris Christie; New Jersey State Senator Steven Oroho; New Jersey Assembly Members Alison McHose and Gary Chiusano; The Sussex County Board of Chosen Freeholders; the New Jersey League of Municipalities; the Governing Bodies of all other Sussex County Municipalities and the Boards of the (need number of water companies) water companies servicing the residents of Byram Township.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Councilman Olson					
	Councilwoman Raffav					
	Councilman Rafferty					
	Councilman Thompson					
	Mayor Oscovich					
	Motion					
2nd						
Yes						
No						
Abstain						
Absent						

Attest:

I certify that the Byram Township Council, at a meeting held on February 21, 2012 adopted the foregoing resolution.

\_\_\_\_\_  
Doris J. Flynn, RMC

**TOWNSHIP OF BYRAM**  
**Sussex County, New Jersey**  
**RESOLUTION NO. 41 - 2012**

**RESOLUTION GRANTING NORTH JERSEY AUTO WRECKERS, INC. A  
LICENSE FOR 2012 TO OPERATE FACILITY PURSUANT TO CHAPTER 156  
OF THE BYRAM TOWNSHIP CODE**

**WHEREAS**, North Jersey Auto Wreckers, Inc. is the owner of certain real property located in the Township of Byram, designated as Lot 34.01 in Block 344 on the official tax map of Byram Township and located at 287 Lackawanna Drive; and

**WHEREAS**, North Jersey Auto Wreckers, Inc. has applied to the Township of Byram Township to renew a license to operate a facility pursuant to Byram Township Code Chapter 156 entitled Junk and Junk Dealers; and

**WHEREAS**, on February 7, 2012 the Byram Township Council reviewed a report submitted by the Township Engineer, Cory L. Stoner, P.E., dated January 13, 2012; and

**WHEREAS**, no objections were submitted to the Township Council by any resident or taxpayer of the Township with regard to the application; and

**WHEREAS**, the Township Council considered the renewal application and determined that a public hearing was not necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council on this 21st day of February, 2012, that the application of North Jersey Auto Wreckers, Inc. for a license pursuant to Chapter 156 for the year 2012 is granted subject to the following:

1. A number of holes in the chain link fences exist or have become damaged due to the growth of trees and brush. The Licensee shall repair the chain link fence as needed and will maintain all chain link fences around the perimeter of the premises to continue to limit unauthorized access.
2. Licensee shall continue to maintain trees along Lackawanna Drive and shall replace dead, dying or diseased trees.
3. Vehicles waiting to be brought into the yard for processing will not be parked outside of the fenced premises and the licensee shall continue to move the vehicles within the fenced premises as soon as they are deliverable to the site.
4. Records regarding fire protection service [in accordance with Section 156-6(H)] will be maintained on the premises and available for review by the Township Engineer during any inspection.
5. No additional tires will be added to the existing stockpile. Licensee will continue the ongoing reduction of the tire stockpile during the license period and continue to provide the Township with receipts.
6. Licensee will continue to cooperate with the Sussex County Mosquito Control Commission and keep those records on premises and available to the Township Engineer for review at the time of any inspection.
7. Vehicles and/or stacks/piles of materials processed or awaiting processing

shall not be higher than the level of the perimeter fence. The partial waiver previously granted is continued. Licensee will continue to minimize the stacking height of vehicles.

8. Despite Licensee's efforts to discourage it, materials are sometimes left outside of the designated junkyard by others. Licensee will continue to promptly and appropriately dispose of all such materials.

9. With the access roadway leading to the facility consisting of gravel, mud and debris is sometimes tracked onto Lackawanna Drive. The Licensee must clean up any debris that may be tracked onto Lackawanna Drive from this facility and take preventative measures to assure that this does not become an ongoing problem.

10. The New Jersey Pollutant Discharge Elimination System (NJPDES) permit and documents related to the New Jersey Department of Environmental Protection (NJDEP) compliance will be maintained on the premises by the Licensee and available to the Township Engineer at the time of any inspection.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Councilman Luaces				
	Councilwoman Rafferty				
	Councilman Olson				
	Councilwoman Kash				
	Mayor Oscovitch				
	Motion				
2nd					
Yes					
No					
Abstain					
Absent					

Attest:

I hereby certify that this is a true copy of a Resolution granting license that was adopted by the Byram Township Council at a regular meeting held on February 21, 2012.

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Doris Flynn, RMC

**TOWNSHIP OF BYRAM**  
**Sussex County, New Jersey**  
**RESOLUTION NO. 42 - 2012**

**RESOLUTION GRANTING A LICENSE FOR 2012 TO RAIMO OF STANHOPE, INC. TO OPERATE FACILITY PURSUANT TO CHAPTER 156 OF THE BYRAM TOWNSHIP CODE**

**WHEREAS**, Raimo of Stanhope, Inc. is the owner of certain real property located in the Township of Byram, designated as Lots 36 and 37 in Block 35 and Lots 26 and 27 in Block 37 on the official tax map of Byram Township and located at 49 Route 206; and

**WHEREAS**, Raimo of Stanhope, Inc. has applied to the Township of Byram to renew a license to operate a facility pursuant to Byram Township Code Chapter 156 entitled Junk and Junk Dealers; and

**WHEREAS**, on February 7, 2012 the Byram Township Council reviewed a report submitted by the Township Engineer, Cory L. Stoner, P.E. dated January 13, 2012, which is attached hereto and incorporated herein by reference; and

**WHEREAS**, no objections were submitted to the Township Council by any resident or taxpayer of the Township with regard to the application; and

**WHEREAS**, the Township Council considered the renewal application and determined that a public hearing was not necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council on this 21<sup>st</sup> day of February, 2012 that the application of Raimo of Stanhope, Inc. for a license pursuant to Chapter 156 for the year 2012 is granted subject to the following:

1. The New Jersey Pollutant Discharge Elimination System (NJPDES) permit and documents related to New Jersey Department of Environmental Protection (NJDEP) compliance will be maintained on the premises by Licensee and available to the Township Engineer at the time of any inspection.
2. The licensed premises are lower than Route 206 so that the wooden fence along the Route 206 frontage does not fully obstruct the view of operations. Licensee shall monitor the evergreens in 2012 and any evergreens that need to be replaced shall be replaced as needed. Licensee shall also assure that no evergreens are impacted by work that is currently being performed by the N.J.D.O.T. along Route 206. Any evergreens impacted by this work shall be replaced accordingly. Trees presently located within the fenced licensed premises will remain.
3. Netcong Avenue (50' ROW) divides the licensed premises (Block 37, Lots 26 & 27 are to the north of Netcong Avenue and Block 35, Lots 36 & 37 are to the south). At present, Netcong Avenue is 40'-50' wide at the entrance from Route 206 and has a gravel travel way. Licensee may store a maximum of three (3) vehicles, consisting of trailers and/or tandems, on the north side of Netcong Avenue 100' in length starting 50' from the Route 206

right-of-way. All other equipment and piles of materials must be located within the fenced premises. Motor vehicle parking on the southern side of Netcong Avenue shall be limited to operational vehicles of employees during regular business hours only.

4. If, at any time, Netcong Avenue were to be improved, then Licensee would be required to promptly remove the fencing and all aspects of its operation from the right-of-way at its own cost.

5. Licensee shall make a good faith effort to keep roll-off containers and other equipment and materials within the fenced area of Block 37, Lot 36 and Block 35 Lot 37. Block 37, Lot 35 is not part of the licensed premises. No roll of containers or flatbed trailers shall be stored outside the licensed premises. If the licensee attempts to keep any roll off containers, flat bed trucks or similar equipment on the non-licensed premises, then licensee shall remove them until and unless the Licensee obtains a use variance and site plan approval from the Byram Township Land Use Board for expansion of the operation.

6. It is recognized that the existing concrete pad encroaches on the Millstream Lane right-of-way as a pre-existing condition. Licensee shall keep the right of way free of debris and maintain in good condition the surveyor located property corner stakes.

7. The Licensee shall keep Block 31, Lots 29 and 30 and any other non-licensed property free of materials and ensure that these properties do not become a second deposit area for roll off containers and flatbed trailers.

8. Records regarding pest control shall be maintained on the premises and available for review by the Township Engineer during any inspection.

9. Records regarding Licensee's environmental consultant shall be maintained on the premises and available for review by the Township Engineer during any inspection.

10. Records regarding fire safety service shall be maintained on the premises and available for review by the Township Engineer during any inspection. Following receipt, Licensee shall provide a copy of the DCA Certificate to the Township Engineer.

11. With regard to the requirements of Section 156-6(L), higher stacks/piles of materials shall continue to be kept in the middle of the licensed premises. Piles of scrap metal and aluminum cans adjacent to residential properties shall be sloped down toward the fence with Licensee continuing to clear (widen) and maintain a passable path between the piles and fence (along its entire length). All large equipment shall be moved away from the fences along Route 206. The licensee shall continue to work in 2012 to increase the clearing along the fence and obtain a possible path between the path and the fence along the entire length of the fence.

12. Vehicles shall not be parked between the fence on Block 35 Lot 37 and Route 206.

13. Licensee shall continue in 2012 to keep box trailers/containers off Block 31, Lot 29 and 30, which are not part of the licensed premises.

14. The fence and gates around the Lot 37 property have been struck by vehicles and in need of repair. The fence gate must be closed each night. The fences and

gates around the license properties shall be maintained and any breaks shall be repaired by June 1, 2012 to discourage thefts and vandalism.

15. Netcong Avenue must be kept in a suitable condition acceptable to the Township Engineer and the Township Road Department Supervisor in 2012.
16. The area along Netcong Avenue near Route 206 which was graded for the purpose of parking employee vehicles shall be landscaped and stabilized to eliminate the potential for vehicle parking once the Route 206 work is fully completed. If the Licensee desires to make this a legal parking space and/or modify the site in any way, a use variance and site plan approval will be required from the Byram Township Land Use Board.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Motion						
	2nd						
	Yes						
	No						
	Abstain						
	Absent						
	Councilman Luaces	Councilwoman Raffav	Councilman Olson	Councilwoman Kash	Mayor O'scovitch		

Attest:

I hereby certify that this is a true copy of a Resolution granting license that was adopted by the Byram Township Council at a regular meeting held on February 21, 2012.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 43 - 2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1  
TO THE INTERLOCAL AGREEMENT BETWEEN BYRAM TOWNSHIP  
AND NETCONG BOROUGH FOR CONSTRUCTION DEPARTMENT  
SERVICES**

WHEREAS, Byram Township and Netcong Borough have entered into an interlocal agreement for Construction Department Services for the period beginning September 1, 2010 through August 31, 2014; and

WHEREAS, Article XI (C) in said agreement allows for an amendment at any time by mutual agreement of the parties; and

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Clerk and Township Manager are hereby authorized to execute Amendment No 1. to the interlocal agreement between Byram Township and Netcong Borough for Construction Department Services.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	Councilman Luaces	Councilwoman Raffav	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 21, 2012.

Doris Flynn, Municipal Clerk

**CONSTRUCTION DEPARTMENT SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF BYRAM  
AND NETCONG BOROUGH  
AMENDMENT NO. 1**

**ARTICLE IX: PAYMENTS AND COMPENSATION**

Recipient costs for the Construction Department shall be assessed as follows:

Payment from Recipient to Provider ("Annual Service Fee"): \$15,000 per year (Prorated for the period September 1, 2010 to December 31, 2010 (\$4,000))

The Annual Service Fee payment shall be due December 1 of the year for which services are provided. The amount due shall be offset by the fees collected by the Provider for the Recipient for those properties serviced in the Township of Byram.

Any payment of fees collected in excess the amount due shall be retained as compensation by the Provider.

In the event that the amount of fees collected during a year are less than the Annual Service Fee, the Provider shall send a written notice to the Recipient of the shortfall which payment shall be due on or before December 1st of that year. Recipient will receive a credit for any fees provided during the month of December which will be a credit applied against the charges for the succeeding year.

In the event the amount of the fees exceeds \$18,000, the additional amount greater than \$18,000 will be split 50/50 between the Provider and the Recipient. If the amount of fees collected during any year exceeds \$20,000, the Provider and Recipient agree to meet to renegotiate the terms of payment and compensation for the next year and the subsequent years remaining under the agreement.

It is recognized that the Recipient has two redevelopment projects which are in the pre-planning phase. In the event that either of the redevelopment projects receives approval by the Recipient's Planning Board the Provider and Recipient agree to meet to renegotiate the terms of agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date written below.

ATTEST:

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

**TOWNSHIP OF BYRAM**

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

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Dolores Dalessandro, Borough Clerk

**TOWNSHIP OF NETCONG BOROUGH**

\_\_\_\_\_  
Joseph Nametko, Mayor

Dated: \_\_\_\_\_

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**TOWNSHIP OF BYRAM  
RESOLUTION NO. 44 - 2012**

**RESOLUTION OPPOSING PROPOSED LEGISLATION, S-1085,  
ALSO KNOWN AS FOREST HARVEST ON STATE LANDS**

**WHEREAS**, Byram Township, located in Sussex County, is the home of several thousand acres of heavily-forested State Lands, formally known as Allamuchy Mountain State Park, a tourist haven for hiking, biking, birding, photography, and other recreational activities; and

**WHEREAS**, Byram Township is also located in the heart of the New Jersey Highlands, a heavily-forested geographic region that is the source of clean, safe drinking water for nearly six million New Jersey residents; and

**WHEREAS**, Byram Township has historically been a champion of environmental protection of its natural resources, including recreational lands and clean, safe drinking water, recently showing so by being a leader in conformance to the Highlands Regional Master Plan in September 2010; and

**WHEREAS**, clean, safe drinking water is a necessity for life; and

**WHEREAS**, tourism and outdoor recreational activities within and around Allamuchy Mountain State Park are a vital and necessary part of the economic well-being of many Byram businesses; and

**WHEREAS**, State Legislators are considering a bill that would open New Jersey's prized State owned lands to commercial logging, (S-1085, Forest Harvest on State Lands); and

**WHEREAS**, New Jersey's State Lands, including its Parks, Wildlife Management Areas and forested Green Acres Lands have been set aside for conservation and recreation purposes; and

**WHEREAS**, these forested State lands were paid for and preserved with the support of a trusting public which assumed they would be protected from commercial exploitation; and

**WHEREAS**, the towering hardwood trees growing in our State parks and forests contribute a far greater ecological and recreational value to the citizens of the State than they would if they were to be cut and sold as commercial lumber; and

**WHEREAS**, according to information provided by the OEP, at the end of the five-year contract for the proposed Forest Harvest Program, a \$2.7 million net operating deficit is projected due to the high cost of oversight; and

**WHEREAS**, commercial logging is likely to cause damage to roads, streams; and drainage swales in State lands that will cost money to restore and cause soil compaction and disturbance of the fragile ecosystem on the forest floor that will be impossible to restore; and

**WHEREAS**, 37 PhD biologists, forest scientists, and ecologists from across the State have signed onto a letter in opposition to this Bill, agreeing that commercial timber harvesting would be detrimental to the public forests; and

**WHEREAS**, this bill does not properly address the most serious threat to today's forests; that common hardwood species such as oaks, hickory, poplar and birch among others, are not regenerating due to high deer densities; and

**WHEREAS**, because of high deer densities, openings in the forest canopy, occurring as a result of timber harvesting, are colonized not by young hardwood trees, but by noxious weeds, typically vines, briars, and invasive plants from Asia; and

**WHEREAS**, opening State lands to commercial logging would be detrimental to the flora and fauna, including the threatened and endangered species, that presently inhabit these lands;

**NOW THEREFORE BE IT RESOLVED**, that the Byram Township Mayor and Council hereby finds and declares that the commercial exploitation of public lands that have been set aside for conservation and recreation purposes is a betrayal of the public trust; and

**BE IT FURTHER RESOLVED**, that the Byram Township Mayor and Council also finds and declares that commercial logging on State Lands threatens to not only negatively impact the financial well-being of recreational and tourism businesses, but also the protection of clean, safe water within Byram Township; and

**BE IT FURTHER RESOLVED**, that the Byram Township Mayor and Council urges the legislators of the State of New Jersey to vote NO to S-1085 Forest Harvest on State Lands as currently written; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of Byram Township directs the Township Clerk to forward certified copies of this resolution to New Jersey Governor Chris Christie; New Jersey State Senator Steven Oroho; State Senator Bob Smith; State Senator Donald Norcross; New Jersey Senate Environment Committee Committee aid Kevil Duhon; New Jersey Assembly Members Alison McHose and Gary Chiusano; New Jersey Department of Environmental Protection Commissioner Bob Martin; New Jersey Highlands Water Protection and Planning Council Executive Director Eileen Swan and Chairman James Rilee; The Sussex County Board of Chosen Freeholders; the New Jersey League of Municipalities; and the Governing Bodies of all other Sussex County Municipalities.

**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 February 21, 2012 adopted the foregoing resolution.

\_\_\_\_\_  
Doris J. Flynn, RMC

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 45 - 2012**

**Approval of Quarry License for Year 2012 for  
Byram Land Development, LLC/Tilcon New Jersey, a division of Tilcon New York,  
Inc.**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 47 - 2012**

**ADOPTION OF THE BYRAM TOWNSHIP'S PARKS AND  
RECREATION CONCESSION POLICY**

**WHEREAS**, the Byram Township Council has determined that there is a need for a Concession Policy that provides operational guidelines for approved users of concessions on Byram Township property; and

**WHEREAS**, a policy assists concession stand and other concessionaries in safeguarding public health and insuring that food products stored, prepared, processed, distributed and sold is done in accordance with the State of New Jersey and provisions set forth in Chapter 24 "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines; and

**WHEREAS**, this policy is being recommended by the Township's Recreation Committee.

**NOW, THEREBY, BE IT RESOLVED** by the Byram Township Council that the Byram Township's Parks and Recreation Concession Policy attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that the Township Manager and Recreation Director shall assist in the implementation of this policy and procedures.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township of Byram, Mayor and Council at a meeting held on February 21, 2012.

Dated:

\_\_\_\_\_  
Doris Flynn, Township Clerk  
Township of Byram

operation does not comply with the Byram Township Noise Control Ordinance. There was no report of noise complaints being received during 2011. Tilcon will respond to any complaint that may be received, investigate the complaint, and determine (including cause appropriate testing to be done) if the sound is/was emanating from the quarry. If the sound is/was emanating from the quarry then Tilcon will take necessary measures to mitigate.

3. **Performance Bond [§189-7]** - Tilcon has continued to provide a performance guarantee in accordance with Township Code. The guarantee in the form of \$50,000 cash held by the Township and a performance bond in the amount of \$455,000.00 shall be maintained throughout the license period.
4. **NJPDES Permit** – Tilcon has applied for a renewal of its NJPDES Permit for Industrial Stormwater Runoff from NJDEP and operating under an extension of this permit until the renewal by the NJDEP is obtained. Tilcon will provide the Township Engineer with any updates regarding this permit and will provide the Township Engineer a copy of the permit when obtained. Tilcon will also provide the Township Engineer with a confirmation that it has complied with all conditions of the permit.
5. **Storage of solvents prohibited** - There will be no storage of industrial solvents on the quarry property other than *de minimus* quantities. “Industrial solvents” does not include motor fuels, motor oil or hydraulic oils. Tilcon was found to have taken satisfactory steps to address the storage and appropriate handling of fuel.
6. **Equipment auctions** - The Township does not approve of Tilcon or Byram Land Development, LLC transporting surplus equipment from other locations for storage or auction at the Byram site. There shall be no equipment auctions on the site unless proper permits are first obtained from the Township.
7. **Soil Erosion Permit** - Tilcon will abide by the terms and conditions of its soil conservation re-certification permit and will provide the Township Engineer with a copy of all inspection reports and/or correspondence from the Sussex County Soil Conservation District. No violations were received in 2011. Tilcon’s SESC permit was recertified on March 5, 2009 and is valid through August 26, 2012 and a copy of the current permit will be included in each application for a license.
8. **Dust Control** – Tilcon will continue to use water from the on-site detention basin for dust control instead of groundwater from on-site wells.
9. **Payment of fees** - Tilcon must pay all fees pursuant to Chapter 189 of the Byram Township Code, including the Township’s professional fees.
10. **Environment** - Byram Land Development, LLC again refused Tilcon’s request that the stockpile of unused equipment on Block 226, Lot 16 that is readily visible from Lackawanna Drive be moved, removed and/or screened. The Township repeats its disapproval of the property owner’s position and Tilcon will continue, in good faith, to request that this matter be appropriately addressed.
11. **Water and Wetlands** - Tilcon engaged the environmental firm of Leggette, Brashears & Graham, Inc. to provide an updated report regarding the ongoing wetlands monitoring program being conducted at the Quarry and the possible influence of the quarry operation upon wetlands located north of the quarrying operation. The report was prepared

