

**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
TUESDAY, MAY 3, 2011  
7:00 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. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**

- 5. APPROVAL OF AGENDA**

- 6. SPECIAL RECOGNITION – RYAN BONGIORNO**

- 7. REPORTS**

- Township Manager
- Mayor and Council Members
- Township Attorney
- Fire Department/Lakeland Emergency Squad

- 8. PUBLIC PARTICIPATION I – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided.**

- 9. APPROVAL OF MINUTES**

- April 19, 2011 Regular Meeting Minutes
- April 19, 2011 Executive Session Minutes

- 10. 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. 51-2011 – Request Approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Municipal Alliance on Alcohol and Drug Abuse Program Contributions**
- B. Proclamation – National Public Works Week – May 15 – May 21, 2011**
- C. Proclamation – Peace Officer’s Memorial Day – May 15, 2011/National Police Week**
- D. Approval of Lakeland Emergency Squad receiving Financial Assistance of \$3,500.00 from the County of Sussex for calendar year 2011**

- 11. APPROVAL OF MAY 3, 2011 BILL LIST**

- 12. RESOLUTION NO. 47-2011 – Resolution Supporting a New Jersey Statewide Ban on Natural Gas Development Involving Hydraulic Fracturing**

- 13. DISCUSSION ITEMS**

- a. Membership on Board of Health and Recreation Committee
- b. Capital Planning
- c. Proposed Amendment to Section 215-55B-Site Plan Waiver

- 14. PUBLIC PARTICIPATION II**

- 15. RESOLUTION FOR EXECUTIVE SESSION**

- Contract Negotiations – Chapter 48-24 – Contracted Employment
- Attorney Client Privilege Communication  
Fire Grant

- 16. RETURN TO OPEN SESSION**

- 17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**

- 18. ADJOURNMENT**

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 51 – 2011**

**RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE PROGRAM CONTRIBUTIONS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of program contributions for the Municipal Alliance on Alcohol and Drug Abuse, and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Municipal Alliance on Alcohol and Drug Abuse are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Mayor and Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Municipal Alliance and Drug Abuse Program pursuant to NJSA 40A:5-29.
2. The Municipal Clerk of the Township of Byram is hereby directed to forward two certified copies of this Resolution to the Director of Local Government Services.

**BYRAM TOWNSHIP MAYOR AND COUNCIL**

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

I, Doris Flynn, Municipal Clerk of the Township of Byram, New Jersey, do hereby certify the foregoing to be true and correct copy of a resolution adopted by the Township Council at a meeting held on May 3, 2011.

Doris Flynn, Township Clerk

# PROCLAMATION

## TOWNSHIP OF BYRAM

### PEACE OFFICER'S MEMORIAL DAY – MAY 15, 2011

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 15- 21, 2011 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 Sunday, May 15, 2011, 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.

### BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing Proclamation was adopted by the Byram Township Council at a meeting held on May 3, 2011.

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Doris Flynn, RMC  
Township Clerk

# PROCLAMATION

## TOWNSHIP OF BYRAM

### NATIONAL PUBLIC WORKS WEEK – MAY 15 – MAY 21, 2011

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of the public works systems and programs such as water, sewers, streets and highways, public buildings and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on the facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Now, Therefore, Be It Resolved, that the Mayor and Council of the Township of Byram, do hereby proclaim May 15 through May 21, 2011

### NATIONAL PUBLIC WORKS WEEK

in Byram Township and call upon all the residents of Byram to join us in supporting the efforts of all our employees of the Department of Public Works.

### BYRAM TOWNSHIP MAYOR AND COUNCIL

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James Oscovitch, Mayor

May 3, 2011

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 47-2011**

**RESOLUTION SUPPORTING A NEW JERSEY STATEWIDE BAN ON NATURAL  
GAS DEVELOPMENT INVOLVING HYDRAULIC FRACTURING**

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River watershed supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey - as Special Protection Waters due to the exceptional water quality and “exceptionally high scenic, recreational, ecological, and/or water supply values” of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be “no measurable change in existing water quality except towards natural conditions”, requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, Byram Township, through it's leadership as the first municipality to conform to the New Jersey Highlands Water Protection and Planning Council's Regional Master Plan, has declared that water is a valuable precious natural resource that must be protected; and

WHEREAS, the wise stewardship of Byram Township's natural resources involves planning for the protection of its water supplies and water resources for generations to come; and

WHEREAS, protection of Byram Township's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that the Byram Township Mayor and Council support strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

AND BE IT FURTHER RESOLVED that the Byram Township Mayor and Council supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and

AND BE IT YET FURTHER RESOLVED that Byram Township calls on our Congressional Representative and U.S. Senators to join Senator Lautenberg, Congressman Pallone and Congressman Holt in co-sponsoring H.R. 1084/ S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

PASSED, APPROVED, AND EFFECTIVE on this 19th day of April, 2011

ATTEST:

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Mayor

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**PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:**

1. Senator Steven Oroho
2. Assemblywoman Alison McHose
3. Assemblyman Gary Chiusano
4. Congressman Rodney Frelinghuysen, 30 Schuyler Place, 2<sup>nd</sup> Floor, Morristown, NJ 07960
5. Senator Frank Lautenberg, One Gateway Center, 23<sup>rd</sup> Floor, Newark, NJ 07102
6. Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102
7. Delaware Riverkeeper Network, 300 Pond Street, 2<sup>nd</sup> Floor, Bristol, PA 19007
8. Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
9. Musconetcong Watershed Association; P.O. Box 113; Asbury, NJ 08802