

**TOWNSHIP OF BYRAM**  
**COUNCIL AGENDA, MONDAY, JUNE 16, 2014**  
**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. **Attorney Client Privilege Information**
    - General
    - PSE&G mitigation money from Highlands Council for potential OS purchase
    - 29 Rose Trail
  - b. **Contract Negotiations**
    - Health Benefits
    - Shared Services
    - Open Space Acquisition – Blk. 337/Lot 9.01
  - c. **Personnel – CFO/CTC**
  - d. **Anticipated/Pending Litigation – Murray Update**
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **PRESENTATION AND APPROVAL OF 2013 AUDIT**
9. **RESOLUTION NO. 96-2014 – CERTIFICATION OF ANNUAL AUDIT**
10. **REPORTS**
  - Township Manager
  - Mayor and Council Members
  - Township Attorney
11. **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.**
12. **APPROVAL OF MINUTES**
  - June 2, 2014 Regular Meeting Minutes
  - June 2, 2014 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. 92-2014 – Renewal of Liquor License to Adam Todd from 7/1/2014 through 6/30/2015
  - B. Resolution No. 93-2014 – Chapter 159 - \$17,634.43 – Clean Communities
  - C. Resolution No. 94-2014 – Resolution Authorizing the Cancellation of Capital Improvement Authorization
  - D. Resolution No. 95-2014 – Corrective Action Plan for the 2013 Audit
  - E. Resolution No. 97-2014 – Tax Sale Certification Redemption Blk. 304/ Lot 2231
  - F. Resolution No. 98-2014 – 2014 Capital Budget Amendment
14. **APPROVAL OF JUNE 16, 2014 BILL LIST**
15. **ORDINANCE – Introduction**
  - **An Ordinance to Authorize a Capital Expenditure for Improvements of Various Streets and Locations in and by the Township and Appropriating \$35,000.00 from Capital Fund Balance**

**Purpose Statement:** Reconstruction and resurfacing of Various Streets and Locations in and by the Township including without limitation, including Amity Road and Lynn Drive, 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.
  - **An Ordinance of the Township of Byram Establishing Procedures Regarding the Placement, Replacement, or Removal of Public Utility Poles or Underground Facilities Pursuant to the Authority Provided in N.J.S.A. 48:3-17a**

**Purpose Statement:** This ordinance amends the Byram Township Code to establish procedures regarding the placement, replacement or removal of public utility poles or underground facilities, pursuant to the authority provided in N.J.S.A. 48:3-17a.
  - **Bond Ordinance Appropriating \$600,000, and Authorizing the Issuance of \$565,000 Bonds or Notes of the Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township of Byram, in the County of Sussex, New Jersey.**
- **ORDINANCE – 2<sup>nd</sup> Reading/Public Hearing**

**Ordinance 6-2014 – Ordinance to Amend the Appendix A; Fee Schedule, to the Code of Byram Township**  
**Purpose Statement:** The purpose of this Ordinance is to amend the Fee Schedule to update changes in various fees with regard to OPRA, animal control, finance, highland exemption determination and waiver of site plan approval
16. **DISCUSSION –EDAC recommendations to Council**
17. **PUBLIC PARTICIPATION II**
18. **EXECUTIVE SESSION – Session II (if necessary)**
19. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
20. **ADJOURNMENT**

**TOWNSHIP OF BYRAM**

**RESOLUTION NO. 92 – 2014**

**RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE  
TO ADAM TODD INN VALID FROM 7/1/2014 THROUGH 6/30/2015**

**BE IT RESOLVED** by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to Adam Todd Inc., trading as Adam Todd Inn, located at 263 Route 206, Andover New Jersey 07821. The same license being No. 1904-33-001-002. Said license shall be valid from July 1, 2014 through June 30, 2015.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	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 June 16, 2014.

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

**TOWNSHIP OF BYRAM**  
**RESOLUTION NO. 93 - 2014**  
**CHAPTER 159**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of .....\$17,634.43 which is now available as a revenue from:

Miscellaneous Revenues – Section F  
 Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:  
 Public and Private Revenues Offset with Appropriations:  
 State of New Jersey, Solid Waste Administration  
 2014 Clean Communities Grant

BE IT FURTHER RESOLVED that the like sum of .....\$17,634.43 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS  
 Public and Private Programs Offset by Revenues:  
 State of New Jersey, Solid Waste Administration  
 2014 Clean Communities Grant

BE IT FURTHER RESOLVED that the Township Clerk forward one copy of this resolution along with the Acting CFO Certification to the Director of the Division of Local Government Services.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 <sup>nd</sup>					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 16, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 94 - 2014**

**RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL  
IMPROVEMENT AUTHORIZATION**

**WHEREAS**, the Byram Township Capital Fund has the following unexpended Capital Improvement Authorization; and

Ordinance #6-2013 Improvement to Roseville Road Phase IV -  
\$34,892.27

**WHEREAS**, it is recommended by the Finance Department that this unexpended in Ordinance #6-2013, Improvement to Roseville Road Phase IV in the amount of \$34,892.27 be cancelled to Capital Fund Balance.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Township Council, Township of Byram, County of Sussex, New Jersey, that the Finance Department be authorized to cancel the above mentioned Capital Improvement Authorization.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 <sup>nd</sup>					
Yes					
No					
Abstain					
Absent					

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 16, 2014.

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

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

**RESOLUTION NO. 95 - 2014**

**CORRECTIVE ACTION PLAN FOR THE 2013 AUDIT**

**WHEREAS**, Local Finance Notice 97-16 requires the Chief Financial Officer, with assistance from other officials affected by the audit recommendations, to prepare and submit a Corrective Action Plan for approval by the governing body within 60 days from the date the audit is received by the governing body; and the 2013 Audit was received on April 16, 2014.

**BE IT RESOLVED**, by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that the attached Corrective Action Plan, be approved, placed on file in the Clerk's Office, and submitted by the Clerk to the Division of Local Government Services. Copies of this Resolution will be forwarded to the Township Auditor.

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

**CERTIFICATION**

I, Doris Flynn, Clerk of the Township of Byram, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Byram Township Council at its meeting on June 16, 2014.

\_\_\_\_\_  
Doris Flynn, R.M.C.  
Clerk

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
RESOLUTION NO. 96 - 2014**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the "Municipal Clerk" pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Township of Byram, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON June 16, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 97 – 2014**

**TAX SALE CERTIFICATE REDEMPTION**

WHEREAS, the Tax Collector has certified that the following tax lien(s) has been satisfied:

<u>Lien Holder</u>	<u>Certificate</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
US Bank Cust/Pro Capital III, LLC 2 Liberty Place 50 S 16 <sup>th</sup> St Philadelphia, PA 19102	#2013-012	304	2231	\$7,581.71

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**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 <sup>nd</sup>					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 16, 2014.

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

**TOWNSHIP OF BYRAM  
2014 CAPITAL BUDGET AMENDMENT  
RESOLUTION NO. 98 - 2014**

WHEREAS, the Township of Byram desires to amend the 2014 Capital Budget of the Township of Byram by inserting therein the Purchase of Various Capital Improvements.

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

No. 1 2014 Capital Budget Amendment Township of Byram County of Sussex, New Jersey				
<u>Project</u>	<u>Estimated</u> <u>Cost</u>	<u>Capital Improvement</u> <u>Fund</u>	<u>Reserve –</u> <u>Fire</u> <u>Dept. Grant</u>	<u>General</u> <u>Bonds</u>
Acquisition by Purchase of new and additional firefighting equipment for use by the Byram Township Fire Department, including one (1) pumper truck, and including also improvements to the firehouse.	\$460,000		\$25,000	\$435,000
Improvement of the Department of Public Works Salt Dome	\$140,000	\$10,000		\$130,000

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

I, Doris Flynn, Clerk of the Township of Byram, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Byram Township Council at its meeting on June 16, 2014.

\_\_\_\_\_  
Doris Flynn, R.M.C.  
Township Clerk



**BYRAM TOWNSHIP COUNCIL**

Introduced:

Adopted:

**TOWNSHIP OF BYRAM**

By: \_\_\_\_\_  
James Oscovitch, Mayor

Attest: \_\_\_\_\_  
Doris Flynn, Township Clerk

**NOTICE**

**NOTICE** is hereby given that the above-entitled 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 20th day of May 2014. 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, 10 Mansfield Drive, Byram Township, New Jersey, on the 2nd day of June at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
ORDINANCE NO. - 2014**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM ESTABLISHING PROCEDURES  
REGARDING THE PLACEMENT, REPLACEMENT OR REMOVAL OF PUBLIC  
UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE  
AUTHORITY PROVIDED IN N.J.S.A. 48:3-17a**

Purpose Statement: This ordinance amends the Byram Township Code to establish procedures regarding the placement, replacement or removal of public utility poles or underground facilities, pursuant to the authority provided in N.J.S.A. 48:3-17a.

Now, therefore, be it ordained by the Byram Township Council, as follows:

Section 1. The Byram Township Code is hereby amended by adding Chapter 214, to read as follows:

**CHAPTER 214 Public Utility Pole or Underground Facility Placement; Notice to Municipal Code Official Required**

214-1- Before a public utility places, replaces or removes a pole or an underground facility located in the Township of Byram, the public utility shall notify both the municipal Engineer and the Municipal Code Official in writing, which may be by Fax or e-Mail, at least, but not less than 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of water service or telephone or other telecommunications service on or below a public right of way in the Township. The Township Committee of the Township of Byram shall notify any public utility that provides service in the Township of the application of the provisions of this ordinance.

For the purposes of this section, "underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power or for the providing of water service, or for the furnishing of telephone or other telecommunications service.

214-2 After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible. As used in this section, "hot patch" means the installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or

excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

214-3 For the purposes of this section, "pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

214-4 In the event a public utility does not meet the requirements of subsection 214-2 of this section concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility will be fined up to an amount not to exceed \$100 each day until the requirements of subsection 214-2 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the November through April period. At least five business days prior to the end of the 90-day period established by this subsection, the municipality shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 214-2 of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under subsection 214-2 of this section, unless a written agreement between the public utilities provides otherwise.

214-5 Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, water, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 214-1 of this section shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Municipal Engineer and the Municipal Code Official of Byram Township at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with the removal and restoration requirements of subsection 214-2 of this section after responding to the emergency.

Section 2. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Byram heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

**BYRAM TOWNSHIP COUNCIL**

Introduced: 6-16-14

Adopted:

**TOWNSHIP OF BYRAM**

By: \_\_\_\_\_

James Oscovitch, Mayor

Attest: \_\_\_\_\_

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM**

**NOTICE OF PENDING ORDINANCE**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM ESTABLISHING PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 48:3-17a**

**Take Notice** that the Ordinance identified above which amends the Byram Township Code to establish procedures regarding the placement, replacement or removal of public utility poles or underground facilities, pursuant to the authority provided in N.J.S.A. 48:3-17a has been adopted on first reading by the Byram Township Council, held on June 16, 2014. It will be considered for final passage after public hearing to be held on July 1, 2014 at 7:30 P.M. in the Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Byram in the Municipal Complex. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 10 Mansfield Drive, Stanhope, New Jersey 07874.

Doris Flynn, RMC  
Township Clerk

**TOWNSHIP OF BYRAM**  
**SUSSEX COUNTY, NEW JERSEY**  
**ORDINANCE NO. 8 - 2014**

**BOND ORDINANCE APPROPRIATING \$600,000, AND  
AUTHORIZING THE ISSUANCE OF \$565,000 BONDS OR  
NOTES OF THE TOWNSHIP, FOR VARIOUS  
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE  
UNDERTAKEN BY THE TOWNSHIP OF BYRAM, IN THE  
COUNTY OF SUSSEX, NEW JERSEY.**

**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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Byram, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$600,000 including the aggregate sum of \$35,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 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, to the extent of \$10,000, from the Capital Improvement Fund of the Township and, to the extent of \$25,000, from the Reserve Fire Department Grant of the Township.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$600,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal

amount of \$565,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$565,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional fire fighting equipment for use by the Byram Township Fire Department, including one (1) pumper truck, and including also improvements to the firehouse, together with all work, materials, equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$460,000	\$435,000
(b) Improvement of the Department of Public Works Salt Dome in and by the Township, including the rehabilitation of the roof thereof, together with all structures, 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	<u>140,000</u>	<u>130,000</u>
Totals	\$600,000	\$565,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each 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 benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.1 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 \$565,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$25,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs 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 costs of said improvements and are included in the foregoing estimate thereof.

Section 5. 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 6. 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 7. 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 8. 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: 6-16-14

Adopted:

**TOWNSHIP OF BYRAM**

By: \_\_\_\_\_  
James Oscovitch, Mayor

Attest: \_\_\_\_\_  
Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
COUNTY OF SUSSEX**

**ORDINANCE NO. 6 - 2014**

**AN ORDINANCE TO AMEND THE APPENDIX A; FEE SCHEDULE, TO THE CODE OF BYRAM TOWNSHIP**

**Purpose Statement:** The purpose of this Ordinance is to amend the Fee Schedule to update changes in various fees with regard to OPRA, animal control, finance, highland exemption determination and waiver of site plan approval.

NOW, THEREFORE, BE IT ORDAINED by the Byram Township Council that Appendix A; Fee Schedule, is hereby amended as follows to the code of the Township of Byram:

**§ 1. Appendix A, Chapter A287, Fees, is amended to the Code of the Township of Byram as follows:**

**Appendix A, Chapter A287, Sections A287-2 through A287-4 shall be deleted and replaced as amended with the following in its entirety:**

**§ A287-2. Planning Board fees.**

A. Planning Board fees shall be as follows:

<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
N.J.S.A. 40:55D-70a Appeals		§ 45-37A(1)(a)
Residential	\$125	
Commercial	\$125	
Industrial	\$125	
N.J.S.A. 40:55D-70b Interpretations		§ 45-37A(1)(a)
Residential	\$325	
Commercial	\$325	
Industrial	\$325	
N.J.S.A. 40:55D-70c Variances		§ 45-37A(1)(a)
Residential	\$150	
Commercial	\$250	
Industrial	\$250	
N.J.S.A. 40:55D-70d Variances		§ 45-37A(1)(a)

<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
Residential	\$400	
Commercial	\$700	
Industrial	\$1,100	
N.J.S.A. 40:55D-36 permits		§ 45-37A(1)(a)
Residential	\$125	
Commercial	\$325	
Industrial	\$325	
N.J.S.A. 40:55D-76 permits		§ 45-37A(1)(a)
Residential	\$350	
Commercial	\$650	
Industrial	\$1,100	
Additional escrow deposit if professional review is required	\$500	
Escrow for new construction on a vacant lot	\$1,000	
Escrow Deposit for extension of variance approval	\$150	
Preparation of certified list of adjacent property owners	\$0.25/name or \$10, whichever is greater	§ 45-37A(3) § 215-14
Escrow deposit for reviews under N.J.S.A. 40:55D-70a, -70b, -70c, and -36	\$500	§ 45-37A(4)(a)
Escrow deposit for reviews under N.J.S.A. 40:55D-70d and -76	\$1,000	§ 45-37A(4)(a)
Special Planning Board meeting fee	\$1,000	§ 45-37A(5); § 215-16
Original submission of minor subdivision application	\$150	§ 45-37B
Each resubmission of a minor subdivision on original application or map which has expired pursuant to N.J.S.A. 40:55D-47	\$75	§ 45-37B

<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
Preliminary plat, resubmission or substantial amendment, provided that it encompasses the same land as the original subdivision, and provided that the resubmission is filed within 6 months of the disapproval of the original submission	\$500, plus \$100/lot	§ 45-37B
Final plat, original submission	\$250, plus \$25/lot	§ 45-37B
Final plat, resubmission or substantial amendment, provided that it encompasses the same land as the original final submission, and provided that the resubmission is filed within 3 years of preliminary approval	10% of original application, but not less than \$75	§ 45-37B
Initial submission of preliminary site plan	\$1,000, plus \$50/acre or part thereof	§ 45-37B
Amended site plan	\$250, plus \$25/acre or part thereof	§ 45-37B
Final site plan	\$450	§ 45-37B
Minor site plan/site plan waiver	\$125	
Extension of approval for site plan/subdivision	\$75	
<b>Waiver of Site Plan Approval</b> Site Plan Waiver with Change of Use Site Plan Waiver, no Change of Use Escrow Deposit (if required)	\$125 \$ 50 \$250* *Add'l costs may be assessed if consultants are required to review.	
<b>Highlands Act Exemption Application Fees</b> Exemption Determination Fee (with no zoning permit) Exemption Determination Fee (with zoning permit) Escrow Deposit for Professional Review (if needed)	\$50.00 \$100.00 \$750.00	

B. Subdivision and zoning fees.

(1) Subdivision and site plan review fees.

<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
Informal review of concept plan	1/2 regular fee <sup>10</sup>	§ 215-12
Obtaining a certificate or approval and/or release of a performance or maintenance bond	\$10/lot	§ 215-13
Escrow deposits for residential developments:		
1 unit	\$500	
2 to 25 units	\$2,500	
26 to 100 units	\$4,500	
101 to 500 units	\$9,500	
501 to 1,000 units	\$17,000	
1,000+ units	\$27,000	
Escrow deposits for commercial/industrial development not involving structures		
0 to 3 lots	\$2,000	
3 or more lots	\$4,000	
Escrow deposits for commercial/industrial development involving structures		
1,250 to 2,500 square feet	\$1,000	
2,501 to 20,000 square feet	\$2,000	
20,001+ square feet	\$3,500	
Each additional 20,000 square feet	\$6,000	
Residential development fee	1-1/2% of equalized assessed value for new residential development	§ 215-62A
Nonresidential development fee	2-1/2% of equalized assessed value for nonresidential development	§ 215-63A
Floor area ratio variance	6% of equalized assessed value for development	§ 215-62B and § 215-63B

(2) Zoning fees.

Item	Fee	Code Location
Zoning permits:		
Zoning Permit	\$50	§ 240-71
Review fee submitted with grading plan	\$75	§ 240-11G(1)
Resubmission of permit within 30 days of return of rejected grading plan <sup>6</sup>	\$75	§ 240-11G(1)
Escrow for inspections, professional fees or engineering work	\$1,000	§ 240-11G(2)
VC Village Center concept review and escrow for concept review	1/2 amount charged for formal application	§ 140-80B(1)

§ A287-3. Animal control fees.

Animal control fees shall be as follows:

Item	Fee	Code Location
Replacement of dog tag	\$1	§ 87-4G
Kennels:		
With 10 or fewer animals	\$50	§ 87-8E
With 11 or more animals	\$100	§ 87-8E
Pet shop	\$50	§ 87-8E
Shelter or pound	No fee	§ 87-8E
Potentially dangerous dog license	\$300	§ 87-10F
License for spayed or neutered dog <sup>9</sup>	\$12	§ 87-16A
Three year license for spayed or neutered dog	\$30	
License for dog not spayed or neutered <sup>9</sup>	\$15 <sup>1</sup>	§ 87-16A
Three year license for dog not spayed or neutered	\$39	
Late renewal of license <sup>9</sup>	\$5/dog/month	§ 87-16B
Animal Control Authority Dog Pickup	\$70	§ 87-16C
Animal Control Authority Cat Pickup	\$70	§ 87-16C
24-hour boarding and care of impounded dog	\$4/day	§ 87-16D
24-hour boarding and care of impounded cat	\$5/day	§ 87-16D

Item	Fee	Code Location
Disposition of dog	\$120	§ 87-16F
Disposition of cat	\$85	§ 87-16F

**§ A287-4. Miscellaneous fees.**

Miscellaneous fees shall be as follows:

Item	Fee	Code Location
Alarm system registration	\$10/dwelling unit \$25 all others Maximum \$50	§ 80-3C
Alcoholic beverages:		
Plenary retail alcohol consumption license	\$620	§ 82-3A
Plenary retail alcohol distribution license	\$518	§ 82-3B
Amusement devices:		
Amusement or entertainment machines or devices		§ 85-4A(1)
First machine	\$25	
Each additional machine	\$2	
Pool or billiard table not operated by coin or slug	\$25/table	§ 85-4A(2)
Finance Fees		§§ 87-16H; 107-2
Returned check	\$20/transaction	
Duplicate Tax Bill fee – First copy	\$ 5.00	
Subsequent copies	\$25.00	
Notice of Tax Sale	\$25/notice	
Redemption Request	\$50 per request* *if exceeding two calculations within one calendar year	
Private campground license	\$500, plus \$1.25 per site per year	§§ 104-1 and 104-2
Junkyards:		
Annual license	\$200/year	§ 156-5



<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
Escrow	\$500	§ 156-5
<b>Quarries:</b>		
Basic application fee	\$500	§ 189-8A
Escrow fee for quarries	\$5,000	§ 189-8B
<b>Licensing:</b>		
Transfer license from one place to another (upon approval by resolution of the Township Council)	\$25	§ 164-7
License for foot peddler	\$25/year	§ 164-13
License for peddler from vehicle	\$50/year	§ 164-13
Solicitor's or canvasser's license (only for-profit organizations)	\$50/year	§ 164-24
Charitable and philanthropic solicitation permit	No fee	§ 164-34
<b>Public records:</b>		
Copies of 8-1/2" x 11" printed materials	\$.005/page	§ 187-1
Copies of 11"x14" and 11"x17" printed materials	\$.07/page	
Certified copy of vital statistics	\$10	
<b>Maps and plans</b>		§ 187-2
24 inches x 36 inches	Cost incurred from outside vendor	
Larger than 24 inches x 36 inches	Cost incurred from outside vendor	
Color copies, 8.5 x 11 (single-sided)	\$.50/page	§ 187-2
Color copies, 11 x 17 (single-sided)	\$.75/page	§ 187-2
Special service charge for voluminous requests for every hour or part of exceeding three hours of labor to complete the request	Employee hourly wage will apply	§ 187-3A
Copies of Zoning Ordinance	\$30	
Printed Master Plan	\$40	

<b>Item</b>	<b>Fee</b>	<b>Code Location</b>
Requests for documents/audio recordings on CD	\$.50/CD	
Zoning Map, large color	\$10	
Street Map, large	\$10	
Road vacations:		
Escrow	\$1,000	
Application	\$100	
Seasonal sale permit	\$25/occasion	§ 195-6
Taxicabs:		
Taxicab owner's license		§ 222-4G
Initial license	\$100	
Annual renewal	\$50	
Taxicab driver's license		
Initial license	\$25	§ 222-5A(2)
Annual renewal	\$20	§ 222-5D

**Severability.**

If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any Ordinance or portions thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

**Effective date.**

This Ordinance shall take effect in the time and manner prescribed by law.

**BYRAM TOWNSHIP COUNCIL**

Introduced: June 2, 2014

Adopted: June 16, 2014

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

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DORIS FLYNN, TOWNSHIP CLERK

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JAMES OSCOVITCH, MAYOR

**NOTICE**

NOTICE is hereby given that Ordinance No. 6-2014 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 2nd day of June, 2014. The said ordinance was 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 16<sup>th</sup> day of June, 2014 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance. It was finally passed and adopted and will be in full force in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM

DORIS FLYNN, TOWNSHIP CLERK