

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, AUGUST 16, 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. APPROVAL OF AGENDA

6. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

7. 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.

8. APPROVAL OF MINUTES

- July 5, 2011 Regular Meeting Minutes
- July 5, 2011 Executive Session Minutes
- July 19, 2011 Regular Meeting Minutes
- July 19, 2011 Executive Session Minutes

9. INITIAL 2012 BUDGET PRESENTATION – Joseph Sabatini

10. 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. 96-2011 - Resolution Extending Grace Period for Payment of 2011 Third Quarter Taxes to August 26, 2011
- B. Resolution No. 97-2011 - Award of Bid to Tilcon under the Morris County Cooperative Pricing Council – Contract #6-Road Resurfacing not to Exceed \$181,000
- C. Resolution No. 98-2011 – Resolution Opposing S-2950 and A-4128, Allowing for Modification to Land Use Approvals because of Changed Economics
- D. Resolution No. 99-2011 – Resolution Authorizing Byram Township 2011 Tax Sale Date – October 12, 2011 at 10 a.m.
- E. Resolution No. 100-2011 – Tax Sale Cert. Redemptions - #2010-026; 2010-034; 2010-022; 06-05; 06-05 (Premium)
- F. Resolution No. 101-2011 – Resolution Authorizing Purchase of Salt under the County of Sussex Contract for Ice Control Materials not to exceed \$150,000
- G. Resolution No. 102-2011 - Co-Operative Agreement with County of Somerset
- H. Social Affair Permits
 - Samaritan Inn - Wine Tasting Event at Adam Todd Inn on 9/25/11
 - Patriot Wrestling Booster Club – Fundraiser at Cranberry Lake Fire Dept. – 10/1/2011
- I. Raffle Licenses
 - BARKS – Basket Raffle at Byram Day – 9/11/11
 - Patriot Wrestling Booster Club – Casino Night at Cranberry Lake Fire Dept. – 10/1/2011

11. APPROVAL OF AUGUST 16, 2011 BILL LIST

12. ORDINANCE – Second Reading/Public Hearing

Ordinance 10-2011 – 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

13. ORDINANCES – Introduction

- Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 186-8E of the Township Ordinances Regarding Costs of Emergency Repairs
- Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 213, Article VI of the Township Ordinances Regarding Responsibility and Costs of Snow and Ice Removal

14. DISCUSSION ITEMS

- Best Practices Check List
- Proposed Recycling Grant
- Highlands Grant Billing
- Revised Lackawanna Drive Plaza Area

15. PUBLIC PARTICIPATION II

16. RESOLUTION FOR EXECUTIVE SESSION

- Attorney Client Privilege Information – Shared Services

- Right of Access Agreement with NJDEP for Sussex Branch Trail Repair

17. RETURN TO OPEN SESSION

18. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

19. ADJOURNMENT

**TOWNSHIP OF BYRAM
RESOLUTION NO. 96 – 2011**

**TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY
RESOLUTION EXTENDING GRACE PERIOD FOR PAYMENT OF 2011
THIRD QUARTER TAXES**

WHEREAS, N.J.S.A. 54:4-64 requires that municipal tax bills be mailed twenty five (25) days before the third installment of taxes falls due; and

WHEREAS, the Tax Collector has certified that the mailing and other delivery of all original tax bills for the tax year 2011 and first and second preliminary 2012 were completed on July 29, 2011, and

WHEREAS, in accordance with the intent of N.J.S.A. 54:4-64 taxpayers should be given adequate notice of taxes due before invoking any payment of interest for delinquency under the provisions of N.J.S.A. 54:4-67; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Byram in the County of Sussex, State of New Jersey that; Byram Township taxes and assessments due August 1, 2011, will not be considered delinquent, and interest for delinquency in the payment of such taxes and assessments shall not be charged for the failure to pay any such taxes or assessments if received by the Township on or before the 26th day of August, 2011, and provided further, however, that if any such installments is not paid on or before August 26, 2011 interest at the usual rate will be charged from August 1, 2011.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Raftery	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 August 16, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 97 - 2011**

**Award of Bid to Tilcon under the Morris County Cooperative Pricing Council –
Contract #6 – Road Resurfacing**

WHEREAS, the Morris County Cooperative Pricing Council advertised and received bids for road resurfacing; 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; and

WHEREAS, the following vendor was awarded a contract for Road Resurfacing – Contract #6, thereby affording the Township of Byram the opportunity of direct purchase without competitive bidding:

Tilcon New York, Inc.
625 Mt. Hope Road
Wharton, NJ 07885

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Byram does hereby authorize the execution of the necessary purchase order not to exceed \$181,000 for Road Resurfacing through the Morris County Cooperative Pricing Council-Contract #6; 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 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

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 August 16, 2011.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 98-2011**

**RESOLUTION OPPOSING S-2950 AND A-4128,
WHICH WOULD ALLOW FOR MODIFICATION TO LAND USE
APPROVALS BECAUSE OF CHANGED ECONOMICS**

WHEREAS, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

WHEREAS, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

WHEREAS, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

WHEREAS, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed “adaptive application” while other pending applications are accorded lower priority; and

WHEREAS, S-2950 and A-4128 put no standards in place for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

WHEREAS, the lack of standards would expose any approval or denial by the municipality to possible legal challenge.

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

BE IT FURTHER RESOLVED, the Governing Body of the Township of Byram strongly opposes S-2950 and A-4128; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Assemblyman Gary Chiusano, Assemblywoman Alison Littell McHose, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Steven Oroho, Assemblyman Albert Coutinho and the New Jersey State League of Municipalities.

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 August 16, 2011.

**TOWNSHIP OF BYRAM
RESOLUTION NO. 99 – 2011**

RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING A 2011 TAX SALE

WHEREAS, the 2011 Tax Sale for the Township of Byram will be conducted by Theresa Vervaet, CTC, on , October 12, 2011, and

WHEREAS, the Tax Department wishes to make known to the Mayor and Council and residents that the tax sale will be held at the Municipal Building, 10 Mansfield Drive, Byram Township, NJ on October 12, 2011 at 10:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the tax collection department has so advised the Mayor and Council of the tax sale date and that Theresa Vervaet, CTC, will be conducting the tax sale.

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 August 16, 2011.

Doris J. Flynn
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 100 – 2011**

TAX SALE CERTIFICATE REDEMPTIONS

WHEREAS, the Tax Collector has certified that the following tax liens have been satisfied:

Lien Holder	Certificate #	Tax Sale Block	Lot	Total Amount
US Bank % Pro Capital 1	#2010-026	316	2105.02	\$ 412.31
US Bank % Pro Capital 1	#2010-034	342.02	1	\$ 511.08
US Bank % CCTS Capital	#2010-022	297	6	\$ 561.65
Rafal Markiewicz	#06-25	383	2.08	\$20,145.48
Rafal Markiewicz	#06-25 (Premium)	383	2.08	\$ 2,100.00

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 holders.

BYRAM TOWNSHIP MAYOR AND COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	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 August 16, 2011.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 101 - 2011**

Authorization to Purchase Salt under the County of Sussex Contract for Ice Control Materials

WHEREAS, the County of Sussex advertised and received bids for the Ice Control materials; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendors were awarded a contract for the Ice Control Materials and has extended their pricing to municipalities, thereby affording the Township of Byram the opportunity of direct purchase without competitive bidding:

International Salt Co., Inc.
655 Northern Blvd.
Clark Summit, PA 18411

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Byram does hereby authorize the execution of the necessary purchase orders not to exceed \$150,000 to obtain Ice Control materials as specified and priced to the County of Sussex; and

BE IT FURTHER RESOLVED, that upon receipt, inspection and approval of vouchers therefore by the Township of Byram, payment, pursuant to said purchase orders, are 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 County of Sussex Purchasing Agent, County Treasurer, County Department of Public Works, Municipal Treasurer, and the Municipal Clerk.

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 August 16, 2011.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 102 - 2011**

**RESOLUTION FOR MEMBER PARTICIPATION
IN THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM**

WHEREAS, the Township of Byram desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective immediately and, that such membership shall be for the period ending December 31, 2013, and each renewal, thereafter of the system, unless the Township of Byram elects to formally withdraw from the system.

Now, therefore, be it resolved, that the Mayor and Council of the Township of Byram authorize the Township Manager, Mayor and Township Clerk to execute the attached agreement for such membership.

Dated:

Attest:

Doris Flynn, Township Clerk

James Oscovitch, Mayor

Provide two (2) certified copies, of Resolution and two (2) executed copies of Agreement to:

Mary Louise Stanton, QPA
Purchasing
P.O. Box 3000
20 Grove St.
Somerville, NJ 08876-1262

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 10 - 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.

BY ORDER OF THE MAYOR AND COUNCIL

Introduced: July 19, 2011
Adopted:

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, RMC

Mayor James Oscovitch

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

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

**AN ORDINANCE OF THE MAYOR AND TOWNSHIP COUNCIL
OF THE TOWNSHIP OF BYRAM AMENDING SECTION 213-6 OF
THE TOWNSHIP ORDINANCES REGARDING RESPONSIBILITY
AND COSTS OF SNOW AND ICE REMOVAL**

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the current ordinances regarding costs of snow and ice removal.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that Section 213-6 of the Ordinances of the Township of Byram shall be and hereby is amended as follows:

SECTION 1. Section 213-6, entitled "Costs of Snow and Ice Removal" is hereby amended in its entirety as follows:

"If the owner, entity or person in possession of the dwelling or lands in question shall fail to abate the snow and/or ice condition complained of within the time period specified after receipt of notice, the Code Official or his designee shall cause the condition complained of to be abated, either by action of the Department of Public Works or by engagement of an outside contractor, and shall present a report of the work accomplished to the Township Council, along with a summary of the abatement undertaken to secure compliance. He or she shall certify the actual labor costs of same plus 25%, but not less than the administrative fee of \$100, to the Township Council, which shall examine the report and certificate and, if it is correct, cause the cost as shown thereon to be charged against the dwelling or lands. A copy of the resolution approving the expenses shall be certified by the Township Clerk and filed with the Tax Collector, who shall be responsible for the collection thereof. The amount so charged shall forthwith become a lien upon the dwelling or lands and shall be added to and become and form part of the taxes next assessed and levied upon such dwelling and lands, shall bear interest at the same rate as the taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this chapter.

SECTION 2. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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

**AN ORDINANCE OF THE MAYOR AND TOWNSHIP COUNCIL
OF THE TOWNSHIP OF BYRAM AMENDING SECTION 186-8E
OF THE TOWNSHIP ORDINANCES REGARDING COSTS OF
EMERGENCY REPAIRS**

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the current ordinances regarding costs of emergency repairs.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that Section 186-8E of the Ordinances of the Township of Byram shall be and hereby is amended as follows:

SECTION 1. Section 186-8E, entitled "Costs of Emergency Repairs" is hereby amended in its entirety as follows:

"If the owner, entity or person in possession of the dwelling or lands in question shall fail to abate the condition complained of within the time period specified after receipt of notice, the Code Official or his designee shall cause the condition complained of to be abated, either by action of the Department of Public Works or by engagement of an outside contractor, and shall present a report of the work accomplished to the Township Council, along with a summary of the abatement undertaken to secure compliance. He or she shall certify the actual labor costs of same plus 25%, but not less than the administrative fee of \$100, to the Township Council, which shall examine the report and certificate and, if it is correct, cause the cost as shown thereon to be charged against the dwelling or lands. A copy of the resolution approving the expenses shall be certified by the Township Clerk and filed with the Tax Collector, who shall be responsible for the collection thereof. The amount so charged shall forthwith become a lien upon the dwelling or lands and shall be added to and become and form part of the taxes next assessed and levied upon such dwelling and lands, shall bear interest at the same rate as the taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this chapter.

SECTION 2. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.
