

**TOWNSHIP OF BYRAM
COUNCIL AGENDA
TUESDAY, APRIL 17, 2012 – 7:00 P.M.**

1. CALL MEETING TO ORDER

2. OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

3. ROLL CALL

4. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

5. APPROVAL OF AGENDA

6. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

7. 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.

8. APPROVAL OF MINUTES

- April 3, 2012 Regular Meeting Minutes
- April 3, 2012 Executive Session Minutes

9. PROCLAMATION – Relay for Life

10. ORDINANCE – Introduction/First Reading

ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF BYRAM TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT

11. 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. 64-2012 – Resolution Amending to Employee Handbook
- B. Resolution No. 65-2012 – Resolution Authorizing Appointment of Structural Engineer/Architect
- C. Resolution No. 66-2012 – Resolution Urging the State Legislature to Approve A-2454, which would Alter Eligibility Requirements for Unemployment Insurance for Seasonal Public Entity Workers
- D. Resolution No. 67-2012 – Tax Sale Certificate Redemption - #3011-30
- E. Resolution No. 68-2012 – Resolution Authorizing Harold Pellow & Associates to Provide Engineering Services for Monuments at Brookwood Park Funded by Open Space Funds

12. APPROVAL OF APRIL 17, 2012 BILL LIST

13. DISCUSSION ITEMS

- Business & Government Symposium
- Goal Setting Workshop – Review of goals
- Planning for Byram's Long Term Future, a Multi Year Fiscal Plan

14. PUBLIC PARTICIPATION II

15. RESOLUTION FOR EXECUTIVE SESSION

- **Pending/Anticipated Litigation** – Roseff et al vs. Byram Township et al
- **Contract Negotiations** – Enforcement of N.J. Uniform Fire Code

16. RETURN TO OPEN SESSION

17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

18. ADJOURNMENT

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

Ordinance No. _____

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE
TOWNSHIP OF BYRAM TO UPDATE SUBMISSION REQUIREMENTS FOR
APPLICATIONS FOR DEVELOPMENT**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provides an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines details the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines requires conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines includes the adoption of a Development Application Checklist Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Township of Byram is located in the Highlands Region with lands lying within both the Preservation Area and the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Township of Byram, on behalf of the municipality, petitioned the Highlands Council on December 8, 2009 for Plan Conformance with respect to Township lands located within both the Planning Area portion and the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contained proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together were intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Township; and

WHEREAS, the Petition in addition included a request for Highlands Council designation of the full extent of Byram's Planning Area as a Highlands Center, to be effectuated by additional Master Plan and Land Use Ordinance provisions and modifications, as needed to effectuate same; and

WHEREAS, the Byram Township Petition for Plan Conformance, inclusive of the requested Highlands Center designation, was approved by the Highlands Council with conditions, as memorialized by Highlands Council Resolution 2010-6, adopted on September 23, 2010; and

WHEREAS, the Township Planning Board did subsequently adopt the revised Highlands Environmental Resource Inventory as a supplement to the Township Master Plan, on May 19, 2011; and

WHEREAS, the Township Governing Body did subsequently adopt a Planning Area Petition Ordinance, as required pursuant to the Highlands Act and the Highlands Council Resolution approving Byram's Petition for Plan Conformance (Resolution #2010-6), on June 21, 2011; and

WHEREAS, the Governing Body finds that the remaining changes to the municipal planning program needed to complete the Plan Conformance process, are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that preparation and formal municipal adoption of the remaining components of the revised planning program must take place in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Planning Board and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Highlands Rules (N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period preceding adoption of the applicable ordinances and regulations that will provide such protections; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council or the New Jersey Department of Environmental Protection (NJDEP), as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the Highlands Area of the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area and the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan

Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Byram that the Land Use Ordinance of the Township of Byram be and is hereby amended to incorporate the following provisions:

SECTION 1

Chapter 240 entitled “Zoning” is hereby amended to add the attached applications’ checklists, including the Highlands requirement described herein, as “240 Attachment 3 Checklists for Applications.”

SECTION 2

A. APPLICATIONS FOR DEVELOPMENT IN THE PRESERVATION AREA.

No Application for Development (as defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) involving property located (or partially located) in the Preservation Area of the Highlands Region, for which application submission requirements apply under this Ordinance, shall be deemed complete or considered for review by the applicable Township land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.C below, by the Applicant’s professional(s) that the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan.

B. APPLICATIONS FOR DEVELOPMENT IN THE PLANNING AREA.

No Application for Development (as defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) involving property located wholly or partially in the Planning Area of the Highlands Region, for which application submission requirements apply under this Ordinance, shall be deemed complete or considered for review by the applicable Township land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with both the Highlands Regional Master Plan, and the Highlands Council Resolution (#2010-6) granting approval of Byram Township’s Petition for Plan Conformance; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan and/or the

Highlands Council Resolution (#2010-6) granting approval of Byram Township's Petition for Plan Conformance, accompanied by a certification, as detailed in Section 1.C below, by the Applicant's professional(s) that the application has, since the review by the Highlands Council, been revised to achieve consistency with the Highlands Regional Master Plan and the Highlands Council Resolution (#2010-6) granting approval of Byram Township's Petition for Plan Conformance.

C. FINDINGS OF INCONSISTENCY. Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan or the Highlands Council Resolution (#2010-6) granting approval of Byram Township's Petition for Plan Conformance, no such application shall be deemed complete or considered for review by the Township Planning Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the plans have been revised to achieve consistency with the Highlands Regional Master Plan and the Highlands Council Resolution (#2010-6) granting approval of Byram Township's Petition for Plan Conformance, and specifically describing the revisions made to achieve such consistency.

D. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Section:

1. Any improvement to a single family dwelling in lawful existence as of the effective date of this Ordinance, provided that such improvement: a) is related and dedicated solely to the single-family residential use of either the dwelling or the property upon which it is situated; b) results in results in the ultimate disturbance of less than one (1) acre of land; and c) produces a cumulative impervious surface area of less than one-quarter ($\frac{1}{4}$) acre.
2. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
3. The repair or maintenance of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not be construed to permit repairs or maintenance activities that alter the footprint of such building or structure.
4. The interior improvement, rehabilitation, or modification of any building or other structure lawfully existing as of the effective date of this Ordinance. This exclusion shall not be construed to permit activities that alter the footprint of such building or structure.
5. The attachment of signs or other ornamentation to any building or structure, the installation of windows, doors, chimneys, vents, shafts, heating, ventilation, or air conditioning equipment, or any other such improvement to a building or structure provided it occupies a surface area footprint of not more than 50 square feet. This

exclusion shall not be construed to permit ultimate disturbance or cumulative impervious surface in excess of that provided at 1, above, for single-family dwellings.

6. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
7. Any activity, improvement or development project located (or partially located) in the Preservation Area for which a Highlands Applicability Determination is not required as a pre-condition of NJDEP permitting, as provided pursuant to N.J.A.C. 7:38-2.4(b)1 through 2.4(b)10.

E. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Section.

1. Demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Preservation Area shall consist of a Highlands Applicability Determination issued by the NJDEP pursuant to N.J.A.C. 7:38-2.4.
2. Demonstration of a Highlands Act exemption for an Application for Development involving lands located wholly in the Planning Area shall consist of a Highlands Exemption Determination issued by the Highlands Council.

F. WAIVER. The Township may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Township that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act, but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

G. HIGHLANDS COUNCIL CALL-UP. All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be

subject to Highlands Council call-up review and shall specifically include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of such notice. Absent any notice to the municipality from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality.

H. **DEFINITIONS.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).t

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Applicability Determination – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and

whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan, including specifically in the case of Byram Township, the whole of the municipality.

Highlands Preservation Area Approval (HPAA) – means a permit to engage in a regulated activity in the Highlands Preservation Area issued by the NJDEP pursuant to the Highlands Act and the NJDEP Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b. Highlands Preservation Area Approval includes Highlands general permits issued pursuant to N.J.S.A. 13:20-33d and promulgated at N.J.A.C. 7:38-12. HPAA, when used in this Ordinance, includes Highlands general permits unless explicitly excluded.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 *et seq.*

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Structure – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SECTION 3

Copies of this Ordinance are on file in the office of the municipal Clerk, located at: 10 Mansfield Drive, Byram Township, New Jersey for public inspection or purchase during regular weekday business hours (8:30 a.m. to 4:30 p.m.).

SECTION 4

The municipal Clerk is directed to give notice at least ten days prior to the hearing on the final adoption of this Ordinance to the clerks of all adjoining municipalities and the Sussex County Planning Board, and to all others entitled to notice under N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon final passage of this Ordinance, the municipal Clerk is further directed to publish notice of passage and to file a copy of this Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 5

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 6

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 7

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

Doris Flynn, Township Clerk

James Oscovitch, Mayor

NOTICE

NOTICE is hereby given that the above titled Ordinance was introduced and passed 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 17th day of April 2012. The said ordinance will be 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 6th day of June 2012 at 7:00 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.

**Proclamation
Relay For Life of Sussex County**

American Cancer Society Relay for Life® Proclamation for Byram

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Sussex County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay for Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Byram does hereby proclaim the week of May 14 as,

"RELAY FOR LIFE DAYS"

and encourages citizens to participate in the Relay For Life event at Sussex county Community College from 4:00 p.m. Saturday to 6:00. Sunday.

James Oscovitch, Mayor

ATTEST:

Doris J. Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 64 - 2012**

**ADOPTING THE BYRAM TOWNSHIP
EMPLOYEE HANDBOOK**

WHEREAS, it is the policy of the Township of Byram to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act and the Open Public Meeting Act; and

WHEREAS, the Byram Township Council previously determined that there was a need for an Employee Handbook to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, the Byram Township Council adopted the initial version of the Byram Township Employee Handbook in May 2010; and

WHEREAS, the Byram Township Employee Handbook was updated to reflect various modifications which were made to insure the handbook is current and conforming with State and Federal law.

NOW, THEREFORE, BE IT RESOLVED by the Byram Township Council that the Byram Township Employee Handbook attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that the Employee Handbook shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures of the Employee Handbook shall prevail.

BE IT FURTHER RESOLVED that this Employee Handbook is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Byram Township Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Township Manager and all managerial/supervisory personnel are responsible for these employment practices. The Township Labor Counsel shall assist the Manager in the implementation of the policies and procedures in this Handbook.

Attest:

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township of Byram, Mayor and Council at a meeting held on April 17, 2012.

Doris Flynn, Township Clerk
Township of Byram

**TOWNSHIP OF BYRAM
RESOLUTION NO. 65 - 2012**

**AUTHORIZING APPOINTMENT OF STRUCTURAL ENGINEER/ARCHITECT
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 Structural Engineer/Architect for the Township Council; and

WHEREAS, the Mayor and Council intend by this resolution to award to HQW Architects L.L.C. a professional services contract for 4/17/12-12/31/12 in accordance with the attached proposal; 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, HQW Architects L.L.C. has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them 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 HQW Architects L.L.C. 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 April 17, 2012.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 66 - 2012**

Resolution Urging the State Legislature to approve A-2454, which would alter eligibility requirements for unemployment insurance for seasonal public entity workers

WHEREAS, R.S. 43:21-4 defines "seasonal industry or occupation" as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods of less than 26-weeks of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel, seasonal laborers and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this seasonal job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of taxpayers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year's claims thereby affecting next year's municipal budget which by all accounts will be equally as difficult as the present year's ; and

WHEREAS, Assemblywoman Amy Handlin and Assemblyman Sean Kean have introduced A-2454, which would prohibit all seasonal workers for receiving unemployment insurance benefits during a period between two successive seasons if the worker has a reasonable assurance that the worker will perform those services in the second of such seasons;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of (municipality) urges the legislature to approve A-2454 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

BYRAM TOWNSHIP COUNCIL

Attest:

I certify that the foregoing resolution was adopted by the Byram Township council at a meeting held on April 17, 2012.

**TOWNSHIP OF BYRAM
RESOLUTION NO. 67 – 2012**

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>Block</u>	<u>Lot</u>	<u>Amount</u>
US Bank/Sass Muni VI	#2011-30	342.02	17	\$ 422.35
US Bank/Sass Muni VI	#2011-30	342.02/17	Premium	\$ 200.00

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 holder.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	<i>Councilman Lieces</i>	<i>Councilwoman Rafay</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Oscovitch</i>
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 April 17, 2012.

Doris Flynn, RMC
Township Clerk

**BYRAM TOWNSHIP COUNCIL
RESOLUTION NO. 68-2012**

**RESOLUTION AUTHORIZING HAROLD PELLOW & ASSOCIATES TO
PROVIDE ENGINEERING SERVICES FOR MONUMENTS AT
BROOKWOOD PARK**

WHEREAS the Township has obtained a State Recreational Trails grant to fund trails and other improvements at Brookwood Park; and

WHEREAS the grant contains \$700 in funding to blaze the boundaries of the 4-acre section of the park formerly known as the Vetter parcel, where corner monuments were put in place during the original purchase of the Vetter section; and

WHEREAS the original section of the park, a 1/5-acre section fronting on Brookwood Road that is owned by the Township but contains an easement for a wellhouse owned by the East Brookwood Estates Property Owners Association water company, has not been surveyed or monumented; and

WHEREAS clearly establishing the boundaries of the 1/5-acre section is essential to insure that the trail work and other improvements are safely within the Township-owned park and do not trespass on contiguous private parcels; and

WHEREAS Harold Pellow & Associates, the Township engineering firm, has estimated a cost of \$2,450 to survey and set four corner monuments for the 1/5-acre park section; and

WHEREAS the Township Open Space Committee has recommended to the Township Council that this work be done and that Harold Pellow & Associates be paid out of the Township's Open Space Trust Fund;

NOW THEREFORE BE IT RESOLVED that the Township Council approves a \$2,450 contract with Harold Pellow & Associates to survey the 1/5-acre section of Brookwood Park that fronts on Brookwood Road and contains the EBEOA wellhouse and to set monuments at all four corners of that section of the Park; and

BE IT FURTHER RESOLVED that this \$2,450 contract be paid out of the Township's Open Space Trust Fund.

BYRAM TOWNSHIP COUNCIL

ATTEST: I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 17, 2012.

Doris Flynn, Municipal Clerk