

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, JULY 19, 2011 - 7:00 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. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

5. SPECIAL PRESENTATION by Frank Covelli, PIA, regarding Delta Dental Renewal and Premium Only Section 125

6. EXECUTIVE SESSION – Attorney-client privilege information – Reassessment of Byram Township

7. APPROVAL OF AGENDA

8. REPORTS

- Township Manager
- Mayor and Council Members

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 5, 2011 Regular Meeting Minutes
- July 5, 2011 Executive 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. 90 - 2011 – Resolution Authorizing the Implementation of a Premium Only Section 125 Plan effective May 21, 2010 for Municipal Employees Covered Under the Employee Health Benefits Plan
- B. Resolution No. 91 – 2011 – Renewal of Group Dental Program for Eligible Employees and Their Covered Dependents with Delta Dental of New Jersey, Inc.
- C. Resolution No. 92 – 2011 – Resolution of Continued Support to Participate in the Consolidated County Operated 911 PSAP
- D. Resolution No. 93 - 2011 – Resolution Supporting a Grant Application to Sustainable Jersey for Improvements to the Township Recycling Center
- E. Resolution No. 94 – 2011 – Resolution Authorizing Submission of an Application from the Lenape Municipal Alliance For Funding
- F. Resolution No. 95 – 2011 – Resolution Authorizing the Byram Township Tax Collector to Place a Municipal Lien in the Amount of \$51,042.25 against the Real Property located at 34 Belton Street, Block 5, Lot 687, relating to Costs to Remedy and Remove Unsafe and Unsanitary Conditions Thereon
- G. Social Affair Permit for Byram Township Fire Department – 11/4/11 – Proceeds to National MS Society
- H. Raffle/Bingo Licenses:
 - 50/50 Raffle - Samaritan Inn at Adam Todd on 9/25/11
 - 50/50 Raffle – Byram Township Fire Department on 11/4/11
 - Tricky Tray Raffle – Byram Township Fire Department on 11/4/11
 - Special Bingo License for Lakeland Senior Citizens for games at Tomahawk Lake

12. APPROVAL OF JULY 5, 2011 BILL LIST

13. MAYORAL APPOINTMENT – ARC Committee – Charles Wood

14. ORDINANCE- Introduction/1st Reading – Ordinance Authorizing a Special Emergency Appropriation N.J.S.A. 40A:4-53 for a Program to Update and Make Current the Previous 2008 Revaluation Program When Ordered by the

County Board of Taxation

15. PUBLIC PARTICIPATION II

16. RESOLUTION FOR EXECUTIVE SESSION

- Attorney Client Privilege Information
 - County Sheriff's Department/Shared Services
 - FEMA Flood Maps
 - Stanhope Sewer

17. RETURN TO OPEN SESSION

18. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

19. ADJOURNMENT

TOWNSHIP OF BYRAM
Sussex County, New Jersey
RESOLUTION NO. 90-2011

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A PREMIUM ONLY SECTION 125 PLAN EFFECTIVE MAY 21, 2010 FOR MUNICIPAL EMPLOYEES COVERED UNDER THE EMPLOYEE HEALTH BENEFITS PLAN

WHEREAS, the Township of Byram provides a comprehensive health benefits program comprised of medical, prescription and dental coverages for eligible employees, and their covered dependents; and

WHEREAS, the Governor recently signed into law Chapter 2, P.L. 2010 which states that on May 21, 2010, or on the expiration of any applicable labor agreement in force on that date, all employees must contribute a minimum of 1.5% of current base salary towards their health benefits cost; and

WHEREAS, this contribution is required of all employees who are members of any state or locally administered retirement system and further, applies to all State Health Benefits Program (SHBP) and non-SHBP local units; and

WHEREAS, it is the intention of the Mayor and Township Council to, in accordance with the information presented by the North Jersey Municipal Employee Benefits Fund (hereinafter, the NJHIF) and the Township's Health Benefit Consultant to implement a Premium Only Section 125 Plan to allow these deductions to be made by the affected employees, pre-tax in accordance with the provisions set forth by Section 125 of the U.S. Internal Revenue Service (IRS) code; and

WHEREAS, it is the desire of the Mayor and Township Council to provide this benefit as a financial instrument available to employees affected by the state-mandated benefit contribution to utilize as they see fit under the terms and condition set forth by the Plan Document accepted and adopted by the Governing Body through affirmation of this Resolution.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of Byram, County of Sussex, that the Premium Only Section 125 Plan described herein is hereby adopted by reference pending final review by the Municipal Attorney and Registered Municipal Auditor; and

BE IT FURTHER RESOLVED, the Township's Administrative Staff is directed to effectuate the implementation of this policy in accordance with the requirements promulgated by the Plan and in accordance with specific directives and recommendations set forth by the Municipal Attorney, Registered Municipal Auditor and the Municipal Health Benefits Consultant; and

BE IT FURTHER RESOLVED, that upon adoption, a certified copy of this Resolution shall be forwarded to the professionals referenced herein and also to the Township's CFO and payroll administrator.

Adopted this day: *July 19, 2011*

ATTEST:

Doris Flynn, Municipal Clerk

James Oscovitch, Mayor

TOWNSHIP OF BYRAM
Sussex County, New Jersey
RESOLUTION NO. 91-2011

**A RESOLUTION RENEWING THE GROUP DENTAL PROGRAM FOR ELIGIBLE
EMPLOYEES AND THEIR COVERED DEPENDENTS WITH
DELTA DENTAL OF NEW JERSEY, INC.**

WHEREAS, the Township of Byram, hereinafter referred to as the Township, provides dental benefits to eligible employees, retirees and their eligible dependents; and

WHEREAS, the Township's Health Benefits Consultant has performed due diligence and explored alternative options as well as negotiated renewal rates for the Township's dental program, which currently consists of the Delta PPO Plus Premier Plan, administered by Delta Dental of NJ, Inc. and,

WHEREAS, the renewal options presented by Delta Dental provide the most advantageous renewal, from a premium, coverage, network penetration and long-term rate stabilization perspective; and

WHEREAS, the renewal rates presented by Delta, provide a 0% increase for a 12-month renewal and a not to exceed rate cap of 7% for an additional 12-month period with such a renewal deemed reasonable and competitive within the marketplace; and

WHEREAS, the Township's Health Benefits Consultant, in reviewing the claims data and network utilization as part of the renewal process, has also developed in cooperation with Delta Dental, an alternate plan design option, with such offering providing rate reduction for the Township, while providing valuable cost containment that will serve to reduce long-term costs and

WHEREAS, this alternate plan design, which would be entitled, "PPO Plan", would provide greater network discounts, while also providing a benefit upgrade for those participants utilizing a PPO dentist.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, hereby authorize the renewal of the current dental program (Group 1380) and further authorize the addition of the PPO Plan as a potential future offering, with Delta Dental of New Jersey, Inc. with the premiums in accordance with the analysis prepared by the Township's Health Benefits Consultant, for a 12 month period, effective **August 1, 2011 at 12:01 AM**; and

BE IT FURTHER RESOLVED, the Township Manager is hereby authorized and directed to execute the renewal documents in accordance with the existing terms and conditions of the Agreement with the additional plan offering and rate provisions, as promulgated herewith; 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, Health Benefits Consultant to the Township, the Township Chief Financial Officer and Municipal Auditor.

Adopted this day: _____, 2011

ATTEST:

Mayor

Municipal Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 92 - 2011**

**RESOLUTION OF CONTINUED SUPPORT TO PARTICIPATE IN THE CONSOLIDATED COUNTY
OPERATED 911 PSAP**

WHEREAS, the Byram Township Mayor and Council has previously adopted resolution 48-2010 supporting the Township's intent to participate in the Consolidated County Operated 911 PSAP; and

WHEREAS, the Township is with the understanding the County of Sussex is continuing to pursue the possibility of establishing a central Consolidated County Operated 911 PSAP facility through the Office of the Sussex County Sheriff; and

WHEREAS, it has been reported the central operation will include the current Sheriff's radio dispatch operation and would be financed through a combination of grant funds available to the Sheriff and limited County funds; and

WHEREAS, the Byram Township Mayor and Council has previously reviewed the contents of the *Planning Guide for Public Safety Answering Point (PSAP) Consolidations* submitted to the County of Sussex by L. Robert Kimball & Associates in February of 2010 and supports the recommendation to consolidate all six existing municipal 9-1-1 Public Safety Answering Points (PSAP) into a single County operated consolidated 9-1-1 PSAP; and

WHEREAS, the Byram Township Mayor and Council understands that the current cost for the provision of 9-1-1 services is provided for in the Byram Township operating budget; and

WHEREAS, Byram Township Mayor and Council supports that the costs of a consolidated Countywide 9-1-1 system will be paid for through the County budget funded through a property tax on all twenty four (24) County municipalities and through grants as they are available and will no longer be part of the municipal budget; and

NOW THEREFORE BET IT RESOLVED, by the Byram Township Mayor and Council that it hereby states its intention of continued support to participate in the consolidated County operated 9-1-1 operated PSAP; and

BE IT FURTHER RESOLVED, that the Byram Township Mayor and Council encourages the Sussex County Board of Chosen Freeholders to support a Countywide 9-1-1 system paid for through a County budget funded through a property tax on all twenty-four (24) County municipalities and through grants as they are available and will no longer be part of the municipal budget; and

BE IT FURTHER RESOLVED, that the Byram Township Mayor and Council encourages the representatives of the 24th District to work toward providing budget relief of the 2% Levy CAP to support consolidation of services that will drive toward savings for all the residents of Sussex County; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Sussex County Board of Chosen Freeholders, all Sussex County municipalities, Senator V. Oroho, Assemblywoman Alison Littell-McHose, Assemblyman Gary R. Chiusano, and Raymond Rafferty, President of the Sussex County Chiefs of Police.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	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 19, 2011.

 Doris Flynn, RMC
 Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 93 - 2011**

**A RESOLUTION SUPPORTING A GRANT APPLICATION TO
SUSTAINABLE JERSEY FOR IMPROVEMENTS TO THE TOWNSHIP
RECYCLING CENTER**

WHEREAS the Sustainable Jersey program offers competitive small grants for \$10,000 to registered municipalities; and

WHEREAS projects funded by such grants are applicable toward becoming a certified municipality with Sustainable Jersey; and

WHEREAS Byram is registered with Sustainable Jersey and has appointed a Green Team that is pursuing various sustainability projects; and

WHEREAS members of Byram's Green Team are partnering with members of the Township Board of Health, Environmental Commission, and Township staff, including the Recycling Coordinator and DPW Superintendent and Township Manager; and

WHEREAS that partnership proposes applying for a Sustainable Jersey \$10,000 grant under the category of Recycling—Recycling Depot; and

WHEREAS there is no match of any kind required for this grant, although matching or in-kind contributions are encouraged;

NOW THEREFORE the Township Council supports the submission of this \$10,000 competitive grant application by the due date of July 22, 2011, to fund improvements to the Township's Recycling Center and to help Byram become certified under the Sustainable Jersey program;

AND that this application will offer only a match consisting of an in-kind contribution of hours from Green Team members and Township officials.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that this is a true copy of a Resolution adopted by the Byram Township Council at a meeting held on July 19, 2011.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 94 - 2011**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FROM THE LENAPE MUNICIPAL ALLIANCE FOR FUNDING**

WHEREAS, The Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

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

1. The Mayor and Council does hereby authorize submission of an application for the Lenape Municipal Alliance grant for calendar year 2012 in the amount of \$11,420.00.
2. The Mayor and Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	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 19, 2011.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 95 - 2011**

**A RESOLUTION AUTHORIZING THE BYRAM
TOWNSHIP TAX COLLECTOR TO PLACE A
MUNICIPAL LIEN IN THE AMOUNT OF \$ 51,042.25
AGAINST THE REAL PROPERTY LOCATED AT 34
BELTON STREET, BLOCK 5, LOT 687, RELATING
TO COSTS TO REMEDY AND REMOVE UNSAFE
AND UNSANITARY CONDITIONS THEREON**

WHEREAS Elizabeth Meehan is the title owner of record (“Owner”) of property located at 34 Belton Street, Block 5, Lot 687 (the “Premises”) in the Township of Byram (the “Township”); and

WHEREAS on February 13, 2009, Byram Township’s Construction Official inspected the Premises and issued a UCC New Jersey Notice of Unsafe Structure (the “Notice”); and

WHEREAS the Notice identified the Premises as being in an unsafe condition pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32; and

WHEREAS Owner was directed to remedy or remove the unsafe conditions at the Premises within thirty (30) days of Owner’s receipt of the Notice, yet Owner neither challenged nor appealed the Notice, nor did Owner remedy or remove the unsafe conditions at the Premises; and

WHEREAS the Township initiated litigation to enforce the Notice in the Superior Court of New Jersey in the action styled Township of Byram v. Elizabeth Meehan, Docket No. SSX-L-649-10 (the “Litigation”), which Litigation was brought, *inter alia*, pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. for the purposes of compelling the remedy or removal of the unsafe conditions at the Premises; and

WHEREAS Owner appeared in Court in response to the Litigation and represented that she was not challenging or otherwise contesting the Township’s actions, nor was she financially capable of undertaking efforts to remedy or remove the unsafe conditions at the Premises, and she further represented that she understood the Township was amenable to using public funds to itself remove the unsafe structure, provided the Township could seek to recoup its costs, including its attorneys’ fees and prior pest/rat control costs, by filing a municipal lien against the Premises; and

WHEREAS the Honorable B. Theodore Bozonelis, A.J.S.C., entered an Order on October 21, 2010 (the “Order”) authorizing the Township to remove any unsafe conditions from the Premises and further authorizing the Township’s recording of a municipal lien against the Premises for all costs incurred to undertake and complete the demolition of the unsafe structure (the “Work”), including: (a) attorneys’ fees and legal costs relating to this matter, and (b) prior pest/rat extermination and control costs actually incurred by the Township relating to the Premises; and

WHEREAS the Township’s Department of Public Works (“DPW”) thereafter entered upon the Premises to undertake the Work, and in doing so discovered the presence of former underground oil storage tank(s), the proper removal of which required the retention of outside contractors; and

WHEREAS the Township, per Resolution 168-2010, authorized the agreement with Able Environmental Services, Inc. to remove the former underground storage tanks

NOW, THEREFORE BE IT RESOLVED, that the Byram Township Council hereby authorizes the Township Tax Collector to record a municipal lien on Block 5, Lot 687 in the amount of \$ 51,042.25 against the Premises.

ATTEST: BYRAM TOWNSHIP COUNCIL

BY: _____ BY: _____
Township Clerk Mayor

I HEREBY CERTIFY that the foregoing to be a true copy of a resolution adopted by the Township Council of Byram Township, in the County of Sussex, at its meeting held on July 19, 2011.

Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 96 - 2011

RESOLUTION AUTHORIZING BYRAM TOWNSHIP TO ENROLL AND PARTICIPATE IN THE STAPLES PROGRAM TO PURCHASE OFFICE SUPPLIES

WHEREAS, the Township of Byram has the need to order office supplies for the daily operations of the Township offices, and

WHEREAS, Staples is a State Contract vendor under Contract # A77249, which expires on July 31, 2014, and

WHEREAS, Staples offers web site access to specified Township employees to enable them to shop and submit their order to the Township Purchasing Agent for review and approval, and

WHEREAS, there is no obligation or contract to sign, but a letter is required for enrollment in this service, and

WHEREAS, the Township of Byram desires to participate in the Staples contract and program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Byram, Sussex County, State of New Jersey, that the Purchasing Agent be authorized to enroll and participate in the Staples program.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on July 19, 2011.

Doris J. Flynn, RMC
Township Clerk

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. - 2011**

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION N.J.S.A. 40A:4-53 FOR A PROGRAM TO UPDATE AND
MAKE CURRENT THE PREVIOUS 2008 REVALUATION PROGRAM WHEN
ORDERED BY THE COUNTY BOARD OF TAXATION**

Purpose Statement: The purpose of this ordinance is to authorize a special emergency appropriation for the program to update and make current the previous 2008 revaluation program when ordered by the Sussex County Board of Taxation and to authorize financing succeeding annual budgets by inclusion of at least one-fifth of the amount authorized pursuant to N.J.S.A. 40A:4-55.

WHEREAS, it has been found necessary to make a Special Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by the preparation and execution of a program to update and make current the previous 2008 revaluation program; and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, that pursuant to N.J.S.A. 40A:4-53 (Ch 48, P.L. 1956 as amended by Ch. 144, P.L. 1965 and Ch 38, P.L. 1969) the sum of \$150,000.00 is hereby appropriated for the preparation and execution of a program to update and make current the previous 2008 program of revaluation of real property for the use of the local assessor and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

SECTION 1. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, RMC

Mayor James Oscovitch

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