

TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA

MARCH 1, 2010

7:00 P.M. SPECIAL 'LOVE OF READING' PRESENTATION AT BYRAM INTERMEDIATE SCHOOL
7:30 P.M. REGULAR MEETING AT BYRAM MUNICIPAL BUILDING

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. 10:4-6 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. RETURN TO PUBLIC SESSION

5. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

6. SPECIAL GUEST SPEAKER – Senator Oroho

7. APPROVAL OF AGENDA

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 MARCH 1, 2010 BILL LIST

10. REPORTS

- Township Manager
- Mayor and Council Members

11. RESOLUTIONS

A. Resolution No. 25 – 2010 - Tilcon Quarry 2010 Renewal License

B. Resolution No. 26 – 2010 - Raimo of Stanhope Junkyard 2010 Renewal License

C. Resolution No. 27 – 2010 - Urging the State Legislature to Reform Interest Arbitration

D. Resolution No. 28 – 2010 – Authorizing Appointment of Township Auditor, Nisivoccia & Co., and Award of Professional Services Contract effective January 1, 2010 through December 31, 2010

12. ORDINANCE – Introduction – Ordinance of the Township of Byram to Accept the Dedication of Matthew Drive as Public Street

13. ORDINANCES – Public Hearings

A. Ordinance 1-2010 – Ordinance to vacate, release and extinguish and public rights as to portions of streets known as Allamuchy-Waterloo Road, Old Waterloo Road, and Waterloo Road but not including the county road known as “Waterloo Road” a/k/a Sussex County Route 604, pursuant to N.J.S.A.40:49-6 and N.J.S.A. 40:67-21

B. Ordinance 2-2010 – Department of Public Works salary and wage ordinance for the years 2010-2012

C. Ordinance 3-2010 – Police Department salary and wage ordinance for the years 2009-2012

D. Ordinance 4-2010 – Ordinance to exceed the municipal budget appropriation limits and to establish a cap bank for the calendar year 2010

14. DISCUSSION ITEM – State Law Allows Nonpartisan Municipal Elections to be held on the same day as general elections

15. PUBLIC PARTICIPATION II

16. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation – PSE&G
- Attorney Client Privilege Information – Sewer Allocation
- Personnel – Township Manager Evaluation
- Contract Negotiations – Clerical Union
 - Shared Services with Sparta
 - Animal Control Agreement with Netcong

17. RETURN TO OPEN SESSION

18. ADJOURNMENT

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY**

**Approval of Quarry License for Year 2010 for
Byram Land Development, LLC/Tilcon New Jersey, a division of Tilcon New York,
Inc.**

WHEREAS, Byram Land Development, LLC is the owner of certain real property located in the Township of Byram; and

WHEREAS, Tilcon New Jersey (hereinafter “Tilcon”), a division of Tilcon New York, Inc. is its tenant; and

WHEREAS, Tilcon has applied to the Township of Byram (“Township”) for a license to operate a quarry on a portion of the property owned by Byram Land Development, LLC and designated as Block 226, Lots 2, 4,028 and 16, Block 358, Lot 1, Block 357, Lot 1, Block 362, Lot 5 and Block 363, Lot 2 (“the quarry”); and

WHEREAS, Tilcon submitted reports, data, correspondence and an aerial photograph in support of the application (“the application”) that remain on file with the Township Clerk; and

WHEREAS, the application has been reviewed by Cory L. Stoner of Harold E. Pellow & Associates, Township Engineers for compliance with the requirements of Chapter 189 of the Township Code regarding “Quarries”, and the Township Engineer has recommended conditional approval of the application; and

WHEREAS, the Township Council (“Council”) reviewed the documents submitted by Tilcon in support of the application, a report submitted by the Township Engineer dated January 12, 2010, and a memorandum from the Byram Township Environmental Commission dated December 31, 2009; and

WHEREAS, due to the severe economic recession, operations at the Byram Quarry have been curtailed and the 2010 application is virtually the same as that submitted and licensed for 2009; and

WHEREAS, the Council conducted a public hearing on February 1, 2010 at which time Tilcon was represented by Douglas J. Steinhardt, Esq. of Florio Perrucci Steinhardt & Fader LLC and Richard Finley, Chief Engineer; and

WHEREAS, the Council received comments on behalf of the Environmental Commission and provided the opportunity for public comment.

NOW, THEREFORE, BE IT RESOLVED, on March 1, 2010, by the Township Council of the Township of Byram that the application for a quarry license for the year 2010 is granted subject to the following conditions:

1. **Wetlands [§189-5(B)(4)]** – In 2002, Tilcon obtained a Letter of Interpretation (“LOI”) from the NJDEP covering the area 500’ beyond the 5-year quarry plan at that time. The limits of the 2002 LOI have been staked and in 2007 an orange construction fence was erected 200’ from its boundary. The plan submitted for 2010 does not reach the limits of the 500’ buffer nor cross the 200’ line demarcated by the construction fence. Tilcon will make application for a new LOI when the limits of clearing/quarrying reach the construction fence 200’ from the 2002 LOI limit. The Township and Tilcon acknowledge

that the NJDEP has sole jurisdiction over wetlands, and it remains Tilcon's obligation to comply with the regulations and requirements of that agency.

2. **Noise** - The Council reserves the right to suspend or revoke the license if Tilcon's operation does not comply with the Byram Township Noise Control Ordinance. There was no report of noise complaints being received during 2009. 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 provided 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 obtained a NJPDES Permit for Industrial Stormwater Runoff from NJDEP and will provide the Township Engineer with confirmation that it has complied with the 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 2009. 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 investigate and address issues raised by the Environmental Commission regarding the possible influence of the quarry operation upon wetlands located north of the quarrying operation. A copy of a memorandum prepared by Frank J.

Getchell, P.G. (dated November 5, 2009) was submitted as part of Tilcon's 2010 application. This memorandum provided monitor reports for the on-site wells and piezometers and illustrated that no change in water service elevations occurred during 2009. As recommended by Mr. Getchell in his July 26, 2008 report and discussed at the February 1, 2010 public hearing, Tilcon will continue to monitor the on-site wells and piezometers on a quarterly basis and submit quarterly reports to the Township's Engineer and Environmental Commission. These reports will also be provided with each year's license application to ensure that no change in the wetlands occurs as a result of the quarry operation.

12. **Driveway** – Tilcon will continue to maintain the paved driveway on Block 226, Lot 16 from Lackawanna Drive in a condition acceptable to the Township Engineer.

13. **Access Road** - Tilcon will continue to maintain the access driveway to the upper quarry tract and regrade it as is needed to minimize dust and noise which may be caused by ruts or potholes.

14. **Construction Fencing** – The orange construction safety fence around the perimeter of the quarried portion of the premises shall be maintained and any damages portions repaired/replaced as needed in 2010.

15. **Relocation of Scale and Office Facilities** – The scale house and related facilities to the “upper tract” (Block 226, Lot 8) has been completed in accordance with approvals granted by the Byram Township Planning Board. The “lower tract” shall not be used as a staging area for the Route 206 (and any other construction project). If construction staging is done on the quarry property, it will occur on the “upper tract” portion of the property. The temporary access used for the Cat Swamp Route 206 improvements shall not be used.

16. **Aerial Photograph Exhibit** – Tilcon previously agreed that its annual application for a quarry license will include an exhibit consisting of the 2007 orthometric photograph (or any subsequent orthometric photograph) and an overlay that illustrates the updated topography and other changes that occurred on the site during the prior license year. The exhibit submitted with the 2009 application is acceptable because no major activity was performed in 2009 and the proposed grading for 2010 is unchanged.

17. **Detention Basin Calculations** – Tilcon will submit new calculations for the existing detention basin to show that the basin meets current NRCS 24-hour Design Storm Rainfall requirements within 60 days.

18. **Inspections** – The Township Engineer will advise the Secretary of the Township's Environmental Commission in advance of inspections so that a member of the Environmental Commission can be present during these inspections. Tilcon agrees that the Secretary of the Township's Environmental Commission may contact Mr. Finley to schedule a walking tour of the so-called “back side” of the quarry property to review and inspect the wetland areas that drain into Lubbers Run.

Adopted: March 1, 2010
ATTEST:

TOWNSHIP OF BYRAM

By: _____
Doris Flynn, Clerk

By: _____
James Oscovitch, Mayor

TOWNSHIP OF BYRAM
Sussex County, New Jersey
RESOLUTION NO. 26 - 2010

**RESOLUTION GRANTING A LICENSE FOR 2010 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, the Byram Township Council reviewed a report submitted by the Township Engineer, Cory L. Stoner, P.E. dated January 14, 2010, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Township Council conducted a public hearing on February 1, 2010 at which Frank A. Detrolio appeared on behalf of the applicant and was sworn; and

WHEREAS, no member of the public present at the hearing expressed a desire to speak with regard to the application or testimony.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council on this 1st day of March, 2010 that the application of Raimo of Stanhope, Inc. for a license pursuant to Chapter 156 for the year 2010 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 2010 and any evergreens that need to be replaced shall be replaced as needed. 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 northern 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 2010 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 fence and Route 206.
13. Licensee shall continue to keep box trailers/containers off Block 31, Lot 29 and 30, which are not part of the licensed premises.
14. The fences around the license properties shall be maintained and any breaks shall be repaired in a prompt manner to discourage thefts and vandalism.
15. Netcong Avenue must be repaired in a manner acceptable to the Township Engineer and the Township Road Department Supervisor. The Licensee shall work with the Township Engineer and the Township Road Department Supervisor to determine the

extent and means of repairing Netcong Avenue once good weather allows. All repairs determined necessary to bring the roadway to condition suitable for use by the Applicant and the residents and other businesses that utilize Netcong Avenue shall be completed by June 30, 2010 at the sole cost of the Applicant.

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. 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

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 March 1, 2010.

Doris Flynn, RMC

TOWNSHIP OF BYRAM

RESOLUTION NO.27 – 2010

Resolution Urging the State Legislature to Reform Interest Arbitration

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L. 1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Byram in the County of Sussex, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Steven V. Oroho, Assemblyman Gary R. Chiusano, and Assemblywoman Alison Littell McHose, the New Jersey State League of Municipalities and the Office of the Governor.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on March 1, 2010.

**TOWNSHIP OF BYRAM
RESOLUTION NO. 28 - 2010**

**AUTHORIZING APPOINTMENT OF THE TOWNSHIP AUDITOR AND
AWARD OF PROFESSIONAL SERVICE CONTRACT IN CONNECTION
THEREWITH**

WHEREAS, the Township of Byram, pursuant to N.J.S.A. 40:55D-71b, has determined it necessary to employ a Township Auditor for the Township Council; and

WHEREAS, the Mayor and Council intend by this resolution to award to Raymond Sarinelli of Nisivoccia & Company LLP a professional services contract for the year 1/1/2010-12/31/2010; and

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Mayor and Council of the Township of Byram has determined and certified in writing that the value of the professional services may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Raymond Sarinelli of Nisivoccia & Company LLP has completed and submitted a Business Entity Disclosure Certification that he will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for “Professional Services,” without competitive bids and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Byram, County of Sussex and State of New Jersey that it hereby authorizes the Mayor, Township Manager and Clerk to enter into a contract with Raymond Sarinelli of Nisivoccia & Company LLP as described hereinabove; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township Newspaper.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on March 1, 2010.

Doris Flynn, Township Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made this 1st day of March 2010 by and between:

TOWNSHIP OF BYRAM, a municipal corporation of the State of New Jersey with offices at 10 Mansfield Drive, Stanhope, NJ 07874

and:

NISIVOCCIA & COMPANY LLP with offices at 200 Valley Road, Suite 300, Mt. Arlington, NJ 07856.

W I T N E S S E T H

WHEREAS, the Township of Byram desires to retain Raymond Sarinelli of Nisivoccia & Company LLP as Township Auditor and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that all contracts be in writing,

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants herein contained, the parties hereto agree as follows:

1. Raymond Sarinelli of Nisivoccia & Company LLP will provide auditing services as outlined in the 1/1/2010 proposal memorandum for a term beginning January 1, 2010 and expiring December 31, 2010.
2. Funds are available for this purpose.
3. The remuneration for services will be for the period 1/1/2010-12/31/10.
4. The payment to be made for said services or otherwise, under this agreement, shall be by voucher as prescribed law.
5. Raymond Sarinelli of Nisivoccia & Company LLP agrees to review the Mandatory Equal Employment Opportunity Language (N.J.S.A 10-5-31 et seq.) (N.J.A.C. 17:27) attached hereto as 'Exhibit A' to satisfy the State of New Jersey's contracting requirements.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the date first above written.

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn,
Township Clerk

James Oscovitch
Mayor

ATTEST:

Raymond Sarinelli
Nisivoccia & Company LLP

BYRAM TOWNSHIP
Sussex County, New Jersey

ORDINANCE NO: _____ - 2010

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM
TO ACCEPT THE DEDICATION OF
MATTHEW DRIVE AS A PUBLIC STREET**

Purpose Statement: The purpose of this Ordinance is to accept the dedication of Matthew Drive as a public street.

WHEREAS, the Planning Board of the Township of Byram approved a subdivision shown on a map entitled Final Plat, which final plat dated August 19, 2002 and revised through August 29, 2002, prepared by Dykstra Engineering Inc. was filed in the Office of the Sussex County Clerk as Map No. 1334.

WHEREAS, by virtue of the filing of said map and subsequent Deed of Dedication, the road right-of-way of Matthew Drive was dedicated to public use; and

WHEREAS, Louis R. Slaby, P.E. has certified that the improvements in the relevant subdivision have been satisfactorily constructed and improved in accordance with Township ordinances; and

WHEREAS, the Township Council of the Township of Byram deems it advisable and in the best interests of the Township to accept the dedication of Matthew Drive in the township.

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

SECTION 1. The street described in metes and bounds in the legal description prepared by Dykstra Engineering Inc. and annexed to the Deed for road right-of-way filed in the Office of the Sussex County Clerk, known as Matthew Drive on the Byram Township Tax Map, is hereby accepted as a public street and road in the Township of Byram.

SECTION 2. This ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Doris Flynn, Township Clerk

Introduced:

Adopted:

James Oscovitch, Mayor

NOTICE

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 1st day of March, 2010. The said ordinance will be 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 5th day of April, 2010 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies are available to the public at the Clerk's office between the hours of 8:30 a.m. and 4:30 p.m.

BY ORDER OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM.

DORIS FLYNN, TOWNSHIP CLERK

TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO: 1 - 2010

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH
ANY PUBLIC RIGHTS AS TO PORTIONS OF STREETS
KNOWN AS ALLAMUCHY-WATERLOO ROAD,
OLD WATERLOO ROAD, AND WATERLOO ROAD BUT NOT INCLUDING
THE COUNTY ROAD KNOWN AS “WATERLOO ROAD” a/k/a SUSSEX
COUNTY ROUTE 604, PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

Purpose Statement: The purpose of this Ordinance is to vacate portions of streets known as Allamuchy-Waterloo Road, Old Waterloo Road, and Waterloo Road but not including the county road known as “Waterloo Road” a/k/a Sussex County Route 604, pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

WHEREAS, Patriots’ Path Council, Boy Scouts of America, a New Jersey Not-for-Profit Corporation, has rights to property adjacent to portions of the roads known as **Allamuchy-Waterloo Road, Old Waterloo Road, And Waterloo Road** and has requested that Byram Township vacate the Township’s interests in these roads; and

WHEREAS, it was found and determined by the Township Council of the Township of Byram that portions of the roads known as **Allamuchy-Waterloo Road, Old Waterloo Road, And Waterloo Road** located on or adjacent to Patriot’s Path Council, Boy Scout of America properties or are located on or adjacent to nearby properties owned by the New Jersey Department of Environmental Protection are not needed for public use.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram as follows:

SECTION 1. Any public rights as to the right-of-way of the following portions of the above-captioned roads are hereby vacated except for all rights and privileges presently possessed by Public Utilities, as defined in R.S. 48:2-13, and any Cable Television Company as defined in the Cable Television Act, P.L. 1972, c. 186 (c.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the said area to be vacated:

THE PORTIONS OF the subject roads that lie within or adjacent to the boundaries of the following Lots as defined on the Tax Maps of the Township of Byram:

- a. Allamuchy-Waterloo Road, a/k/a Puffer Road: a portion that begins at the right of way of Interstate Route 80 and extends approximately 4,040 feet and lies on or adjacent to:
 - i. Lot 2 of Block 377
 - ii. Lot 1 of Block 384
 - iii. Lot 1 of Block 378,

- b. Allamuchy-Waterloo Road: a portion that begins at “Waterloo Road” a/k/a Sussex County Route 604 and extends approximately 1400 feet and lies on or adjacent to:
 - i. Lot 1 of Block 384
 - ii. Lot 1 of Block 384.03,

- c. Old Waterloo Road: a portion that extends approximately 10,600 feet, including any side roads or spurs that may exist, and lies on or adjacent to:

- i. Lot 1 of Block 384
 - ii. Lot 1 of Block 378
 - iii. Lots 1 and 2 of Block 379,
- d. Waterloo Road (paper street): an unpaved section that is deep in the wooded area, more than a mile from County Route 604 (the well-known and paved Waterloo Road), extending approximately 2,150 feet and lies on or adjacent to:
- i. Lot 1 of Block 384
 - ii. Lots 1, 2 and 3 of Block 379,

This does not include the existing county road "Waterloo Road" which is also known as Sussex County Route 604 which is not being vacated.

See Schedule A for portions of the Tax Maps of the Township of Byram highlighting the above roads to be vacated.

SECTION 2. After being introduced and having passed a first reading, this ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected hereby so far as may be ascertained. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.

Within sixty days (60) days of the effective date of this Ordinance the Township Clerk shall file a copy, certified by her under seal of the Township to be a true copy, together with proof of publication thereof, in the Office of the Sussex County Clerk in accordance with N.J.S.A. 40:67-21.

SECTION 3. Severability If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

SECTION 4. Effective date This Ordinance shall take effect in the time and manner prescribed by law.

BY ORDER OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM

Attest:

James Oscovitch, Mayor

Doris J. Flynn, Township Clerk

Introduced: 2-1-2010

Adopted: 3-1-2010

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

NOTICE is hereby given that Ordinance 1-2010 was introduced and passed on first reading at a 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 1st day of February 2010. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 1st day of March 2010 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK

**TOWNSHIP OF BYRAM
ORDINANCE NO. 2 – 2010**

**DEPARTMENT OF PUBLIC WORKS SALARY AND WAGE ORDINANCE
FOR THE YEARS 2010-2012**

BE IT ORDAINED by the Mayor and Township Council Township of Byram, County of Sussex, state of New Jersey as follows:

SECTION: 1. The salary for each appointed official of the Township of Byram who is engaged in the Department of Public Works shall be hereby fixed as follows (as negotiated with O.P.E.I.U. Local No. 32):

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
Assistant Supervisor Public Works	29.87	31.92
Equipment Operator	29.23	31.24
Sr. Public Works Repairer	28.66	30.63
Sr. Mechanic	26.60	28.42
Mechanic	22.18	23.70
Public Works Repairer	20.39	21.79
Mechanic Trainee	18.54	19.81
Custodian	16.02	17.12
Laborer	14.31	15.30
Sr. Bldg. Maint. Low Pressure License	28.66	30.63
Bldg. Maint. Worker-Low Pressure License	23.94	25.58

SECTION 2: The authorized number of positions shall be established by the Annual Budget adopted by the Township Council or as otherwise provided by statute or official action of the Township Council.

SECTION 3: The Manager of the Township of Byram may establish rates of compensation for all employees and may hire any new employee at an hourly or annual rate which does not exceed the maximum salary provided for such office or position without specific authorization of the Township Council.

SECTION 4: Personnel covered by the existing labor contracts shall be entitled to longevity and other benefits as per contract, if applicable. Full time annual salaried employees not covered by contracts shall be entitled to the benefits but not including longevity, educational, or overtime payments, which are provided to the bargaining unit of their department.

SECTION 5: All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.

SECTION 6: This Ordinance shall take effect after publication and passage according to law and shall be effective from January 1, 2010 and until revised.

**BY ORDER OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM**

Attest:

James Oscovitch, Mayor

Doris J. Flynn, Township Clerk

Introduced: 2-1-2010

Adopted: 3-1-2010

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

NOTICE is hereby given that Ordinance 2-2010 was introduced and passed on first reading at a 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 1st day of February 2010. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 1st day of March 2010 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.

**TOWNSHIP OF BYRAM
ORDINANCE NO. 3 - 2010**

**POLICE DEPARTMENT
SALARY AND WAGE ORDINANCE
FOR THE YEARS 2009-2012**

BE IT ORDAINED by the Mayor and Township Council, Township of Byram, County of Sussex, State of New Jersey as follows:

SECTION: 1. The salary for each appointed official and employee of the Township of Byram who is engaged on an annual salary basis shall be hereby fixed as follows:

Position	Minimum	Maximum
Police:		
Police Officer		
a) Police Academy	38,123	43,791
b) Balance of 1 st year of employment	45,089	51,793
c) 2 nd year of employment	55,882	64,191
d) 3 rd year of employment	66,675	76,589
e) 4 th year of employment	77,468	88,986
f) 5 th year of employment	88,749	101,945
Sergeant	95,064	109,199
Detective increment	1,500 per annum	
Lieutenant	101,690	116,810
Chief of Police	122,428	148,354

SECTION: 2. The hourly rate of pay for each appointed hourly employee shall be fixed as follows:

Position	Minimum	Maximum
Special Law Enforcement Officer – Class I	8.00	10.00
Special Law Enforcement Officer Officer – Class II	9.00	13.50

SECTION: 3. The authorized number of positions shall be established by the Annual Budget adopted by the Township Council or as otherwise provided by statute or official action of the Township Council.

SECTION: 4. The Manager of the Township of Byram may establish rates of compensation for all employees, and may hire any new employee at an annual or hourly rate which does not exceed the maximum salary provided for such office or position.

SECTION: 5. Personnel covered by the existing labor contracts shall be entitled to longevity and other benefits as per contract, if applicable. Full-time annual salaried employees not covered by contracts shall be entitled to the benefits but not including longevity, educational, or overtime payments, which are provided to the bargaining unit of their department or to the clerical bargaining unit if not otherwise covered.

SECTION: 6. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repeated.

SECTION: 7. This Ordinance shall take effect after publication and passage according to law and shall be effective from January 1, 2009 and until revised.

BY ORDER OF THE MAYOR AND COUNCIL OF BYRAM TOWNSHIP

JAMES OSCOVITCH, MAYOR

Attest:

DORIS J. FLYNN
MUNICIPAL CLERK

Introduced: 2/1/10

Adopted: 3/1/10

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

NOTICE

NOTICE is hereby given that Ordinance 3-2010 was introduced and passed on first reading at a 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 1st day of February 2010. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 1st day of March 2010 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.

**TOWNSHIP OF BYRAM,
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 4 - 2010**

**CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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 to 2.5% 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 2010 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 Township of Byram hereby determines that a 3.5 % increase in the budget for said year, amounting to \$282,379.93 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 the 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 2010 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 \$282,379.93, and that the CY 2010 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 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.

BY ORDER OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM

Attest:

Doris J. Flynn, Township Clerk

James Oscovitch, Mayor

Introduced: 2-16-2010
Adopted: 3-1-2010

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

NOTICE is hereby given that Ordinance 4 - 2010 was introduced and passed on first reading at a 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 16th day of February 2010. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 1st day of March 2010 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.