

TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, JULY 21, 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. - update
 - b. Attorney Client Privileged Communication
 - General
 - PSE&G
 - c. Shared Services/Contract Negotiations – Netcong Construction Agreement
 - d. Contract Negotiations
 - Radio Communications Consultant
 - Solid Waste/Recycling Contract
 - e. Personnel - PBA Grievance
 - Emergency Management Council
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **PUBLIC PARTICIPATION I** – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided.
9. **RESOLUTION NO. 114 – 2015 - RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE ESTABLISHMENT OF AN U.S. DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC IN SUSSEX COUNTY** – In attendance: Mike Devilliers, Veterans Coordinator at SCCC, Dave Pearson from Catholic Charities, and Tony Gallopo from the American Legion
10. **REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
11. **APPROVAL OF MINUTES**
 - July 7, 2015 Regular Meeting Minutes
 - July 7, 2015 Closed Session Minutes
12. **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. 111–2015 – Award of Bid to Contractors under the Morris County Cooperative Pricing Council for Proposed Improvements to Amity Road – Phase 1A
 - B. Resolution No. 112-2015 – Resolution Authorizing Refund of Redemption Monies to Outside Lien Holder
 - C. Resolution No. 113-2015 – Chapter 159 - \$2,805.33
 - D. Resolution No. 115-2015 – Resolution Awarding a Contract for Demolition of Jones House and Garage – William Wroblewski LLC – not to exceed \$6,500
 - E. Approval of Special Bingo License -Sr. Citizen group of Harborview Apartments to play at Tomahawk Lake 7/13/15-7/13/17
13. **PROCLAMATION** – Commending Northwest NJ Community Action Partnership, Inc., (NORWESCAP) upon the Occasion of Celebrating the 50th Anniversary of Community Action
14. **APPROVAL OF JULY 21, 2015 BILL LIST**
15. **ORDINANCE NO. 11-2015 – 2nd Reading/Public Hearing**

An Ordinance Authorizing the Attached Agreement Between the Township of Byram and Aqua New Jersey, Inc. Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Water Facilities in the Township Rights of Way in the Byram Homeowners Association Water Co., Inc. Franchise Area Attached as Exhibit A and consenting to the Assignment to and Assumption by Aqua New Jersey, Inc.

Purpose Statement: The purpose of this Ordinance is to authorize the signing of an Agreement between the Township of Byram and Aqua New Jersey, Inc. approving a Franchise and municipal consent to allow Aqua New Jersey, Inc. to construct, operate and maintain the water facility in the Franchise Area of the Byram Homeowners Association Water Co., Inc.
16. **DISCUSSION**
 - Draft Route 206 Resolution
 - Green Acres Park Compliance
17. **PUBLIC PARTICIPATION II**
18. **EXECUTIVE SESSION – Session II (if necessary)**
19. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
20. **ADJOURNMENT**

**TOWNSHIP OF BYRAM
COUNTY OF SUSSEX
RESOLUTION 114 - 2015**

RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE ESTABLISHMENT OF AN U.S. DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC IN SUSSEX COUNTY

WHEREAS, the U.S. Department of Veterans Affairs identifies a total of 46,229 Veterans living in Sussex County and the bordering counties as of September 30, 2014; and

WHEREAS, the U.S. Department of Veterans Affairs Community Based Outpatient Clinic is located at the East Orange Campus approximately 40 miles from the County center; and

WHEREAS, the Sussex County veterans community has identified the need for a U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram supports the establishment of an U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County; and

BE IT FURTHER RESOLVED, that copies of the Resolution be forwarded to Ken Mizrach, Director, VA New Jersey Health Care System; 385 Tremont Avenue, East Orange, NJ 07018; Hon. Rodney P. Frelinghuysen, United States Representative, 30 Schuyler Place, 2nd Floor, Morristown, NJ 07960; Hon. Cory A. Booker, United States Senator, One Gateway Center, suite 2300, 11-43 Raymond Plaza West, Newark, NJ 07102; Hon. E. Scott Garrett, United States Representative, 266 Harristown Road, Suite 104 Glen Rock, NJ 07452; Hon. Robert Menendez, United States Senator, 208 White Horse Pike, Suite 18 Barrington, NJ 08007 and to the 24th Legislative District, One Wilson Drive Suite 2B, Sparta, NJ 07871.

CERTIFICATION: I, Doris Flynn, Municipal Clerk of the Township of Byram, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Township of Byram, County of Sussex, State of New Jersey at a regular meeting of said Governing Body held on July 21, 2015.

Doris Flynn, Municipal Clerk

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

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 111 - 2015**

**Award of Bid to Contractors under the Morris County Cooperative Pricing Council For
Proposed Improvements to Amity Road – Phase 1A**

WHEREAS, the Morris County Cooperative Pricing Council advertised and received bids for roadway milling and resurfacing; roadway striping and other construction related items; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities who are a member of the Morris County Cooperative Pricing Council, a State regulated County Contract Purchasing System;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Byram does hereby authorize the use of the Morris County Cooperative Pricing Council bids for the following contracts:

- 1.) Roadway Milling & Resurfacing: Tilcon, New York, Inc. (Contract #6) in an estimated amount of \$127,783.00
- 2.) Roadway Striping: Denville Line Painting, Inc. (Contract #36) in an estimated amount of \$3,735.60

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 accounts for said purpose; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Morris County Cooperative Pricing Council, Municipal Treasurer, and the Municipal Clerk.

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 21, 2015.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 112 - 2015**

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, at the Municipal Tax Sale held on October 12, 2011 a lien was sold on Block 330 Lot 1.07 also known as 14 Division Lane, for 2010 delinquent real estate taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #2011-27, was sold to Robert Dennis, Rose Estate, LLC at 18% interest with no premium; and

WHEREAS, Clara Olivo the owner of said property has effected a redemption of certificate #2011-27 in the amount of \$40,655.35 along with the foreclosure legal fees of \$1,170.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Byram that this Governing Body acknowledges that Robert Dennis, Rose Estate, LLC. is entitled to the redemption in the amount of \$40,655.35 as well as the foreclosure legal fees of \$1,170.00; and

BE IT FURTHER RESOLVED, that the Certified Finance Officer be authorized to issue a check in the total amount of \$41,825.35 for the total redemption of certificate #2011-27 payable to Robert Dennis, Rose Estate, LLC, 151 North Shore Road, Andover, NJ 07821.

BYRAM TOWNSHIP COUNCIL

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Township Council of the Township of Byram at a regular meeting of said Governing Body conducted on Tuesday, July 21, 2015.

Doris J. Flynn, Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 113 - 2015
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, County of Sussex, State of New Jersey, 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 2015 in the sum of \$2,805.33 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:
 Statewide Insurance Fund
 Risk Control Grant

BE IT FURTHER RESOLVED, that the like sum of \$2,805.33 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:
 Statewide Insurance Fund
 Risk Control Grant

BE IT FURTHER RESOLVED, that the Township forward one copy of this resolution 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 nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on July 21, 2015.

 Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 115 – 2015**

**RESOLUTION OF THE TOWNSHIP OF BYRAM AWARDED
A CONTRACT FOR DEMOLITION OF JONES LANE HOUSE AND GARAGE**

WHEREAS, the Township solicited proposals for demolition of Jones Lane House and Garage; and

WHEREAS, the scope of work shall include demolition of home and garage on Jones Lane including machine time and labor and all demo material will be placed in DPW dumpsters; and

WHEREAS, the Township Engineer received two quotes from:

1. William Wroblewski, LLC, Andover, NJ - \$ 6,500.00
2. Yannuzzi Group of Kinnelon, NJ - \$16,500.00

WHEREAS, funds are available through adopted Ordinance No. 11-2013, Construction of Tamarack Park on June 5, 2013; and

WHEREAS, the Township will seek reimbursement of 50% of the costs for demolition of the home and garage from the NJDEP Green Acres Planning Incentive Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Byram, in the County of Sussex to award a contract for demolition of the Jones Lane House and Garage to William Wroblewski, LLC at an amount not to exceed \$6,500.00.

BYRAM TOWNSHIP MAYOR AND COUNCIL

COUNCIL MEMBER	Councilman Gray	Councilwoman Raffay	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
By:					
2nd					
Yes					
No					
Abstain					
Absent					

Adopted this 21st day of July, 2015 and certified as a true copy of an original.

Doris J. Flynn, Township Clerk

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

**Commending Northwest NJ Community Action Partnership, Inc. (NORWESCAP)
upon the Occasion of Celebrating the 50th Anniversary of Community Action**

WHEREAS, It is the sense of this Governing Body to recognize that the quality and character of life in the communities across northwestern New Jersey are reflective of the concerned and dedicated efforts of the organization and individuals that are devoted to the welfare of the community and its citizenry; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing tradition, the Mayor and Council of the Township of Byram is justly proud to commend NORWESCAP, upon the occasion of celebrating their 50th Anniversary of serving the community.

WHEREAS, Since 1965, NORWESCAP has been providing invaluable and outstanding service to the citizens; and

WHEREAS, NORWESCAP is one of 23 Community Action Agencies in New Jersey State, and one of over 1,000 nationwide founded on a common purpose: to support low-income households as they develop their abilities to be self-supporting and develop family and community relationships that will sustain self-reliance; and

WHEREAS, Community Action was born out of the Equal Opportunity Act of 1964 that was initiated by President John F. Kennedy and brought to fruition by President Lyndon B. Johnson who, during a memorable State of the Union address 50 years ago, declared unconditional war on poverty; the Economic Opportunity Act was signed into law on August 20, 1964, and not only spurred the birth of Community Action, but also inspired the introduction of Head Start one year later; and

WHEREAS, NORWESCAP was created through these efforts and;

WHEREAS, Half a century later, NORWESCAP operates fifteen major programs: has grown to 270 full and part-time employees and more than 30,000 individuals are served each year through a multitude of anti-poverty services; and

WHEREAS, NORWESCAP is a community leader; its positive action changes people's lives, embodies the spirit of hope, improves communities, and makes New Jersey a better place in which to live; and

WHEREAS, It is the sense of the Mayor and Council of the Township of Byram that when organizations and individuals of such noble aims and accomplishments are brought to our attention, they should be recognized and applauded by all the citizens of New Jersey;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and Council of the Township of Byram pause in its deliberations to commend the Northwest NJ Community Action Partnership, Inc. (NORWESCAP), upon the occasion of celebrating the 50th Anniversary of Community Action;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Proclamation, suitably endorsed, be transmitted to Northwest NJ Community Action Partnership of Phillipsburg, Inc.

BYRAM TOWNSHIP COUNCIL

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

Proclamation adopted this 21st day of July, 2015.

Doris J. Flynn, Municipal Clerk

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 11 – 2015**

AN ORDINANCE AUTHORIZING THE ATTACHED AGREEMENT BETWEEN THE TOWNSHIP OF BYRAM AND AQUA NEW JERSEY, INC. GRANTING THE FRANCHISE TO SERVE AND MUNICIPAL CONSENT AND PERMISSION TO CONSTRUCT, OPERATE AND MAINTAIN WATER FACILITIES IN THE TOWNSHIP RIGHTS OF WAY IN THE BYRAM HOMEOWNERS ASSOCIATION WATER CO., INC. FRANCHISE AREA ATTACHED AS EXHIBIT A AND CONSENTING TO THE ASSIGNMENT TO AND ASSUMPTION BY AQUA NEW JERSEY, INC.

Purpose Statement: The purpose of this Ordinance is to authorize the signing of an Agreement between the Township of Byram and Aqua New Jersey, Inc. approving a Franchise and municipal consent to allow Aqua New Jersey, Inc. to construct, operate and maintain the water facility in the Franchise Area of the Byram Homeowners Association Water Co., Inc.

WHEREAS, Aqua New Jersey, Inc. has been authorized by the New Jersey Board of Public Utilities to provide public utility potable water supply; and

WHEREAS, Aqua New Jersey, Inc. intends to acquire the Franchise of Byram Homeowners Association Water Co., Inc. and provide water supply in the Franchise Area attached as Exhibit A of the attached agreement, “Agreement between the Township of Byram and Aqua New Jersey, Inc., Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Water Facilities in the Township Rights of Way in the Byram Homeowners Association Water Co., Inc. Franchise Area Attached as Exhibit A and Consenting to the Assignment to and Assumption by Aqua New Jersey, Inc.,” (hereafter “Agreement”) which is incorporated herein by reference; and

WHEREAS, Byram Township is empowered to enter into a Franchise Area and a Rights-of-Way Use Agreement pursuant to N.J.S.A. 48:19-1 through 48:19-28; and

WHEREAS, a Rights-of-Way Use Agreement has been prepared and mutually agreed upon by all parties with terms and conditions set forth therein, a copy of which is attached and

made a part of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Byram, County of Sussex, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the attached.

SECTION 1: APPROVAL OF ATTACHED AGREEMENT AS FOLLOWS:

The attached Agreement is hereby approved and the Mayor and Clerk are authorized to sign the Agreement.

SECTION 2: SEVERABILITY.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3: EFFECTIVE DATE.

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

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

INTRODUCED: July 7, 2015

ADOPTED: July 21, 2015

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor