

**TOWNSHIP OF BYRAM
COUNCIL AGENDA, MONDAY, JUNE 1, 2015
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION– 7:30 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. **RESOLUTION FOR EXECUTIVE SESSION**
 - a. Pending Litigation
 - Hopkins v. Byram Township, et al.
 - b. Attorney Client Privileged Communication
 - General
 - PSE&G
 - COAH
 - c. Contract Negotiations
 - Architect
 - Netcong Construction Agreement
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **PRESENTATION OF THE JUNE DOBSON SCHOLARSHIP BY THE BYRAM TOWNSHIP HISTORICAL SOCIETY to Tyler Prime of Pope John High School**
9. **APPROVAL OF NEW MEMBER OF THE BYRAM FIRE DEPARTMENT – Nikolai Fortuny**
10. **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.**
11. **REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
12. **APPROVAL OF MINUTES**
 - May 19, 2015 Regular Meeting Minutes
 - May 19, 2015 Closed Session Minutes
13. **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. 86 – 2015 – Resolution of Support to Establish New Jersey Transit Bus Stops along Route 206 in Byram Township
 - B. Resolution No. 87 – 2015 – Resolution Authorizing Grant Agreement between Byram Township and the NJDEP
 - C. Approval of County of Sussex 2015 donation of \$2,800 to Lakeland Emergency Squad
14. **APPROVAL OF JUNE 1, 2015 BILL LIST**
15. **ORDINANCES – 2nd Reading/Public Hearing**

Ordinance 6-2015 - Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Locations in and By the Township and to Provide Funding in the amount not to Exceed \$70,000.00
Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, roads in the Forest Lakes Community, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

Ordinance 7-2015 - Ordinance to Authorize a Capital Expenditure for Drainage Improvements of Various Streets and Locations in and by the Township and to Provide Funding in the amount not to Exceed \$63,000.00
Purpose Statement: Drainage Improvements to Lynn Drive including materials, equipment, site work and engineering costs fully funded by Capital Reserve for Drainage and Other Trust Reserve for Drainage.

Ordinance 8-2015 - Bond Ordinance Providing for the Improvement of Amity Road in and by the Township of Byram, in the County of Sussex, New Jersey, Appropriating \$125,000 therefor and Authorizing the Issuance of \$90,250 Bonds or Notes of the Township for Financing Such Appropriation
Purpose Statement: Reconstruction and resurfacing of various roads in and by the Township, including without limitation, Amity Road.

Ordinance 9-2015 - Ordinance to Authorize a Capital Expenditure for Technology Upgrades for the Township to Provide Funding in the Amount not to Exceed \$20,000
Purpose Statement: Technology Upgrades for the Township including a server for the administrative offices, workstations and all related costs incidental thereto fully funded by Capital Improvement Fund.
16. **ITEMS FOR DISCUSSION – Radio Communications**
17. **PUBLIC PARTICIPATION II**
18. **EXECUTIVE SESSION – Session II (if necessary)**
19. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
20. **ADJOURNMENT**
- 21.

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 86 – 2015**

**RESOLUTION OF SUPPORT TO ESTABLISH NEW JERSEY TRANSIT BUS STOPS
ALONG ROUTE 206 IN BYRAM TOWNSHIP**

WHEREAS, in order to legally establish bus stops along Route 206 which has been recommended for approval, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO); and

WHEREAS, an initial step in the TRO process is to receive a resolution of support from the municipality's governing body; and

WHEREAS, the Township of Byram supports the location of bus stops on the northern and southern side of Route 206.

NOW, THEREFORE, BE IT RESOLVED that the Township of Byram hereby supports and approves the following:

Bus Stops:

Along Route US 206, northbound, on the easterly side at:

A. Between Acorn Street and Brookwood Road (midblock)

Beginning 1115 feet north of the prolongation of the northerly curb line of Acorn Street and extending 135 feet northerly therefrom.

B. Between Brookwood Road and Lackawanna Drive – (midblock)

Beginning 416 feet north of the northerly curb line of Brookwood Road and extending 135 feet northerly therefrom.

C. Between Lackawanna Road (CR 607) and Hi Glen Drive- (midblock)

Beginning 455 feet north of the northerly curb line of Lackawanna Road and extending 135 feet northerly therefrom.

D. Pierson Drive- (far side)

Beginning at the northerly curb line of Pierson Drive and extending 100 feet northerly therefrom.

E. Willor Drive- (far side)

Beginning at the northerly curb line of Willor Drive and extending 100 feet northerly therefrom.

F. Between Willor Drive and Tamarack Road – (midblock)

Beginning 1300 feet north of the center line of Willor Drive and extending 135 feet northerly therefrom.

G. White Hall Road- (near side)

Beginning at the prolongation of the southerly curb line of White Hall Road and extending 105 feet southerly therefrom.

Along Route US 206, southbound, on the westerly side at:

A. Jones Lane- (near side)

Beginning at the prolongation of the northerly curb line of Jones Lane and extending 105 feet northerly therefrom.

B. Tamarack Road- (far side)

Beginning at the prolongation of the northerly curb line of Tamarack Road and extending 100 feet northerly therefrom.

C. South Shore Road- (near side)

Beginning at the northerly curb line of the southerly most intersect of South Shore Road and extending 105 feet northerly therefrom.

D. Pierson Drive- (near side)

Beginning at the prolongation of the northerly curb line of Pierson Drive and extending 105 feet northerly therefrom.

E. Hi-Glen Drive- (far side)

Beginning at the southerly curb line of Hi-Glen Drive and extending 100 feet southerly therefrom.

F. Netcong Avenue- (far side)

Beginning at the southerly curb line of Hi-Glen Drive and extending 100 feet southerly therefrom.

G. Waterloo Road (CR 604)- (midblock)

Beginning 430 feet south of the southerly curb line of Waterloo Road and extending 135 feet southerly therefrom.

Repealer Clause:

The Township of Byram concurs that any approved traffic regulations in conflict with or inconsistent with the provisions of this Resolution be rescinded upon approval of the Traffic Regulation Order

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | <i>Councilwoman Raffav</i> | <i>Councilman Gray</i> | <i>Councilman Olson</i> | <i>Councilwoman Kesh</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 June 1, 2015.

Doris Flynn, RMC
Township Clerk

**GRANT AGREEMENT
BETWEEN**

BYRAM TOWNSHIP
(Name of Grantee)

AND

**THE STATE OF NEW JERSEY
BY AND FOR**

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: FS15-054

GOVERNING BODY RESOLUTION

The governing body of **Byram Township** desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately **\$317,554** to fund the following project:

No Net Loss Grant

Therefore, the governing body resolves that **Mayor James Oscovitch** or the successor to the office of **Mayor**, is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than **\$317,554** and not more than **\$317,554**, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

*The **Byram Township Council** authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

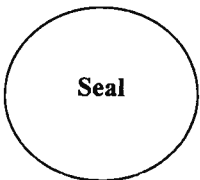
The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed _____, _____.

Ayes: _____

Noes: _____

Absent: _____



* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 6 - 2015**

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR
IMPROVEMENTS OF VARIOUS STREETS AND LOCATIONS IN AND BY
THE TOWNSHIP AND TO PROVIDE FUNDING IN THE AMOUNT NOT TO
EXCEED \$70,000.00**

Purpose Statement: Reconstruction and Resurfacing of Various Streets and Locations in and by the Township including without limitation, roads in the Forest Lakes Community, including reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, materials, equipment, site work and engineering costs.

WHEREAS, the Township of Byram is planning to complete reconstruction and resurfacing of various streets and locations in and by the Township including without limitation, roads in the Forest Lakes Community; and

WHEREAS, these improvements may include reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application all materials, equipment, site work and engineering; and

WHEREAS, the 2015 Municipal Budget included \$100,000 as a Capital Improvement Appropriation as a Supplement to the Road Improvement Program.

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 prepared by the Municipal Engineer. 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:

\$70,000.00 Supplement to Road Improvements

Section 3 – This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

BYRAM TOWNSHIP COUNCIL

Introduced: May 19, 2015 Adopted:

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on May 19, 2015 introduced and read by title and passed on first reading. The Township Mayor and Council further considered the Ordinance for second reading and final passage at a meeting on Monday, June 1, 2015 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing was held and all persons and citizens interested had an opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 7 - 2015**

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR
DRAINAGE IMPROVEMENTS TO LYNN DRIVE TO PROVIDE FUNDING IN
THE AMOUNT NOT TO EXCEED \$63,000.00**

Purpose Statement: Drainage Improvements to Lynn Drive including materials, equipment, site work and engineering costs fully funded by Capital Reserve for Drainage and Other Trust Reserve for Drainage.

WHEREAS, the Township of Byram is planning to complete drainage improvements to Lynn Drive; and

WHEREAS, these improvements may include all materials, equipment, site work and engineering; and

WHEREAS, the Township of Byram has money available in the amount of \$35,000 from the Capital Fund Reserve for Drainage and \$28,000 from the Other Trust Fund Reserve for Drainage.

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 execute drainage improvements as set forth in plans prepared by the Municipal Engineer. 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:

\$35,000.00 Capital Fund – Reserve for Drainage
\$28,000.00 Other Trust Fund – Reserve for Drainage

Section 3 – This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

BYRAM TOWNSHIP COUNCIL

Introduced: May 19, 2015 Adopted:

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on May 19, 2015 introduced and read by title and passed on first reading. The Township Mayor and Council further considered the Ordinance for second reading and final passage at a meeting on Monday, June 1, 2015 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing was held and all persons and citizens interested had an opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

**TOWNSHIP OF BYRAM
ORDINANCE NO. 8 – 2015**

**BOND ORDINANCE PROVIDING FOR THE
IMPROVEMENT OF AMITY ROAD IN AND BY THE
TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX,
NEW JERSEY, APPROPRIATING \$125,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$90,250 BONDS
OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH
APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF
THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less
than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Byram, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$125,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$4,750 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also the sum of \$30,000 from the Reserve for Road Resurfacing.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$125,000 appropriation not provided for by application hereunder of said down payment and said Reserve for Road Resurfacing, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$90,250 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding

\$90,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of various roads in and by the Township, including without limitation, Amity Road, to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including the reconstruction of culverts and headwalls and all curbing, drainage facilities, landscaping, reclamation, milling, structures, roadway surfaces including oil and stone or similar application, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$90,250.

(c) The estimated cost of said purpose is \$125,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$4,750 down payment for said purpose and the said \$30,000 from the Reserve for Road Resurfacing.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$90,250, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

BYRAM TOWNSHIP COUNCIL

Introduced: May 19, 2015 Adopted: June 1, 2015

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 9- 2015**

**AN ORDINANCE TO AUTHORIZE A CAPITAL EXPENDITURE FOR
TECHNOLOGY UPGRADES FOR THE TOWNSHIP TO PROVIDE FUNDING
IN THE AMOUNT NOT TO EXCEED \$20,000.00**

Purpose Statement: Technology Upgrades for the Township including a server for the administrative offices, workstations and all related costs incidental thereto fully funded by Capital Improvement Fund.

WHEREAS, the Township of Byram is planning to perform certain technological upgrades; and

WHEREAS, these improvements may include a server for the administrative offices, workstations and all related costs incidental thereto; and

WHEREAS, the Township of Byram has money available in the amount of \$20,000 from the Capital Improvement Fund.

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 execute technology upgrades as set forth in plans. 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:

\$20,000.00 Capital Improvement Fund

Section 3 – The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

Section 4 – This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

BYRAM TOWNSHIP COUNCIL

Introduced: May 19, 2015 Adopted:

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

Attest: _____
Doris Flynn, Township Clerk

NOTICE OF ADOPTION

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