

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
SEPTEMBER 21, 2009
7:00 P.M. JOINT PUBLIC SESSION WITH PLANNING BOARD
REGULAR MEETING TO FOLLOW**

1. CALL 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, the Township Journal, 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 PLANNING BOARD/COUNCIL JOINT DISCUSSION ON HIGHLANDS PLAN CONFORMANCE PROCESS AND COAH

6. APPROVAL OF AGENDA

7. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney
- Lakeland Emergency Squad

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. APPROVAL OF MINUTES - 9/8/09 regular minutes

- 9/8/09 closed session minutes

10. APPROVAL OF BILL LIST

11. ORDINANCE – INTRODUCTION

ORDINANCE TO REPEAL CAPITAL IMPROVEMENTS STEERING COMMITTEE

12. CONSENT AGENDA: All items with an (*) 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 will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. *Resolution No. 138–2009 Change Order No. 1 – Roseville Road Phase I - \$5,770.91
- B. *Resolution No. 139–2009 Change Order No. 1 - Various Streets - \$40,088.76
- C. *Resolution No. 140-2009 PSA Authorizing Envirotactics to Provide Environmental Services on Block 360 Lot 36
- D. *Resolution No. 141–2009 PSA for Special Counsel Stuart B. Klepesch to Represent Byram Township in Foreclosure of Tax Sale Certificates
- E. *Resolution No. 142-2009 Notice of Tax Sale – October 15, 2009 at 10 a.m. at Municipal Building
- F. *Resolution No. 143-2009 Release of Balance of Engineering Escrow – Blk. 41/90.01 - \$1,526.50
- G. *Resolution No. 144-2009 Release of Balance of Planning Board Escrow – Blk. 215/2 - \$684.06
- H. *Resolution No. 145-2009 Support of Princeton Hydro LLC Submission of Grant Application to NJDEP for Development of a Lake Characterization and Restoration Plan for Cranberry Lake
- I. *Resolution No. 146-2009 Urging State Funding for the Maintenance and Protection of Lake Musconetcong

13. DISCUSSION ITEMS

- a. PSE&G – Byram Day
- b. 2010 Budget
- c. Temporary Lighting – CO Johnson Field
- d. Vacancies on Board/Committees

14. PUBLIC PARTICIPATION II

15. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation - PSE&G
- Attorney Client Privilege Communication – Byram Homeowner’s Association Water Co.
- Contract Negotiations

- Hopatcong Dispatch Service
- ACO
- Maintenance Agreement w/Andover Twp.-Forest Lakes Roads

16. RETURN TO OPEN SESSION

17. OTHER BUSINESS

18. ADJOURNMENT

**TOWNSHIP OF BYRAM
ORDINANCE NO. -2009**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
BYRAM AMENDING CHAPTER 3 ENTITLED “ADMINISTRATIVE CODE” TO
DELETE SECTION 3-54 ENTITLED “CAPITAL PROJECTS STEERING
COMMITTEE”**

Statement of Purpose: The purpose of this ordinance is to delete the code section 3-54, which created an Advisory Committee to be known as the “Capital Projects Steering Committee”, since the Manager, Mayor and Council have determined the Committee is no longer necessary.

WHEREAS, the Manager, Mayor and Council have determined that the “Capital Projects Steering Committee” is no longer needed and this ordinance deletes Code Section 3-54 and abolishes the Capital Projects Steering Committee; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Byram that Chapter 3 in the Byram Township Code entitled “Administrative Code” be hereby revised as follows:

SECTION 1. Chapter 3 Entitled “Administrative Code” of the Code of the Township of Byram is hereby amended to delete section 3-54, in its entirety, and the “Capital Projects Steering Committee” is hereby abolished.

SECTION 2. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; which shall continue in full force and effect; and to this end the provision of this Ordinance are hereby declared severable.

SECTION 3. This ordinance shall take effect in the time and manner as prescribed by law.

BYRAM TOWNSHIP COUNCIL

Introduced: , 2009 Adopted:

COUNCIL MEMBER							
By:							Mayor Oscoitch
2nd							Councilman Thompson
Yes							Councilman Rafferty
No							Councilwoman Rafferty
Abstain							Councilman Olson
Absent							

**TOWNSHIP OF BYRAM
RESOLUTION NO. 138-2009**

**AUTHORIZATION TO RESCIND RESOLUTION NO. 114-2009 AND
EXECUTE CHANGE ORDER NO. 1
FOR IMPROVEMENTS TO ROSEVILLE ROAD – PHASE I**

WHEREAS, the Township of Byram (Owner) and Owl Contracting Inc. (Contractor) entered into an Agreement for improvements to Roseville Road – Phase I; and

WHEREAS, in the process of completing the work, certain additional materials were determined to be necessary to extend the length of the project along with certain reductions; and

WHEREAS, the revised work was determined by the Township Engineer, Harold Pellow & Associates and the Contractor and was found to require a net increase of **\$5,770.91** in the total amount of the contract as outlined in the Engineer's report dated September 15, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram in the County of Sussex, State of New Jersey to authorize the Mayor to execute Change Order No. 1 for a net increase of the contract price in the amount of **\$5,770.91** for a total contract price of **\$204,968.91**.

BYRAM TOWNSHIP 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 September 21, 2009.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 139 - 2009**

**AUTHORIZATION TO RESCIND RESOLUTION NO. 125-2009 AND
EXECUTE CHANGE ORDER NO. 1
FOR IMPROVEMENTS TO VARIOUS STREETS**

WHEREAS, the Township of Byram (Owner) and Owl Contracting Inc. (Contractor) entered into an Agreement for improvements to various streets; and

WHEREAS, in the process of completing the work, certain additional materials were determined to be necessary to extend the length of the project along with certain reductions; and

WHEREAS, the revised work was determined by the Township Engineer, Harold Pellow & Associates and the Contractor and was found to require a net increase of **\$40,088.76** in the total amount of the contract as outlined in the Engineer's report dated September 15, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram in the County of Sussex, State of New Jersey to authorize the Mayor to execute Change Order No. 1 for a net increase of the contract price in the amount of **\$40,088.76** for a total contract price of **\$319,358.76**.

BYRAM TOWNSHIP 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 September 21, 2009.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 170 – 2009**

**RESOLUTION AUTHORIZING ENVIROTACTICS TO PROVIDE
ENVIRONMENTAL SERVICES OF HUDSON GREENWAY
PARCELS FOR OPEN SPACE PURPOSES**

WHEREAS, Byram Township has determined that there is a need to enter into a professional services agreement with Envirotactics to provide:

- Task 1: Environmental site investigation services with regard to a former heating oil underground storage tank (UST) located on Block 360, Lot 36 of the Hudson Greenway
- Task 2: Complete a preliminary assessment on a 10-12 acre portion of a parcel owned by Panther Lake Campgrounds for open space purposes

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Professional Services without competitive bid and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, County of Sussex, State of New Jersey that:

1. The Township of Byram hereby authorizes the execution of a professional services agreement with Envirotactics not to exceed \$6,480.00 as per the September 16, 2009 proposal.
2. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the Byram Township Council at a meeting held on September 21, 2009 adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

TOWNSHIP OF BYRAM
Resolution No 147 - 2009

TITLE: A RESOLUTION AUTHORIZING THE EMPLOYMENT AND CONTRACT FOR PROFESSIONAL SERVICES TO STUART B. KLEPESCH, ESQ. TO REPRESENT THE MUNICIPALITY IN FORECLOSURE OF TAX SALE CERTIFICATES PURSUANT TO THE TAX SALE LAW, TITLE 54 AND OTHER RELATED SERVICES ASSOCIATED THEREIN

WHEREAS, under the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Township Council that the Township of Byram, in the County of Sussex a municipality of the State of New Jersey, is the holder of certain Tax Sale Certificate(s) covering the lands and premises situated in the Township of Byram for which the governing body has approved the foreclosure provided by statute; and;

WHEREAS, the Township of Byram is desirous of instituting a program for the foreclosure of tax sale certificates held by the municipality; and,

WHEREAS, the legal expertise required in foreclosing municipal liens is a prerequisite in the township's policy in instituting an active program in foreclosure of municipal held tax sale certificates; and,

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids and resolution memorializing the engagement of said professional service, which requires the award to be publicly advertised; and,

WHEREAS, Stuart B. Klepesch, Esq. has a working knowledge of the rules and statutes governing the foreclosure of municipal tax sale certificates and has performed said services for municipalities within the State of New Jersey and has agreed to offer to the Township of Belleville legal services to further its program in instituting the foreclosure of municipal held tax sale certificates

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWNSHIP OF BYRAM,

1. That the Mayor and Municipal Clerk are authorized to enter into and execute the Agreement for Professional Services, attached hereto, with Stuart B. Klepesch, Esq. with offices at 25 Lindsley Drive, Suite 200, Morristown, N.J. 07960 for and in the processing and institution of foreclosure of municipal tax sale certificates

2. That the aforesaid legal counsel is hereby delegated to handle those matters delegated by the tax collector and/or township attorney in furtherance of the services in the foreclosure of municipal held tax sale certificates.

3. That this Contract is awarded without competitive bid and is a "Professional Service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law in recognition of the specialized knowledge and unique service required in foreclosure of municipal held tax sale certificates.

4. That a copy of this resolution shall be published in the official newspaper of the Township of Byram, as required by law, within ten (10) days of its passage.

ATTEST:

*I certify that the Byram Township Council at a meeting held on
2009 adopted the foregoing resolution.*

Doris J. Flynn, Township Clerk

Dated:
Motion:
Yeas:
Nays:
Absent:

**TOWNSHIP OF BYRAM
RESOLUTION NO. 172 – 2009**

**RESOLUTION OF THE TOWNSHIP OF BYRAM, COUNTY OF
SUSSEX, STATE OF NEW JERSEY, AUTHORIZING A 2009 TAX SALE**

WHEREAS, the 2009 Tax Sale for the Township of Byram will be conducted by Theresa Vervaet, CTC, on October 15, 2009, 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 15, 2009 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

James Oscovitch, Mayor

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on September 21, 2009.

Doris J. Flynn
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 143 – 2009**

**RESOLUTION AUTHORIZING A REFUND
OF A BALANCE OF ENGINEERING ESCROW**

WHEREAS, a balance of escrow remaining in the following account and shall be released; and

WHEREAS, the Director of Planning and Township Engineer of the Township of Byram have verified that outstanding invoices have been paid and recommend the release of the following account:

<u>Block & Lot</u>	<u>Applicant Name</u>	<u>Amount</u>
Blk. 41, Lot 90.01	Bilinkas Companies	\$1,526.50

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance in the above mentioned escrow account.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the Finance Officer be authorized to issue payment to the above applicant the aforementioned balance in the escrow account.

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 September 21, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 177-2009**

**RESOLUTION AUTHORIZING A REFUND
OF BALANCE OF SITE PLAN ESCROW**

WHEREAS, a balance of escrow in the following account shall be released; and

WHEREAS, the Township of Byram Engineer and the Director of Planning have verified that the application has been withdrawn.

<u>Applicant Name</u>	<u>Amount</u>
B 215 L 2 Adam Todd	\$684.06

Total: \$684.06

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of monies in the escrow account in the total amount of \$684.06.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the finance officer be authorized to issue payment to the above applicant the aforementioned balance in the escrow account.

BYRAM TOWNSHIP

COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on September 21, 2009.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 145 – 2009**

**RESOLUTION IN SUPPORT OF PRINCETON HYDRO LLC SUBMITTING
A GRANT TO THE NJDEP FOR THE DEVELOPMENT OF A LAKE
CHARACTERIZATION AND RESTORATION PLAN FOR CRANBERRY
LAKE**

WHEREAS, the NJDEP has included Cranberry Lake on a prioritized grant project list for the Development of a Lake Characterization and Restoration Plan; and

WHEREAS, Princeton Hydro LLC, a lake management consulting firm, has submitted a grant application for the development of the above-named plan by the deadline of September 1 with the condition of obtaining the support of the Byram Township Council; and

WHEREAS, the grant is in the amount of \$79,180 and does not require a cash match from the Township.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Byram, County of Sussex, state of New Jersey does hereby support the submission of a grant to the NJDEP for the Development of a Lake Characterization and Restoration Plan for Cranberry Lake by Princeton Hydro LLC.

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 September 21, 2009.

Doris Flynn, Township Clerk

**Township of Byram
Sussex County, New Jersey**

Resolution No. 146 - 2009

**RESOLUTION URGING STATE FUNDING
FOR THE MAINTENANCE AND PROTECTION OF LAKE MUSCONETCONG**

WHEREAS, Lake Musconetcong is a state-owned and state controlled lake, dedicated to public recreational use, that is under the jurisdiction of the NJDEP Division of Parks and Forests; and

WHEREAS, in recent years the lake has been allowed to become seriously degraded as a result of non-point source pollution; and

WHEREAS, the State of New Jersey has neglected its ownership responsibilities by failing to adequately maintain the lake and by failing to provide sufficient funds and resources for the protection of this valuable state resource.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey that we call upon the Governor, the Legislature and the Commissioner of the New Jersey Department of Environmental Protection to dedicate sufficient state resources for the maintenance and protection of Lake Musconetcong, as a New Jersey public recreational lake; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Corzine, the President of the NJ Senate, the Speaker of the NJ Assembly, Mark Mauriello, Commissioner of the NJDEP, Senator Oroho, and Assemblypersons McHose and Chiusano.

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

Attest: I hereby certify this is a true copy of the Resolution by the Mayor and Council of the Township of Byram on September 22, 2009.

Doris Flynn, Township Clerk