

**TOWNSHIP OF BYRAM**  
**COUNCIL AGENDA, TUESDAY, JULY 15, 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
  - b. Contract Negotiations
    - Health Benefits
    - Shared Services
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **REPORTS**
  - Township Manager
  - Mayor and Council Members
  - Township Attorney
9. **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.
10. **APPROVAL OF MINUTES**
  - July 1, 2014 Regular Meeting Minutes
  - July 1, 2014 Closed Session Minutes
11. **CONSENT AGENDA:** These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda.
  - A. Resolution No. 106-2014 – Resolution to Award the 2015 Stainless Steel Dump Body to LS LTD
  - B. Resolution No. 107-2014 – Resolution Authorizing the Interlocal Agreement Between Byram Township and Netcong Borough for Construction Department Services
  - C. Resolution No. 108-2014 – Resolution Authoring the Renewal of the Group Life Insurance Policy for Eligible Employees Through the Standard Life Insurance Company
  - D. Resolution No. 109-2014 – Resolution Authorizing the Execution of the Consent for Access to Property Agreement at the Mansfield Trail Dump Superfund Site
  - E. Resolution No. 110-2014 – Resolution Authorizing the Adoption of the Byram Township Employee Handbook
  - F. Resolution No. 111-2014 – Resolution Authorizing Appointment of Structural engineer/Architect and Award PSA not to exceed \$15,600
  - G. 50/50 Raffle Application – Sussex County Arts & Heritage Council – Raffle to be held at Lake Mohawk Pool on September 7, 2014
12. **ORDINANCE – Second Reading/Public Hearing**

**Ordinance 9-2014 - 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.**

**Purpose Statement:** 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. Improvement of the Department of Public Works Salt Dome in and by the Township, including the rehabilitation of the roof thereof.
13. **PUBLIC PARTICIPATION II**
14. **EXECUTIVE SESSION – Session II (if necessary)**
15. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
16. **ADJOURNMENT**

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 106 - 2014**

**Authorize the Purchase of one (1) 2014 Ford Police Interceptor Sedan AWD Vehicle with Optional Equipment for the Township of Byram Police Department**

**WHEREAS**, the Morris County Cooperative Pricing Council (MCCPC) publicly bid Contract #15-A: Police Pursuit Vehicles (2014 Model); and

**WHEREAS**, Item 1(A) of the contract is for a 2014 Model or Newer, Ford Police Interceptor or Equivalent, Full Size, 4 Door Sedan, New, Unused, 6 Cylinder, All Wheel Drive; and

**WHEREAS**, the MCCPC awarded a contract for the period November 1, 2013 – October 31, 2014; and

**WHEREAS**, Beyer Ford is an approved vendor under the contract; and

**WHEREAS**, Byram Township is a member of the MCCPC and has access to contracts for public purchasing without competitive bidding; and

**WHEREAS**, the total bid price for each vehicle including all applicable delivery charges is \$23,764.00; and

**WHEREAS**, there are available options covered under the State publicly bid Contract T0106 (81346 and 81327) Police and Homeland Security Equipment and Supplies; and

EDH 1900 – Installer Series Wiring Harness (81346) - \$440.00  
PS-G-A Power Distribution Panel w/Master Cut-Off Switch (81346) - \$290.00  
Skid Plate (81327) - \$300.75

**WHEREAS**, the State awarded a contract for the period May 1, 2012 – April 30, 2015; and

**WHEREAS**, Beyer Ford is identified as the approved vendor; and

**WHEREAS**, Byram Township has the ability under cooperative purchasing to purchase directly without competitive bidding; and

**WHEREAS**, there are other options not covered under a competitive bidding contract but are under the Township's quote threshold; and

Roof Wiring	\$290.00
Front Headlamp/Housing Drilled	\$125.00
(4) Remappable Steering Wheel Switches	\$150.00
Odyssey Battery	\$395.00
Charge Guard	\$225.00

**WHEREAS**, the source of funding for purchase of the vehicle with optional equipment are the funds available under the Police Department Operating Budget; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Byram does hereby authorize the execution of the necessary purchase order in the total amount not to exceed \$25,554.75 to obtain one (1) 2014 Ford Police Interceptor Sedan AWD Vehicle with Optional Equipment; and

**BE IT FURTHER RESOLVED**, that upon receipt, inspection and approval of voucher therefore by the Township of Byram, payment, pursuant to said purchase order, is hereby authorized with the same to be charged against funds established in the appropriate account for said purpose.

**BYRAM TOWNSHIP COUNCIL**

COUNCIL MEMBER	David Gray	Councilwoman Raffar	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 July 15, 2014.

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

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 107-2014**

**RESOLUTION AUTHORIZING THE INTERLOCAL AGREEMENT  
BETWEEN BYRAM TOWNSHIP AND NETCONG BOROUGH FOR  
CONSTRUCTION DEPARTMENT SERVICES**

WHEREAS, Byram Township and Netcong Borough have entered into an interlocal agreement for Construction Department Services which expires August 31, 2014; and

WHEREAS, by mutual agreement of the parties, Byram Township and Netcong Borough wish to renew said agreement for the period September 1, 2014 through August 31, 2015.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Clerk and Township Manager are hereby authorized to execute the interlocal agreement between Byram Township and Netcong Borough for Construction Department Services.

**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 July 15, 2014.

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Doris Flynn, Municipal Clerk

# RESOLUTION NO. 108 - 2014

## TOWNSHIP OF BYRAM

Sussex County, New Jersey

### A RESOLUTION AUTHORIZING THE RENEWAL OF THE GROUP LIFE INSURANCE POLICY FOR ELIGIBLE EMPLOYEES THROUGH THE STANDARD LIFE INSURANCE COMPANY

**WHEREAS**, the Township of Byram (hereinafter, the Township) maintains a Group Life Policy with Accidental Death & Dismemberment (AD&D) including Long Term Disability (LTD) coverage currently underwritten by the Standard Insurance Company, covering all full-time municipal employees and eligible retirees; and

**WHEREAS**, said policy is due to renew August 1, 2014 and as such, the carrier has offered a flat renewal (no rate action) with a 24-month rate guarantee through 07/31/16; and

**WHEREAS**, the Township's Health Benefits Consultant provided the Township historical data and perspective on this policy which indicated Standard Insurance Company was awarded the contract in 2009 after a full marketing effort that determined the Standard was providing equal to or better coverage than the then incumbent carrier at a substantial rate reduction and further, in 2012, the Health Benefits Consultant again performed a full marketing effort and Standard Insurance again was the low cost provider and still further at the end of this renewal cycle, the Township will have had no rate increase for a seven (7) year period; 2009 through 2016.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, the Health Benefits Consultant is hereby authorized and directed to effectuate with the Standard Insurance Company, the renewal as set forth, for an **August 1, 2014** effective date; and

**BE IT FURTHER RESOLVED**, that payment of the monthly premium, which is unchanged from the expiring contract based upon the existing census, is hereby authorized and directed to the Township's Chief Financial Officer for satisfaction; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Employee Benefits Consultant to the Township.

Adopted this day: *July 15, 2014*

ATTEST:

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Mayor

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 109 - 2014**

**RESOLUTION AUTHORIZING THE EXECUTION THE MANSFIELD  
TRAIL DUMP SUPERFUND SITE CONSENT FOR ACCESS TO  
PROPERTY AGREEMENT**

WHEREAS, the Township Council and Township Manager have reviewed the Mansfield Trail Dump Superfund Site Consent for Access to Property Agreement, which was prepared to allow access by the Environmental Protection Agency (EPA) to the public right of way along Ross Road and Brookwood Road for the purpose of installing monitoring wells and collection groundwater samples.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Township Manager and Clerk are hereby authorized to execute the Mansfield Trail Dump Superfund Site Consent for Access to Property Agreement.

**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 July 15, 2014.

\_\_\_\_\_  
Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 110 - 2014**

**ADOPTING THE BYRAM TOWNSHIP  
EMPLOYEE HANDBOOK**

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

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

**WHEREAS**, the Byram Township Council adopted the initial version of the Byram Township Employee Handbook in May 2010, and amended April 2012; and

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

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

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

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

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

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

Attest:

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township of Byram, Mayor and Council at a meeting held on July 15, 2014.

\_\_\_\_\_  
Doris Flynn, Township Clerk  
Township of Byram

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 111 - 2014**

**AUTHORIZING APPOINTMENT OF THE TOWNSHIP ENGINEER AND  
AWARD OF PROFESSIONAL SERVICE CONTRACT IN CONNECTION  
THEREWITH**

WHEREAS, the Township of Byram, pursuant to N.J.S.A. 40:55D-71b. has determined it necessary to employ a Structural engineer/Architect for the Township Council; and

WHEREAS, the Mayor and Council intend by this resolution to award to HQW LLC a professional services contract for the period 7/15/14-12/31/14 in accordance with the attached proposal; and

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is for one year; and

WHEREAS, HQW LLC has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services," without competitive bids and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Byram, County of Sussex and State of New Jersey that it hereby authorizes the Mayor, Township Manager and Clerk to enter into a contract with HQW LLC as described hereinabove; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township Newspaper.

**BYRAM TOWNSHIP COUNCIL**

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on July 15, 2014.

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

**TOWNSHIP OF BYRAM**  
**SUSSEX COUNTY, NEW JERSEY**  
**ORDINANCE NO. 9 - 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: 7-1-14

Adopted: 7-15-2014

**TOWNSHIP OF BYRAM**

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

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