

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, FEBRUARY 15, 2011
7:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR MEETING**

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, 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
- Contract Negotiations – Construction Shared Service Agreement with Netcong
- Attorney Client Privilege Communication – Sewer
- Personnel Matters – Qualified Purchasing Agent

5. RETURN TO OPEN SESSION

6. CALL REGULAR COUNCIL SESSION TO ORDER – 7:30 P.M.

7. SPECIAL GUESTS – BROWNIE TROUP 736

8. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

9. APPROVAL OF AGENDA

10. REPORTS

- Township Manager
- Mayor and Council Members

11. 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.

12. QUARRY LICENSE RENEWAL

13. ITEMS FOR DISCUSSION

- License Renewals for Junkyards
- Capital Planning
- Council Meeting Dates

14. APPROVAL OF MINUTES

- November 29, 2010 Strategic Planning Session
- January 18, 2011 Regular Meeting Minutes
- January 18, 2011 Executive Session Minutes

15. 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. 21-2011 – Tax Sale Certificate Redemption – #08-00006/#2010-020
- B. Resolution No. 22-2011 – Authorization to Execute Change Order No. 1 for Backstops and Fencing at C.O. Johnson Park - \$7,504.50
- C. Resolution No. 23-2011 – Final Acceptance of Backstops and Fencing Project at C.O. Johnson Completed by A Better Fence Co., Inc.
- D. Resolution No. 24-2011 – Authorizing an EUS with MSI Services, Inc. to Provide Computer Services to the Township of Byram in the amount of \$750.00.
- E. Resolution No. 25-2011 – Amending 168-2010 and Approving and Authorizing an EUS with Able Environmental Services Inc. in the amount of \$22,834.04.
- F. Resolution No. 26-2011 – Extending the Temporary Appropriations until the Adoption of the 2011 Budget
- G. Resolution No. 27-2011 – Sustainable New Jersey – Appointment of Green Team
- H. Resolution No. 29-2011 - Authorization of 2010 Appropriation Reserve Budget Transfer - \$15,000.00
- I. Release of 2010 Closed Session Minutes

16. APPROVAL OF BILL LISTS

- February 1, 2011
- February 15, 2011

17. ORDINANCE NO. 1-2011 – Second Reading and Public Hearing

- Ordinance to Provide for Election of Municipal Officers at Regular Municipal Elections Held on the Tuesday after the First Monday in November and Establishing the Re-Organization Date

18. ORDINANCE – INTRODUCTION

Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

19. PUBLIC PARTICIPATION II

20. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

21. ADJOURNMENT

TOWNSHIP OF BYRAM
RESOLUTION NO. 21 – 2011

TAX SALE CERTIFICATE REDEMPTION

WHEREAS, the Tax Collector has certified that the following tax liens have been satisfied:

<u>Lien Holder</u>	<u>Certificate #</u>	<u>Tax Sale Block</u>	<u>Lot</u>	<u>Total Amount</u>
CCTS Capital, LLC #08-00006	41	90.01		\$32,767.82
CCTS Capital, LLC #08-00006 (Prem)	41	90.01		\$ 8,200.00
Virgo Mun. Fund LP #2010-020	256	1		\$ 2,524.90
Virgo Mun. Fund LP #2010-020 (Prem)	256	1		\$ 5,100.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, New Jersey, that the Tax Collector be authorized to disburse the redemption proceeds to the lien holders.

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 February 15, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 22 - 2011**

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1
TOWNSHIP OF BYRAM FOR BACKSTOPS AND FENCING AT C.O.
JOHNSON PARK**

WHEREAS, the Township of Byram (Owner) and A Better Fence (Contractor) entered into an Agreement to install backstops and fencing at C. O. Johnson Park and

WHEREAS, in the process of completing the work, certain changes were authorized by the Owner as detailed in Change Order No. 1; and

WHEREAS, the revised work was negotiated between the engineer Harold Pellow & Associates and the Contractor and was found to require an increase of \$7,504.50 in the total of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram in the County of Sussex, State of New Jersey to authorize the Mayor to execute Change Order No. 1 for an increase of the contract price in the amount of \$7,504.50 per the attached Change Order No. 1 for a total contract price of \$60,714.75.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscavitch
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 15, 2011.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 23 – 2011**

**FINAL ACCEPTANCE OF BACKSTOPS AND FENCING PROJECT AT
CARL O. JOHNSON COMPLETED BY A BETTER FENCE CO., INC.**

WHEREAS, on September 20, 2010, by adoption of Resolution No. 125-2010 the Byram Township Council, County of Sussex, State of New Jersey, awarded a contract to A Better Fence Co., Inc.; and

WHEREAS, in the Township Engineer's memo dated January 27, 2011, he recommended that said project be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Township of Byram, County of Sussex, State of New Jersey, that it hereby concurs with the Township Engineer's recommendation and accepts the Backstops and Fencing Project as complete, with the condition that a One (1) Year Maintenance Bond is secured by the contractor.

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 February 15, 2011.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 24 – 2011**

**RESOLUTION AUTHORIZING MSI SERVICES, INC. TO PROVIDE
COMPUTER SERVICES TO THE
TOWNSHIP OF BYRAM**

WHEREAS, Byram Township has determined that there is a need to enter into an Extraordinary Unspecifiable Services agreement with MSI Services, Inc. to complete a social media project; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Extraordinary Unspecifiable 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 the attached agreement in the amount of \$750.00 with MSI Services, Inc to complete a social media project which entails setting up three RSS feeds on the Township website.
2. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the Byram Township Council at a meeting held on February 15, 2011 adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 25 - 2011**

**RESOLUTION AMENDING RESOLUTION 168-2010 AND
APPROVING AND AUTHORIZING AN EXTRAORDINARY
UNSPECIFIABLE SERVICES CONTRACT WITH ABLE
ENVIRONMENTAL SERVICES, INC.**

WHEREAS, the Township of Byram adopted Resolution 168-2010 approving and authorizing an Extraordinary Unspecifiable Services Contract with Able Environmental Services in connection with conducting all phases of soil remediation due to a leaking oil tank at 34 Belton Street; and

WHEREAS, the Township of Byram will require additional soil remediation due to the extensive contamination at 34 Belton Street and therefore authorizes the amendment to Resolution 168-2010 to include additional services; and

WHEREAS, the above mentioned services can be performed adequately and effectively by Able Environmental Services, Inc.; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Extraordinary Unspecifiable Services without competitive bid and the contract itself must be available for public inspection.

WHEREAS, by this resolution the Township of Byram hereby authorizes the execution of the attached Extraordinary Unspecifiable Services Agreement.

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 the attached EUS agreement with Able Environmental Services, Inc.
2. A notice of this resolution 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 February 15, 2011 adopted the foregoing resolution.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 26 – 2011**

**A RESOLUTION TO EXTEND THE TEMPORARY APPROPRIATIONS
UNTIL THE ADOPTION OF THE 2011 BUDGET**

WHEREAS, N.J.S.A. 40A:4-19 allows for the making of appropriations to provide for the period between the beginning of the fiscal year and the adoption of the 2011 budget; and

WHEREAS, the Mayor and Township Council adopted a Temporary Budget by Resolution #1-2011 at their January 4, 2011 meeting in the amount of \$2,648,875.69, which is 26.25% of the 2010 budget, and

WHEREAS, the need exists to extend the temporary budget until such time as the permanent 2011 budget is introduced and adopted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the amount of \$2,648,875.69 be added to the amount of the previous temporary budget, which was adopted on January 4, 2011.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on February 15, 2011.

Doris J. Flynn, RMC
Township Clerk

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:					
2nd					
Yes					
No					
Abstain					
Absent					

**Township of Byram
Resolution No. 27 - 2011**

**Resolution Supporting Participation
In the Sustainable Jersey™ Municipal Certification Program**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Byram Township strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Byram Township hereby acknowledges that the residents of Byram desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Byram Township wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Byram Township is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Byram Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within Byram Township on matters of sustainability, the Township Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Township Council of Byram Township that we do hereby authorize Councilman Scott Olson to serve as Byram Township's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of Byram Township.

BE IT FURTHER RESOLVED, by the Township Council of Byram Township that the following residents of Byram are appointed to the Green Team:

Leah Lowrie—Chair, Michelle Rehse—Co-Chair, Dawn Boyer, Laurie Boyle, Cindy Church, Donna Griff, Margaret McGarrity, Scott Olson, Marie Raffay, Earl Riley, Mary Schneider, Lisa Shimamoto, Catherine Varian.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raffay	Councilman Rafferty	Councilman Thompson	Mayor Oscoitch
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 15, 2011.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 29 – 2011**

**RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX,
STATE OF NEW JERSEY, AUTHORIZING APPROPRIATION RESERVE
BUDGET TRANSFERS FOR 2010.**

WHEREAS, the following 2010 budget appropriation transfers are necessary:

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>	
Fleet Maintenance \$ 15,000.00	Buildings & Grounds o/e	\$15,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Township of Byram, County of Sussex, New Jersey, that the Finance Officer is hereby authorized and directed to make the above 2010 Appropriation Reserve Budget Transfers.

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 February 15, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
ORDINANCE NO: 1 - 2011**

**AN ORDINANCE TO PROVIDE FOR THE ELECTION OF
MUNICIPAL OFFICERS AT REGULAR MUNICIPAL
ELECTIONS HELD ON THE TUESDAY AFTER THE FIRST
MONDAY IN NOVEMBER AND ESTABLISHING
RE-ORGANIZATION DATE**

Purpose Statement: The purpose of this ordinance is to change the Byram Township municipal elections from May to November, to implement Ordinance 11-2010 and to change the code and reorganization date accordingly.

WHEREAS, the Township of Byram is operated under the “Optional Municipal Charter Law” and, pursuant to the “Uniform Nonpartisan Election Law” holds elections for municipal officers at regular municipal elections held on the second Tuesday in May; and

WHEREAS, N.J.S.A. 40:45-7.1 authorizes any municipality governed by N.J.S.A. 40:45-5 et seq., the “Uniform Elections Law,” by Ordinance, to choose to hold regular municipal elections on the day of the general election, the Tuesday after the first Monday in November; and

WHEREAS, Ordinance No. 11-2010 was introduced by initiative petition of the public and adopted on second reading by the Mayor and Council on August 30, 2010; and

WHEREAS, this ordinance further implements the adopted Ordinance No. 11-2010 and amends the code accordingly; and

WHEREAS, the statutory authorization is effective January 1, 2011; and

WHEREAS, elections held in November will save the taxpayers of Byram significant sums of money inasmuch as elections for state and national governmental offices are held on the Tuesday after the first Monday in November; and

WHEREAS, moving local government elections to November will encourage greater voter participation, provide for uniformity in the election process, eliminate the need for additional elections currently held on the second Tuesday in May and eliminate possible confusion regarding the date of local governmental elections.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram that a new section of the Township Code of the Township of Byram be and hereby is established as follows:

Section I

Add the following New Section 3-62: **Regular Elections:**

Regular Elections

- A. In accordance with N.J.S.A. 40:45-5 et seq., the “Uniform Nonpartisan Elections Law,” after January 1, 2011, election of municipal officers will be held at regular municipal elections to be held on the Tuesday after the first Monday in November.
- B. The term of any person in office on the date of the adoption of this Ordinance shall be extended until the beginning of the term of the person elected to that office on the day of the general election in November.
- C. Except as may otherwise be provided by law, persons who are elected to hold local government office on the Tuesday after the first Monday in November will commence office on January 1 of the following year.
- D. Notwithstanding any other provision of this Code, in accordance with N.J.S.A. 40:45A-1, effective January 1, 2012, the date and time of the annual reorganization meeting shall be established at 12 o’clock noon on January 1, or, by Resolution, at some other hour on any day during the first week in January

Section II.

Severability. If any section, subsection, paragraph or subparagraph of this Ordinance is declared invalid for any reason by any Court with proper jurisdiction, that section, subsection, paragraph or subparagraph, shall be deemed severable and such invalidation shall not affect the remaining portions of the Ordinance.

Section III.

Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective after final passage, adoption and publication according to law.

INTRODUCED: January 4, 2011

ADOPTED: February 15, 2011

BYRAM TOWNSHIP

ATTESTED:

JAMES OSCOVITCH, MAYOR

DORIS FLYNN, TOWNSHIP CLERK

