

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, APRIL 5, 2011
7:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR MEETING**

1. CALL MEETING TO ORDER

2. OPEN PUBLIC MEETING STATEMENT

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

3. ROLL CALL

4. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation
 - a. PBA Disciplinary Matter
 - b. Open Public Meeting Notice - OPMA
- Attorney Client Privilege Communication – Fire Department
- Contract Negotiations
 - a. Court
 - b. PBA Leave Agreement
 - c. PSE&G Access Easement Agreement

5. RETURN TO OPEN SESSION

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

7. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

8. APPROVAL OF AGENDA

9. APPROVAL OF APPLICATION FOR MEMBERSHIP TO FIRE DEPARTMENT – David Jan Pero

10. REPORTS

- Township Manager
- Mayor and Council Members

11. 2011 BUDGET – Public Hearing

12. RESOLUTION NO. 42 – 2011 - Resolution of Adoption of 2011 Municipal Budget

13. 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.

14. 2011 JUNKYARD RENEWAL LICENSES

- North Jersey Auto Wreckers – Consideration of Resolution No. 40 – 2011 - Resolution Granting North Jersey Auto Wreckers, Inc. a License for 2011 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code
- Raimos of Stanhope, Inc. – Consideration of Resolution No. 41 – 2011 - Resolution Granting Raimos of Stanhope, Inc. a License for 2011 to Operate Facility Pursuant to Chapter 156 of the Byram Township Code

15. APPROVAL OF MINUTES

- March 15, 2011 Regular Meeting Minutes
- March 15, 2011 Executive Session Minutes

16. 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. 43 -2011 – Refund of 2011 Taxes – Blk. 305/Lot 2265

17. APPROVAL OF APRIL 5, 2011 BILL LIST

18. ORDINANCE – Introduction/1st Reading – Ordinance to Authorize a Capital Expenditure for

Improvement to Roseville Road Phase II and to Provide Funding in the Amount of \$240,000

19. DISCUSSION ITEMS

- a. Support of Francisco Farm Preservation – Andover Boro

20. PUBLIC PARTICIPATION II

21. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

22. ADJOURNMENT

SECTION 2 - UPON ADOPTION FOR YEAR 2011

(Only to be included in the Budget as Finally Adopted)

RESOLUTION NO. 42 - 2011

Be It Resolved by the _____ Mayor & Council _____ of the _____ Township
of _____ Byram _____, County of _____ Sussex _____ that the budget herein before set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 7,592,013.00 (item 2 below) for municipal purposes and
- (b) \$ _____ (item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ _____ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.

RECORDED VOTE

(insert last name)

AYES

Nays

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues

Surplus Anticipated	08-100	\$	1,200,102.00
Miscellaneous Revenues Anticipated	13-099	\$	1,261,267.00
Receipts from Delinquent Taxes	15-499	\$	339,350.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	7,592,013.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 11	07-195	\$	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	
Total Revenues	13-299	\$	10,392,732.00

Sheet 41

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 5, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM
Sussex County, New Jersey
RESOLUTION NO. 40 - 2011

**RESOLUTION GRANTING NORTH JERSEY AUTO WRECKERS, INC. A
LICENSE FOR 2011 TO OPERATE FACILITY PURSUANT TO CHAPTER 156
OF THE BYRAM TOWNSHIP CODE**

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

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

WHEREAS, the Byram Township Council reviewed a report submitted by the Township Engineer, Cory L. Stoner, P.E., dated March 23, 2011; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council on this 5th day of April, 2011, that the application of North Jersey Auto Wreckers, Inc. for a license pursuant to Chapter 156 for the year 2011 is granted subject to the following:

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

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

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

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

BYRAM TOWNSHIP COUNCIL

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

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 April 5, 2011.

Doris Flynn, RMC

TOWNSHIP OF BYRAM
Sussex County, New Jersey
RESOLUTION NO. 41 - 2011

**RESOLUTION GRANTING A LICENSE FOR 2011 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 March 23, 2011, which is attached hereto and incorporated herein by reference; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council on this 5th day of April, 2011 that the application of Raimo of Stanhope, Inc. for a license pursuant to Chapter 156 for the year 2011 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 2011 and any evergreens that need to be replaced shall be replaced as needed. Licensee shall also assure that no evergreens are impacted by work that is currently being performed by the N.J.D.O.T. along Route 206. Any evergreens impacted by this work shall be replaced accordingly. Trees presently located within the fenced licensed premises will remain.
3. Netcong Avenue (50' ROW) divides the licensed premises (Block 37, Lots 26 & 27 are to the north of Netcong Avenue and Block 35, Lots 36 & 37 are to the south). At present, Netcong Avenue is 40'-50' wide at the entrance from Route 206 and has a gravel travel way. Licensee may store a maximum of three (3) vehicles, consisting of trailers and/or tandems, on the north side of Netcong Avenue 100' in length starting 50' from the Route 206

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

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

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

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

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

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

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

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

11. With regard to the requirements of Section 156-6(L), higher stacks/piles of materials shall continue to be kept in the middle of the licensed premises. Piles of scrap metal and aluminum cans adjacent to residential properties shall be sloped down toward the fence with Licensee continuing to clear (widen) and maintain a passable path between the piles and fence (along its entire length). All large equipment shall be moved away from the fences along Route 206. The licensee shall continue to work in 2011 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 in 2011 to keep box trailers/containers off Block 31, Lot 29 and 30, which are not part of the licensed premises.

14. The fence and gates around the Lot 37 property have been struck by vehicles and in need of repair. The fences and gates around the license properties shall be

maintained and any breaks shall be repaired by June 30, 2011 to discourage thefts and vandalism.

15. Netcong Avenue must be kept in a suitable condition acceptable to the Township Engineer and the Township Road Department Supervisor in 2011.

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

BYRAM TOWNSHIP COUNCIL

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 April 5, 2011.

Doris Flynn, RMC

TOWNSHIP OF BYRAM
RESOLUTION NO. 43 - 2011
REFUND OF 2011 TAXES

WHEREAS, the Tax Collector has established that the following homeowner refinanced his mortgage, and at closing, the 1st quarter property taxes were paid twice; and

WHEREAS, the Tax Collector has determined that the duplicate amount should be refunded to the homeowner or the appropriate party for the reasons stated:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL.AMOUNT</u>	<u>EXPLANATION</u>
Lange	305	2265	\$ 1,757.43	Duplicate payment

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Byram, Sussex County, State of New Jersey, that in accordance with the recommendation of the Tax Collector and Chief Financial Officer, the refund(s) are hereby authorized.

BYRAM TOWNSHIP
COUNCIL

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

ATTEST:
I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 5, 2011.

Doris Flynn, RMC
Township Clerk

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

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR
IMPROVEMENT TO ROSEVILLE ROAD PHASE II AND TO
PROVIDE FUNDING IN THE AMOUNT OF \$240,000.00.**

WHEREAS, the Township of Byram has estimated the cost of road improvements for Roseville Road Phase II to \$240,000.00; and

WHEREAS, the Township of Byram has made application for grants in aid and has been approved for an amount of \$165,000.00 for Phase II per letter dated January 26, 2011; and

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

Section 1 – The Manager and Municipal Clerk are authorized to effect road improvements as set forth in plans to be prepared by the Municipal Engineer and approved by N.J.D.O.T. for Roseville Road, Phase II. All actions shall be taken in accordance with the Local Public Contracts Law and other applicable regulations.

Section 2 – This ordinance shall be funded as follows:

\$165,000.	Transportation Trust Fund Grants in Aid
50,000.	2011 Budget-Capital Improvements-Roseville Rd Ph II
10,000.	2011 Capital Improvement Fund
<u>15,000.</u>	2011 Current Fund – Engineering O/E
\$240,000.	TOTAL

Section 3 – The reasonable anticipated period of usefulness of this improvement is not less than ten (10) years.

Section 4 – This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

BY ORDER OF THE MAYOR AND COUNCIL OF BYRAM TOWNSHIP

Attest:

DORIS FLYNN, RMC
MUNICIPAL 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 5th day of April. 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 19th day of April, 2011 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance.