

**TOWNSHIP OF BYRAM  
SPECIAL MEETING  
TOWNSHIP COUNCIL MEETING AGENDA  
6:00 P.M.  
APRIL 20, 2009**

1. Call Special Meeting to Order
2. Statement by the Clerk, Roll Call
3. Executive Session – Personnel Matters – Township Manager’s Performance Evaluation
4. Adjourn Special Meeting

REGULARLY SCHEDULED COUNCIL MEETING TO FOLLOW AT 7:30 P.M.

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**TOWNSHIP OF BYRAM  
TOWNSHIP COUNCIL MEETING AGENDA**

**7:30 P.M.  
APRIL 20, 2009**

1. Call Meeting to Order
2. Statement by Clerk, Roll Call & Caption of Closed Session
3. Flag Salute, Moment of Silence
4. Approval of Minutes – March 30, 2009 – Regular Session  
March 30, 2009 – Closed Session  
April 6, 2009 - Regular Session  
April 6, 2009 - Closed Session
5. Consideration of Bills – April 20, 2009
6. Special Presentation – 2009 Byram Township School Budget  
7. Manager and Council Reports
8. Public Participation I
9. Resolution No. 43–2009 – 2009 Quarry License Renewal
10. Consent Agenda
  - A. Resolution No. 44–2009 – Donation of Scoreboards
  - B. Resolution No. 45–2009 – Peace Officer’s Memorial Day – May 15, 2009
  - C. Resolution No. 46–2009 - Supporting Senate Bill No. 2262 and Assembly Bill No. 3401  
Dedicating \$700,000 Annually from Pleasure Boat Fees to the Lake Hopatcong Fund
  - D. Resolution No. 47–2009 – Refund of Escrow Balance to North Jersey Auto Wreckers
  - E. Resolution No. 48–2009 – Supporting the Click It or Ticket Mobilization May 18-May 31
  - F. Resolution No. 49–2009 – Fees for the Parks and Recreation Programs-2009
  - G. Resolution No. 50–2009 – Tax Sale Certificate Redemption #08-00025 – Blk. 306/2238
  - H. Resolution No. 51–2009 – Authorizing Lease Payment for Riverside Park to State of New Jersey from Open Space Trust Fund
  - I. Resolution No. 52–2009 – Self-Examination Budget Resolution
  - J. Raffle – Hobb Engler Little League – 50/50 Off-Premise Raffle
  - K. Acceptance of the 2008 Planning Board Activity Report
  - L. Proclamation
    1. National Donate Life Month – April 2009
    2. Fibrodysplasia Ossificans Progressive
11. Discussion Items
  - A. Field Naming Policy
  - B. Certificate of Continued Occupancy
12. Public Participation II
13. Such other business as may properly come before the Township Council
14. Closed Session
  - A. Contract Negotiations
    1. 911 Radio Communications Contract
    2. EMS
  - B. Attorney Client Privilege Communication
  - C. Anticipated/Pending Litigation – PSE&G
  - D. Personnel Matters – Township Manager Evaluation
15. Return to Public
16. Adjourn

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

**Approval of Quarry License for Year 2009 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 8 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 a report submitted by the Township Engineer dated January 16, 2009, and correspondence from Tilcon dated January 27, 2009, together with the Byram Township Environmental Commission’s report of February 13, 2009; and

**WHEREAS**, the Council conducted a public hearing on March 16, 2009 at which time Tilcon was represented by Douglas J. Steinhardt, Esq. of Florio Perrucci Steinhardt & Fader LLC and Richard Finley; and

**WHEREAS**, the Council provided the opportunity for public comment;

**NOW, THEREFORE, BE IT RESOLVED**, on April \_\_, 2009, by the Township Council of the Township of Byram that the application for a quarry license for the year 2009 is granted subject to the following conditions:

1. **Wetlands [§189-5(B)(4)]** – In 2002, Tilcon obtained from the NJDEP a Letter of Interpretation (“LOI”) covering the area 500’ beyond the 5-year quarry plan at that time. The limits of the 2002 LOI have been staked and an orange construction fence erected 200’ from its boundary. Tilcon will make application for a new LOI when the limits of clearing/quarrying reach the construction fence 200’ from the 2002 LOI. 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 2008. 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 will provide a performance guarantee in accordance with Township Code. The guarantee shall be in the form of \$50,000 cash already held by the Township and Tilcon has/will provide proof that the performance bond in the amount of \$455,000.00 has been renewed.
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 with a copy of all inspection reports and/or correspondence from the Sussex County Soil Conservation District. No violations were received in 2008.
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 report by Frank J. Getchell, P.G. (dated July 16, 2008) was submitted as part of this application for annual license. As recommended in this report and discussed at the public hearing, Tilcon will continue to monitor the on-site wells and piezometers on a quarterly basis and report annually on these findings. This report will 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 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 a ruts or potholes.
14. **Construction Fencing** – The orange construction safety fence around the perimeter of

the quarried portion of the premises shall be maintained.

15. **Relocation of Scale and Office Facilities** – Relocating the scale house and related facilities to the upper tract (Block 226, Lot 8) is nearly complete in accordance with use variance and site plan approvals granted by the Byram Township Planning Board.

16. **Aerial Photograph Exhibit** – Tilcon agrees 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.

Adopted: April \_\_\_\_, 2009

ATTEST:

By: \_\_\_\_\_  
Doris Flynn, Clerk

By: \_\_\_\_\_  
Eskil S. Danielson, Mayor

**TOWNSHIP OF BYRAM**

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 44 – 2009**

**RESOLUTION OF ACCEPTANCE OF A DONATION EXCEEDING \$7,500  
FROM Hobb Engler Little League TO THE TOWNSHIP OF BYRAM  
FOR THE PURCHASE AND INSTALLATION OF THREE (3) SCOREBOARDS  
AT C.O. JOHNSON PARK**

WHEREAS, the Township of Byram has recently received a request from Hobb Engler Little League to volunteer to purchase and install three (3) scoreboards at C.O. Johnson Park for baseball fields 1, 2 and 3; and

WHEREAS, the Township supports this project and has given permission to the volunteers of Hobb Engler Little League to enter onto Township property to install the scoreboards; and

WHEREAS, the estimated cost of purchase and installation of the scoreboards is expected to exceed \$7,500; and

WHEREAS, this donation and its acceptance are authorized pursuant to NJSA 40:12-29.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Byram, County of Sussex and the State of New Jersey does hereby accept a donation exceeding \$7,500 from Hobb Engler Little League for the purchase and installation of the three (3) scoreboards; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Hobb Engler Little League with the expressed appreciation of the Governing Body.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 45 – 2009**

**PEACE OFFICER'S MEMORIAL DAY – MAY 15, 2009**

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officer's Memorial Day, and the week in which May 15 falls as National Police week; and

WHEREAS, the members of the law enforcement agency of the Township of Byram play an essential role in safeguarding the rights and freedoms of Byram Township; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Township of Byram unceasingly provide a vital public service.

NOW, THEREFORE BE IT RESOLVED, that the Byram Township Mayor and Council call upon all citizens of the Township of Byram and upon all patriotic, civic and educational organizations to observe the week of May 10-16, 2009 as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

WE FURTHER CALL UPON all citizens of Byram Township to observe Friday, May 15, 2009, as Peace Officers' Memorial Day in honor of all those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

**BYRAM TOWNSHIP COUNCIL**

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Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM**  
Sussex County, New Jersey

Resolution No. 46 - 2009

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE TOWNSHIP OF BYRAM SUPPORTING  
SENATE BILL NO. 2262 AND ASSEMBLY BILL NO. 3401  
WHICH DEDICATE \$700,000 ANNUALLY FROM  
PLEASURE BOAT FEES TO THE LAKE HOPATCONG FUND**

**WHEREAS**, the Lake Hopatcong Commission (hereinafter “the Commission”) was established pursuant to P.L. 2000 c. 175 (N.J.S. 58:4B-1 et seq.) “.....to oversee and safeguard Lake Hopatcong as a natural scenic and recreational resource to ensure that the lake may be enjoyed to the fullest possible measure by citizens of, and visitors to, the State both now and in the future”; and

**WHEREAS**, the Commission did not receive an annual appropriation from the State of New Jersey to fund its operating costs in FY2009; and

**WHEREAS**, Senator Anthony R. Bucco, District 25 (Morris) and Senator Steven V. Oroho, District 24 (Sussex, Hunterdon, Morris) on October 20, 2008 introduced Senate Bill No. 2262 (hereinafter “Bill 2262”) to dedicate \$700,000 annually from pleasure boat registration fees to the Lake Hopatcong Fund; and

**WHEREAS**, Assemblyman Michael Patrick Carroll, District 25 (Morris), Assemblywoman Alison Littell McHose and Assemblyman Gary R. Chiusano, District 24 (Sussex, Hunterdon and Morris) on October 27, 2008 introduced identical Assembly Bill No. 3401; and

**WHEREAS**, Senate Bill No. 2262 and Assembly Bill No. 3401 further appropriates \$700,000 for FY2009; and

**WHEREAS**, the funding will support improving the quality of this State-owned lake to protect both environmental and economic interests in the region; and

**WHEREAS**, Senator Stephen M. Sweeney, District 3 (Salem, Gloucester, Cumberland) and Senator Sandra B. Cunningham, District 31 (Hudson County) co-sponsored Bill 2262; and

**WHEREAS**, at the Sussex County League of Municipalities February 11, 2009 meeting, the aforesaid legislation was discussed and a motion was passed to create a resolution in support of Senate Bill No. 2262 and Assembly Bill No. 3401.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Mayor and Council of the Township of Byram joins the Sussex County League of Municipalities in supporting Senate Bill No. 2262 and Assembly Bill No. 3401 which dedicates \$700,000 annually from pleasure boat registration fees to the Lake Hopatcong Fund to begin in FY2009; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be provided to the Governor of the State of New Jersey, New Jersey Department of Environmental Protection Commissioner, Sussex County League of Municipalities, legislators from Morris and Sussex Counties, the Freeholder Boards for Morris and Sussex Counties and the Municipal Clerks of the Borough of Hopatcong, Township of Jefferson, Borough of Mt. Arlington and Township of Roxbury.

**BYRAM TOWNSHIP COUNCIL**

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

I hereby certify this is a true copy of the Resolution adopted by the Mayor and Council of the Township of Byram on April 20, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 47 – 2009**

**RESOLUTION AUTHORIZING A REFUND  
OF THE BALANCE OF ESCROW  
FOR JUNKYARD LICENSE RENEWAL  
FROM NORTH JERSEY AUTO WRECKERS**

WHEREAS, a balance of escrow remaining in the account for North Jersey Auto Wreckers shall be released; and

WHEREAS, the Township Clerk has verified that all invoices have been paid to the professionals involved with the license renewal application; and

WHEREAS, Mayor and Council of the Township of Byram is in agreement with the release of the balance in the escrow account in the amount of \$427.06.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the finance officer be authorized to refund to North Jersey Auto Wreckers the balance in the aforementioned escrow account.

**BYRAM TOWNSHIP COUNCIL**

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

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Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 48 – 2009**

**RESOLUTION SUPPORTING THE CLICK IT OR TICKET  
MOBILIZATION OF MAY 18 – MAY 31, 2009**

**WHEREAS**, there were 592 motor vehicle fatalities in New Jersey in 2008; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

**WHEREAS**, use of the safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide **Click It or Ticket** safety belt mobilization from May 18 – May 31, 2009 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 91.75% to 100%; and

**WHEREAS**, a further increase in safety belt usage in New Jersey will save lives on our roadways.

**THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Byram declares its support of the **Click It or Ticket** safety belt mobilization both locally and nationally from May 18 – May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

**BYRAM TOWNSHIP COUNCIL**

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 49 – 2009**

**RESOLUTION ESTABLISHING FEES FOR THE PARKS AND RECREATION DEPARTMENT FOR THE YEAR 2009**

**WHEREAS**, the Township of Byram recognizes the need to be able to display information on the pricing of recreation programs and activities.

**WHEREAS**, the Township Council feels it necessary to review said fees prior to having them charged.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of Byram that this body formally endorses the following fees, and implements their use in their designated programs for the year 2009.

**Parks and Recreation Fee Structure**

\$300.00 Security Deposit per season may be charged for organizations using Township athletic fields or other Township facilities. This fee is to be returned or rolled over to the next season if the group did not damage facilities over and above normal wear and tear or if group failed to meet requirements of Township Ordinances or Township facility request. This deposit is to be maintained by the Township to be used to clean or repair facilities that have been over used, misused, or require unusual or excessive work at the end of or during a season.

Byram residents will be charged the following fees. Participants from surrounding towns will be welcome on a space available basis and will be charged an additional \$10.00 for any program costing \$75.00 or less, and additional \$20.00 for any program costing \$76.00 or more.

**Parent and Child Programs**

\$50.00 for eight-week Parent and Child Programs running from 45 minutes to one hour in duration including but not limited to:

- Mommy, Daddy, & Me
- Hands on Art
- Toddlers Gymnastics

\$170.00 for five, 1 hour, sessions of Petite Equestrian Program

**Pre-school Programs**

\$520.00 for each Stay and Play session running for approximately 13-14 weeks of 7.5 hours each week

\$55.00 for eight-week Preschool classes running from 45 minutes to one hour in duration including but not limited to:

- Bumper Buddies
- Messy Masterpieces
- Pre-School Gymnastics

\$30.00 for four-week Parent and Child, Preschool, or Youth classes running for 45 minutes to one hour in duration including but not limited to:

- Hands on Art for Christmas
- Messy Masterpieces for Christmas
- Project Place for Christmas
- Christmas Crafts

\$105.00 for seven-week session Sports Squirts

\$85.00 for eight-week Parent and Child, Preschool, or Youth Ballet-Tap-Tumbling

## Youth Programs

\$55.00 for eight-week Youth classes running from 45 minutes to one hour in duration including but not limited to:

- Bowling Buddies
- Pottery on the Wheel
- Gymnastics
- Project Place
- Science Classes
- Karate
- Tennis

\$100 for six-week Youth Tennis Lessons instructed by *First Serve Tennis Academy*

\$40.00 for six to eight week Youth Theatre running for 1 hour in duration

\$55.00 for two weeks (ten sessions not including rain dates) of Youth Swim lessons running for 25 to 45 minutes in duration

\$60.00 for Recreation Basketball

\$125.00 for Travel Basketball

\$125.00 for Travel Field Hockey

Youth and Teen Golf for six weeks

Ages 5-6: \$65.00, half-hour sessions

*All other ages: \$115.00, one-hour sessions*

The following are Summer pricing:

\$60.00 for three hours per day for one week Preschool and Kindergarten Summer Initiatives

\$90.00 for five hours per day for one week Youth Summer Initiatives Youth and Teen Summer Initiatives, grades 1 through 8.

\$95.00 for one hour per day for one week Preschool and Kindergarten Summer Enrichment, to include programs such as, but not limited to:

- Science
- Sports Squirts
- Gymnastics
- Tennis

\$170.00 for three hours per day for one week Summer Enrichment for Preschool and Kindergarten P.E.P.

\$60 for three hours per day for one week Summer Preschool and Kindergarten

\$105.00 for Youth and Teen Summer Enrichment, grades 1 through 8, includes, but not limited to:

- Science
- Multi-Sports
- Gymnastics
- Tennis
- Chess
- Theatre
- Jazz Band

\$200.00 for 1 ½ hours per day for one week of Horsemanship, Summer Enrichment for grades 1 through 8.

\$20.00 for two hours each, Before Camp Care & Lunch, and After Camp Care

Trips, including Lenape Valley and Byram Intermediate School Ski trips, prices are based on ticket or admission costs plus transportation and administration costs.

## Youth, Teen and Adult Activities

\$3.00 for admission to Youth Guidance Dances

\$2.00 for admission to Lenape Valley Alliance MAC Nights (unless otherwise noted for special trips or events), Lenape Valley Alliance Open Mic Nights, and Participation in Township Garage Sale

**Adult Programs**

\$55.00 for two weeks (eight sessions with two scheduled rain dates) of Adult Tennis lessons running for 45 minutes to one hour in duration

\$60.00 for eight-week Adult classes running for 1 hour in duration including but not limited to:

- Core Training
- Morning Stretch
- Yoga
- Pilates
- Step Aerobics
- Aerobics
- Resistance Training
- Karate
- Step and Tone

\$60.00 for Adult Summer Fitness Classes for seven weeks running for one hour in duration including but not limited to:

Summer Outdoor Fitness Circuit

\$70.00 for eight-week session Adult classes running for one to 1 ½ hour duration including but not limited to:

Basic Obedience for Dogs

\$50.00 for Summer Dog Training Clinic running for 4 weeks for one to 1 ½ hour in duration

\$115.00 for eight-week session Golf Lessons

No less than \$5.00, but no more than \$10.00 for volunteer-run Adult programs that meet throughout the year including but not limited to:

- Men's Basketball
- Over 35 Basketball
- Volleyball
- UFO's (Unfinished Objects quilting & sewing group)

\$25.00 for one-day classes of various lengths including but not limited to:  
Quilting

\$35.00 for Rutgers SAFETY Course for Volunteer Coaches

**BYRAM TOWNSHIP COUNCIL**

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on

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Doris J. Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 50 – 2009**

**TAX SALE CERTIFICATE REDEMPTIONS**

**WHEREAS**, the Tax Collector has certified that the following tax lien has been satisfied:

<u>Total Amount</u>	<u>Lien Holder</u>	<u>Tax Sale Certificate #</u>	<u>Block</u>	<u>Lot</u>
\$406.72	J. Wolosky	08-00025	306	2238

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the Tax Collector be authorized to disburse the redemption proceeds to the lien holder.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Councilman Olson	Councilman Raftery	Councilman Thompson	Councilman Oscavitch	Mayor Danielson
By:					
2nd					
Yes					
No					
Abstain					
Absent					

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 51 – 2009**

**RESOLUTION AUTHORIZING LEASE PAYMENT TO THE STATE OF  
NEW JERSEY FROM THE OPEN SPACE TRUST FUND**

**WHEREAS**, Byram Township and the Department of Environmental Protection (DEP) entered into a lease (09-006-066-07) for State-owned property in 1995 for the development, maintenance and operation of an outdoor recreation facility; and

**WHEREAS**, Paragraph 1C of the lease requires the Township to pay annual rent in an amount equal to the State's annual in lieu of tax payments for the leased premises, made pursuant to N.J.S.A. 58:21B-6; and

**WHEREAS**, Paragraph 1C of the lease states the annual in lieu of tax payments are \$975.90 requiring the Township to remit payment in that amount upon its receipt of the in lieu of tax payments by the State; and

**WHEREAS**, the DEP's Office of Leases discovered that there is no record of payment by the Township for the lease from 1995 to 2008 and the owes the Department rental payments equivalent to the in lieu of tax payments totaling \$12,686.70; and

**WHEREAS**, the Township has no record that the annual rent payment have been made to the State.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J. that the Township's Chief Financial Officer be authorized to submit the aforementioned payment out of the Open Space Trust Account.

**BYRAM TOWNSHIP COUNCIL**

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 52 – 2009**

**SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, N.J.A.C. 5:50-7.2 thru 7.5 the Township of Byram has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Byram that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law)
3. That the budget is in such form, arrangement, content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the Municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Division of Local Government Services accompanied by the Chief Financial Officer's certification of approved budget.

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	Councilman Olson	Councilman Raftery	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2009.

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

# SCHENCK, PRICE, SMITH & KING, LLP

## ATTORNEYS AT LAW

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~ Founded 1912 ~

March 23, 2009

Mayor and Council  
Byram Township  
10 Mansfield Drive  
Stanhope, NJ 07874

Re: **2008 Planning Board Activity**

Dear Ladies/Gentlemen:

I write to you as the attorney for the Byram Township Planning Board.

N.J.S.A. 40:55D-70.1 provides as follows:

The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revisions, if any. The Board of Adjustment shall send copies of the report and resolution to the governing body and Planning Board.

In addition, N.J.S.A. 40:55D-25 permits municipalities of a certain size to provide for a nine member planning board to exercise the powers of a Board of Adjustment. Byram Township has elected to have its Planning Board exercise Board of Adjustment powers.

Accordingly, the following is the annual report of the Planning Board. It indicates:

- Applicant's name;
- Address of the property in question;
- Zone in which the property is located;
- Relief and variances sought By the Applicant; and
- The determination of the Board.

Files as to each application, including the Board's resolution with respect to same are maintained by the Board Secretary, Christopher Hellwig, and are available for your inspection:

1. APPLICATION NO. Z04-07  
APPLICANT'S NAME: Joan Hall  
PROPERTY ADDRESS: South Shore Road  
TAX BLOCK/LOT: Block 210, Lot 31  
ZONE: R-3 Residential  
RELIEF SOUGHT: Construct a one-family dwelling and associated improvements  
VARIANCES SOUGHT: Undersize lot, lot width, front yard setback, lot disturbance and setback from lake  
DETERMINATION OF THE BOARD: Granted with conditions.
2. APPLICATION NO. Z01-08  
APPLICANT'S NAME: Stephen & Brielle Kelmer  
PROPERTY ADDRESS: 1 Glen Cove Road  
TAX BLOCK/LOT: Block 275, Lots 755 and 757  
ZONE: R-5 Residential  
RELIEF SOUGHT: Construct an addition to an existing one-family dwelling  
VARIANCES SOUGHT: None  
DETERMINATION OF THE BOARD: Granted with conditions
3. APPLICATION NO. Z2-08  
APPLICANT'S NAME: Michael Tufaro  
PROPERTY ADDRESS: 272 Route 206  
TAX BLOCK/LOT: Block 216, Lot 2.06  
ZONE: Neighbor Commercial District  
RELIEF SOUGHT: Convert office space in an existing building to a residential apartment  
VARIANCES SOUGHT: Use variance pursuant to N.J.S.A. 40:55D-70d  
DETERMINATION OF THE BOARD: Approved with conditions
4. APPLICATION NO. S-143-331  
APPLICANT'S NAME: CVS Pharmacy  
PROPERTY ADDRESS: Route 206 North  
TAX BLOCK/LOT: Block 41, Lots 88.01, 88.02 and 89  
ZONE: Village Business – VB Zone  
RELIEF SOUGHT: Construction of a building to be used as a CVS pharmacy

together with associated site improvements

**VARIANCES SOUGHT:**

1. front yard setback
2. installation of parking areas in the side yard permitting the structure to be 12,900 square feet whereas the ordinance limits structures to 10,000 square feet in the VB Zone
3. construction of a four foot wide sidewalk whereas six feet is required
4. signage variances
5. variance to permit some parking spaces to measure 10'x18' whereas 10'x20' is required
6. Granted with numerous conditions.

**DETERMINATION OF THE BOARD:**

5. **APPLICATION NO.** Z03-08  
**APPLICANT'S NAME:** Eric and Mary Serrilli  
**PROPERTY ADDRESS:** 199 Glenside Trail  
**TAX BLOCK/LOT:** Block 302, Lot 2291  
**ZONE:** R-5 Residential  
**RELIEF SOUGHT:** Permission to construct an addition to an existing one family dwelling.  
**VARIANCES SOUGHT:** Front yard setback and façade height  
**DETERMINATION OF THE BOARD:** Approved with conditions

6. **APPLICATION NO.** 25-08  
**APPLICANT'S NAME:** Bret and Melissa Klingener  
**PROPERTY ADDRESS:** 221 Lake Drive  
**TAX BLOCK/LOT:** Block 255, Lot 206  
**ZONE:** R-5 Residential  
**RELIEF SOUGHT:** Construct a boathouse as an accessory structure to an existing one family dwelling  
**VARIANCES SOUGHT:**

1. Side yard setback
2. variance to permit an accessory structure within the front yard

**DETERMINATION OF THE BOARD:**

Granted with conditions.

7. **APPLICATION NO.** SP2-08  
**APPLICANT'S NAME:** Gordon Byram Associates d/b/a Byram Plaza

- PROPERTY ADDRESS: Route 206 North  
TAX BLOCK/LOT: Block 226, Lot 14  
ZONE: VB – Village Business Zone  
RELIEF SOUGHT: Permission to install a fenced-in area as an adjunct to a day care center within a shopping center  
VARIANCES SOUGHT: Minor site plan approval  
DETERMINATION OF THE BOARD: Granted with conditions
8. APPLICATION NO. Z04-08  
APPLICANT'S NAME: John Kurilko  
PROPERTY ADDRESS: 4 Harborview Drive  
TAX BLOCK/LOT: Block 284, Lots 183, 184 and 185  
ZONE: R-5 Residential  
RELIEF SOUGHT: Permission to construct an addition to an existing one family dwelling  
VARIANCES SOUGHT: Disturbance of steep slopes in excess of that permitted by ordinance  
DETERMINATION OF THE BOARD: Approved with conditions.
9. APPLICATION NO. Z26-04  
APPLICANT'S NAME: John Lutz and Jennifer Lutz  
PROPERTY ADDRESS: 59 Lake Drive  
TAX BLOCK/LOT: Block 249, Lot 46  
ZONE: R-2 Residential  
RELIEF SOUGHT: Construction of shed/boathouse as an accessory structure  
VARIANCES SOUGHT: Appeal of issuance of a stop work order issued by the Byram Township Zoning Officer  
DETERMINATION OF THE BOARD: Application denied; Zoning Officer's decision affirmed
10. APPLICATION NO. Z6-04  
APPLICANT'S NAME: Patrice Dupont  
PROPERTY ADDRESS: 24 Division Lane  
TAX BLOCK/LOT: Block 330, Lot 1.12  
ZONE: R-5 Residential  
RELIEF SOUGHT: Permission to construct a deck as an addition to an existing one family dwelling  
VARIANCES SOUGHT: Insufficient setback from lake  
DETERMINATION OF THE BOARD: Approved with conditions

THE BOARD:

11. APPLICATION NO. SP1-08  
APPLICANT'S NAME: Tilcon, New York, Inc.  
PROPERTY ADDRESS: Lake Lackawanna Road  
TAX BLOCK/LOT: Block 226, Lots 2, 4.02, 4.03, 5, 6, 7, 8, 11 and 16 and Block 357, Lot 1; Block 358, Lot 1; Block 362, Lot 5; and Block 363, Lots 1 and 2  
ZONE: IPR Industrial Professional Recreational Zone  
RELIEF SOUGHT: Relocation of a scale house incident to the operation of a quarry  
VARIANCES SOUGHT: Preliminary and final site plan approval  
DETERMINATION OF APPROVAL: Approved with conditions.  
THE BOARD:
12. APPLICATION NO. Z7-08  
APPLICANT'S NAME: Maureen and Glenn Agens  
PROPERTY ADDRESS: 115 Lake Drive  
TAX BLOCK/LOT: Block 299, Lot 101  
ZONE: R-5 Residential  
RELIEF SOUGHT: Permission to construct additions to an existing one family dwelling  
VARIANCES SOUGHT: Side yard setback and setback from lake  
DETERMINATION OF APPROVAL: Approved with conditions  
THE BOARD:
13. APPLICATION NO. Z08-08  
APPLICANT'S NAME: Ran-Mar, LLC t/a Lockwood Farms  
PROPERTY ADDRESS: 35 Route 206 and Waterloo Road  
TAX BLOCK/LOT: Block 36, Lot 39  
ZONE: VB – Village Business Zone  
RELIEF SOUGHT: Permission to extend hours of lighting of business sign  
VARIANCES SOUGHT: Elimination of a condition of a prior approval  
DETERMINATION OF APPROVAL: Granted with conditions  
THE BOARD:
14. APPLICATION NO. Z08-08  
APPLICANT'S NAME: Charles and Mary Mosier  
PROPERTY ADDRESS: 2 Pleasant Hill Road  
TAX BLOCK/LOT: Block 42, Lots 211 and 212  
ZONE: R-5 Residential  
RELIEF SOUGHT: Permission to construct a garage as an addition to an existing one family dwelling

Mayor and Council  
March 23, 2009  
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VARIANCES SOUGHT:  
DETERMINATION OF  
THE BOARD:

Front yard setback  
Granted with conditions

15. APPLICATION NO. SPT-08  
APPLICANT'S NAME: N.J. Bar & Grill  
PROPERTY ADDRESS: 172 Lackawanna Drive  
TAX BLOCK/LOT: Block 265, Lot 286/287 and a portion of Block 266, Lot 288  
ZONE: Neighborhood Commercial Zone  
RELIEF SOUGHT: Parking space size and/or number  
VARIANCES SOUGHT: Undersized parking spaces  
DETERMINATION OF THE BOARD: Approved with conditions

16. APPLICATION NO. Z9-08  
APPLICANT'S NAME: Richard and Jacqueline Cartelli  
PROPERTY ADDRESS: 4 Woods Edge Road  
TAX BLOCK/LOT: Block 41, Lots 211-212  
ZONE: R-5 Residential  
RELIEF SOUGHT: Permission to construct an addition to an existing one family dwelling  
VARIANCES SOUGHT: Side yard setback  
DETERMINATION OF THE BOARD: Approved with conditions

KGS:mda

Very truly yours,



Kurt G. Senesky

# PROCLAMATION

National Donate Life Month—April 2009

Every human life has matchless value, and during National Donate Life Month, we reaffirm our commitment to raising awareness about organ donation and the importance of making the decision to donate. We also express our appreciation to those who have donated organs, tissue, and marrow.

Over 100,000 of Americans, over 4,500 in New Jersey, are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants. I urge all New Jersey residents to register with the state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends. By taking these steps, New Jerseyans can help save lives. My Administration is committed to strengthening organ and tissue donation programs and to increase the number of organs available for transplantation in order to save lives. The kindness and generosity of donors reflect the compassionate spirit of our state.

During National Donate Life Month, we celebrate the life-saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit [www.DonateLifeNJ.org](http://www.DonateLifeNJ.org) to learn more about organ and tissue donation and how they can give the gift of life.

NOW, THEREFORE, I, Eskil S. Danielson, Mayor of Byram Township, by virtue of the authority vested in me by the citizens of Byram Township, do hereby proclaim April 2009 as Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our state.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord two thousand nine.

Witness: \_\_\_\_\_

Doris J. Flynn, Township Clerk

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

**PROCLAMATION**

**FIBRODYSPLASIA OSSIFICANS PROGRESSIVE**

**WHEREAS**, Fibrodysplasia Ossificans Progressive (FOP) is a rare genetic condition in which the body makes additional bone where bone should not form, such as within muscles, tendons, ligaments and other connective tissues, and

**WHEREAS**, one of every seven Americans suffers from a musculoskeletal impairment causing physical disability and severe long-term pain, and

**WHEREAS**, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development, and

**WHEREAS**, musculoskeletal research is close to achieving major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world, and

**WHEREAS**, at the present time there is only one known research facility worldwide, the University of Pennsylvania, currently investigating a cure for FOP, and declared the years 2002 through 2011 as the

**NATIONAL BONE AND JOINT DECADE**

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Township Council of the Township of Byram, County of Sussex and State of New Jersey does hereby express support for additional funding for research and encourages the health care community to increase awareness of this devastating, rear genetic disorder in order to eliminate misdiagnosis, develop a treatment, and discover a cure for FOP; and

**BE IT FURTHER RESOLVED** that this body does hereby commend the dedication of Gary W. Whyte of Mountainside, New Jersey and the crusade that he has voluntarily undertaken to inform officials and citizens of the human destruction this disease causes, and to bring the necessary attention to this dilemma so that medial research can be appropriately funded; and

**BE IT FURTHER RESOLVED** that the Township Clerk of the Township of Byram forward a copy of this resolution to the Legislators of the State of New Jersey and to Gary W. Whyte.

Dated: April 20, 2009

\_\_\_\_\_  
Eskil S. Danielson, Mayor