

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 6, 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, N.J.S.A. 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. SPECIAL GUEST – County Clerk Jeffrey Parrott**
- 7. REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
- 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**
 - August 16, 2011 Regular Meeting Minutes
 - August 16, 2011 Executive Session Minutes
- 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. 103–2011 - Resolution Appointing Appraisal Systems Inc. for a Municipal-Wide Reassessment of all Real Property for Tax Equalization Purposes and Authorizing an Extraordinary Unspecified Services Contract not to exceed \$136,900
 - B. Resolution No. 104-2011– Resolution Authorizing the Issuance of Bond Anticipation Notes not to exceed \$1,596,150 of the Township of Byram, in the County of Sussex, State of New Jersey
 - C. Resolution No. 105-2011 – Resolution Authorizing the Issuance of Special Emergency Notes not to exceed \$150,000 of the Township of Byram, in the County of Sussex, State of New Jersey
 - D. Resolution No. 106-2011 – Renewal of 2011/2012 Liquor License – WGB Properties, L.L.C, Trading as Byram Motel
 - E. Resolution No. 107-2011 – Tax Sale Certificate Redemption #2009-03, #2009-03 Premium
 - F. Resolution No. 108-2011 - Refund of Escrow – Block 279, Lot 335/336-\$304.50; Block 360, Lot 6.03-\$40.20
- 11. APPROVAL OF AUGUST 16, 2011 BILL LIST**
- 12. ORDINANCE – Introduction**
 - Ordinance Establishing That a Business Entity Which Makes Political Contributions to Municipal Candidates and Municipal and County Political Parties in Excess of Certain Thresholds shall be Limited in its Ability to Receive Public Contracts from the Township of Byram in the County of Sussex
- 13. ORDINANCES – Second Reading/Public Hearing**
 - Ordinance 11-2011 - 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 12-2011 - 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**
 - Deer Culling on Open Space Parcels
 - Fingerprinting Ordinance
 - Council Ethics Training Date – October 4, 2011 6:00 p.m.
- 15. PUBLIC PARTICIPATION II**
- 16. RESOLUTION FOR EXECUTIVE SESSION**
 - Attorney Client Privilege Information – Route 206 Improvements – UST Tank
- Stanhope Sewer Status
 - Contract Negotiations – United Bow Hunters of New Jersey
- 17. RETURN TO OPEN SESSION**
- 18. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
- 19. ADJOURNMENT**

BYRAM TOWNSHIP COUNCIL MEETING - AUGUST 16, 2011

CALL MEETING TO ORDER

Mayor Oscovitch called the meeting to order at 7:00 p.m.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meeting Act, NJSA 10:4-6.

ROLL CALL

Mayor Oscovitch, here; Councilwoman Raffay, here; Councilman Rafferty, late (7:03); Councilman Thompson, late (7:16); Councilman Olson, here; Township Manager Joe Sabatini, Attorney Tom Collins and Municipal Clerk Doris Flynn were also present.

FLAG SALUTE AND MOMENT OF SILENT REFLECTION

APPROVAL OF AGENDA – Motion by Councilman Olson, seconded by Councilwoman Raffay to approve the agenda. All members were in favor. Motion carried.

TOWNSHIP REPORTS

Township Manager

Tire Dump - Waterloo Road

- The Zoning Officer spoke with (Brett Callanan) the DEP Representative.
 - The complaint has been logged and it will be investigated as a land use complaint due to the fact that the dump is in wetlands.
 - Action will be taken which will be determined after the investigation is completed.
- County Bridge (CR-607):
- The bridge on Country Route 607 (Lackawanna Drive) is now scheduled for the fall of 2011.
 - The preferred bridge construction schedule was delayed due to staffing shortages and changes to NJDOT procedures. The County received required NJDOT authorization in late July.
 - To minimize the potential inconvenience to the public and school busing, the County designed the new bridge to be constructed quickly using prefabricated concrete units.
 - Target is 2 months (October – November). Incentives and penalties have been worked into the contract with the contractor.
 - The schools, emergency management organizations and busing company have been informed of the project by the County.

Paving Various Streets and Road:

- The Township Engineer is working with Paving Contractor to pave various streets and roads within the Township for next Thursday (8/25) and Friday (8/26).
- Roads to include: Remaining streets in West Brookwood (Belton, Spring Brook, Glen Brook, Chestnut, and River Road); South Shore Trail, Rosemarie Lane and Jan Way.

Understanding the New Pensions and Health Benefits Law:

- Attended a LEAGUE PROFESSIONAL DEVELOPMENT PROGRAM with our CFO titled Understanding the New Pensions and Health Benefits Law last Thursday.
- New law titled Chapter 78
- This program will quickly orient you on implementing the new pensions and health benefits contribution law. You will learn employer's responsibilities; implementation time frames; steps for compliance; how the new law impacts contracts in place or soon to be renewed and much more.

Councilman Scott Olson

- The next Environmental Commission meeting is on August 25 at 7:30 p.m. at Town Hall.
- The Green Team meeting has been cancelled for this month.
- Attended a Highlands Council meeting on August 3 at the request of the Mayor from Hackettstown and spoke in favor of their center plan designation. They have a good plan and they did receive approval at this meeting.
- Open Space met on August 8th. We've been discussing acquisitions through foreclosures on properties in town.

Councilwoman Marie Raffay

Planning Board – The next planning board meeting is Thursday, August 18 at 8pm. The CVS application at Barones is on the agenda.

Amy Rochette – Gold Award - Congratulations to Amy Rochette on receiving her Gold Award for Girl Scouts. Her project was to complete some repairs as well as upkeep and maintenance to the Riverside Park. The park was vandalized shortly after she completed her project and she got her team together once again and worked to restore the park back to her original plans.

Lake Musconetcong - The Musconetcong Watershed Association is looking for help in removing the invasive water chestnuts from Lake Musconetcong. There will be limited boats available for use but people can bring their own as well. That will be happening this Saturday, August 20 at 9 a.m. at Arbolino Park.

Sussex County Freeholders Meeting – Marie Raffay attended the Sussex County Freeholder meeting on July 27 to thank them for their anticipated support of Byram’s Wastewater Management Plan which they were introducing that evening.

Councilman Dan Rafferty

The next Recreation Committee meeting is August 17 at 7:30 p.m.

Mayor Jim Oscovitch

- Attended a class reunion for the Byram class of 1957, which also was the first graduation class of Sparta of 1961.
- Received a letter from Union Twp. Environmental Commission asking for our support to reduce noise from diesel truck mufflers
- Spoke with Jeffrey Parrott regarding a scam targeting seniors regarding obtaining a copy of your deed. He asked to come to the September 6th Council meeting to address the Council.

Tom Collins

Informed the Council that there were Appellate decisions today one which affirmed the Highland’s TDR program. The other decision the Court decided on some issues on the Highlands and COAH adjustment formulas. These decisions did not have any effect on Byram.

PUBLIC PARTICIPATION I - Motion by Councilman Olson, second by Councilwoman Raffay, to open to public. All members were in favor. Motion Carried.

Several boy scouts were in attendance. The Mayor called up Logan Merkey, Nick Gentile, Travis Healy, and Matthew Oscovitch. The scouts explained that they were working on a citizenship and community badge, and they were here to see what happens at a Township Council meeting.

Councilwoman Raffay made a motion, seconded by Councilman Olson, to close to the public. All members were in favor. Motion carried.

APPROVAL OF MINUTES

- July 5, 2011 Regular Meeting Minutes – Motion by Councilman Olson, second by Councilman Thompson to approve the minutes as presented. Councilwoman Raffay abstained from voting. All other members were in favor. Motion carried.
- July 5, 2011 Executive Session Minutes – Motion by Councilman Rafferty, second by Councilman Olson to approve the minutes as presented. Councilwoman Raffay abstained from voting. All other members were in favor. Motion carried.
- July 19, 2011 Regular Meeting Minutes – Motion by Councilwoman Raffay, second by Councilman Olson to approve the minutes as presented. Councilman Thompson and Mayor Oscovitch abstained from voting. All other members were in favor. Motion carried.
- July 19, 2011 Executive Session Minutes – Motion by Councilman Rafferty, second by Councilwoman Raffay to approve the minutes as presented. Councilman Thompson and Mayor Oscovitch abstained from voting. All other members were in favor. Motion carried.

INITIAL 2012 BUDGET PRESENTATION

Joe Sabatini prepared a power point for the initial 2012 budget discussion. This power point is also available on the website. The Manager provided an overview of the initial 2012 proposed budget, reviewed the impact of the 2% levy cap, and discussed the Healthcare and Pension Reform Bill. The Manager stated that this proposed budget is the best possible representation based on known and estimated expenses which are based on prior years. He is seeking direction from the Byram Township Mayor and Council on areas for potential budget reductions. If there is a need for staff reductions, we need to target a layoff plan by November 1, 2011.

The Mayor asked if we can set up budget workshops for September and October. Jim stated that he wants to start at 0% and work from there. He would like time to think about it and come to a workshop with ideas and brainstorm from there.

Scott Olson referred to Page 16 and stated that we are \$2,906 below the maximum that we can be at between both caps. Right now we are at a 4.4% overall increase, but we are under the 2% cap. This year our overall levy went up 2.3%. Joe stated that in 2011 we had exceptional opportunities because we did not have any out-of-cap expenses for healthcare. Scott stated that we used up any savings that we had over the past two years.

Marie Raffay questioned the amount the Township is at risk losing because of the Best Practices. Joe Sabatini stated that the amount we could be at risk to lose would affect the 2011 budget, but he doesn't feel we will lose any.

Marie asked if the State is trying to gear all the municipalities to get on to the State Health Benefits. Joe did ask this question at a recent seminar that he attended. He feels that the State is discriminating against towns that have chosen to be self-insured. We see steady increases, but the State is politically driven, and sees significant spikes in some years, while other years may have a very small increase. Joe has asked our benefits coordinator to look into it, and he will be getting rates to compare to the NJHIF.

We have some opportunity with the Civic Center. If the building has a new owner, we could receive approximately \$16,000 through sewer utility and also reduce our operating costs by not having any maintenance costs related to the building.

Scott Olson stated that if we were going to start at 0%, we should make a list of what we consider is non-essential services and what that would save, or how we could restructure fees on services. Last year we talked about a garbage utility, which moves those expenses outside of the cap. We should also look at having a separate sewer utility, which removes it from the cap. Joe Sabatini stated that this would not reduce the amount of taxes a taxpayer would pay. It would increase administrative costs. Scott just wanted to look at these things and see if there is any benefit.

The Manager stated that if we are thinking of early September he would provide the detailed budget sheets that were summarized this evening. It would be an open discussion. Scott suggested that everyone should bring ideas to the budget workshop. A budget workshop meeting was set for September 13th at 6:30 p.m.

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 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. Motion by Councilwoman Raffay, second by Councilman Rafferty, to approve the consent 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

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

BILL LIST OF AUGUST 16, 2011 - Motion by Councilman Olson second by Councilwoman Rafferty to approve the bills. Councilman Rafferty recused from P.O. 8199, and Councilman Thompson recused from P.O. 8203, 7976.

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

ORDINANCE – 2nd Reading/Public Hearing

- BE IT RESOLVED that Ordinance 10-2011 entitled “**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**” be read by title on second reading and a hearing held thereon. Motion by Councilman Olson, second by Councilman Rafferty to approve the ordinance.

Joe Sabatini announced that the County has ordered a reassessment. Our actual ratio to assessment is over 114%. By having this done as a reassessment and not a revaluation, we do not have to have inside inspections of homes, and it allows us to have this done at a much lower cost.

Motion by Councilman Rafferty, second by Councilman Thompson to open to the public. All members were in favor. Motion carried.

Joanna Mattos, 48 Lee Hill Road, stated that it has been her experience that when values are raised, the tax rate is lowered. In this case, the values will go down but the tax rate will go up. She doesn’t understand why we would spend \$150,000 to do this. Joe Sabatini explained that some values will go up, some will go down and some will stay the same. The County ordered the reassessment. Tom Collins explained that every line item will be part of the reassessment. It will be uniform through the Township. She stated that it is getting difficult to stay in Byram because taxes are very high.

Councilman Olson explained that when someone wins a tax appeal, it is very costly to the Township. We have to pay back the town, school and the county’s share to the property owner. It’s beneficial to us to keep the level of appeals to a minimum and the way to do that is to have this reassessment, since the market dropped so low. Ms. Mantos reminded the Council that years ago when garbage collection was not included in our taxes, there was garbage thrown everywhere in town.

Ali Griffith, 22 Old Stage Coach Road, said that she came to learn about the reassessment. She asked why Byram can’t unilaterally reduce the assessment by 15%. Tom Collins stated that this is not allowed by law and he explained the procedure to her.

Harvey Roseff, 33 Sleepy Hollow Road, stated that if the reassessment lowers values by 15%, the Lenape school taxes will go down.

Joanne Smith, 57 Lake Drive, stated that she thought all the values would be lowered. Joe Sabatini stated that some values would not go down, and it is possible that some values would go up.

Skip Danielson, 18 Hunters Lane, thanked Joe for sending Penny Holenstein to the senior's meeting. Skip reported that Penny explained that the Township is broken down into neighborhoods for assessment and she summarized the process. The seniors got a much better understanding of the need for a reassessment from the information that Penny provided.

Motion by Councilman Thompson, second by Councilman Rafferty to close to the public. All members were in favor. Motion carried.

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

BE IT RESOLVED, that said Ordinance is passed on final reading and that a Notice of Final Passage of said Ordinance be published in the official designated newspaper according to law.

ORDINANCES – Introduction/1st Reading

- BE IT RESOLVED that Ordinance entitled “**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**” be read by title on first reading. Motion by Councilman Rafferty, second by Councilman Olson to introduce the ordinance. All members were in favor. Motion carried.

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

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on September 6, 2011 at 7:00 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

- BE IT RESOLVED that Ordinance entitled “**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**” be read by title on first reading. Motion by Councilman Rafferty, second by Councilman Thompson to introduce the ordinance.

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

BE IT RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Council of the Township of Byram on September 6, 2011 at 7:00 p.m. at the Municipal Building, 10 Mansfield Drive, Byram Township, at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

DISCUSSION ITEMS

Best Practices: Local Finance Notice 2011-18 was published July 15 to provide guidance with respect to how the Division of Local Government Services will implement the statutory requirement for Best Practices.

- How the Town responds to questions related to Best Practices Inventory will determine how much of the municipality's final 5% allocation of its CMPTRA and ETR.
- The Township's last 5% payment is \$28,774.
- Several changes have been made to the Inventory and its implementation:
 1. Fewer questions--shortened from more than 80 questions to 50.
 2. Some questions from last year are repeated.
 3. There are new questions designed to encourage financial accountability and transparency or to ensure compliance with various laws and regulations where compliance has sometimes been lacking.
- The completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response.
- Additional responses besides Yes and No:
 1. "Not applicable" is only an appropriate answer if a municipality concludes that the requirement is impossible to meet given the municipality's circumstances. Using "not applicable" requires an explanation of why it is not applicable in the "comment" space provided.
 2. The "prospective" answer should only be used to indicate that compliance with a practice will be forthcoming in the upcoming year based on good faith efforts and direction from appropriate officials to implement the practice.
 3. Credit will be given for all "yes" answers and answers of "not applicable" where an appropriate explanation has been given.
 4. Answers of "prospective" will be given credit, but the Division will spot check for compliance and may withhold credit if requisite good faith efforts to comply are not apparent.
- The Best Practices Checklist must be returned to the DLGS by September 1, 2011.
- Township's score is 96% and within the range to incur no penalty. We have six prospective items that will require action over the next couple of months and 3 items marked as not applicable.

Motion by Councilman Olson, second by Councilman Rafferty, to accept the checklist and authorize Joe Sabatini to forward this to the State. All members were in favor. Motion carried.

Recycling Grant - Resolution adopted at July 19, 2011 meeting to submit a request for Sustainable, New Jersey – Small Grants \$10,000.

Project Description:

1. Improve Circulation, appearance, security and signage at recycling center.
2. Outreach program.
3. Discourage illegal dumping.

Suggestions for Change:

1. Sunday Hours – have hauler pay for Sunday hours instead of Wednesday.
2. Possible Elimination of Brush Dump – being used to avoid paying for tree removal of branches.

There is significant time spent loading and hauling. We could reduce costs if opened for spring and fall clean up only.

Highlands Grant Billing

Received July 27 letter from Highlands Council regarding Highlands Plan Conformance Amended Grant Agreement.

- Township submitted bills totaling \$2,948.
- Additional bills totaling \$1,367.50 where incurred that where charged to general fund – Planning – Highlands Plan Initiative (\$10,000). These covered planning activities with professionals, and right to farm ordinance actions.

- Under the grant, Task 2 was for completion of ERI allocating \$900 and town submitted expenses for \$795.
- Under the grant, Task 4 was for completion of WMP allocating \$1500 and the town submitted expenses for \$2153 and this covered no staff time which was substantial to get plan completed and approved by County.
- Overage for both tasks was \$548.
- Highlands Council authorized payment voucher for \$2400.
- We were with the understanding that savings on some tasks could be spent on other tasks. They are only giving credit on completed tasks. (\$105 from Task 2).
- As stated in the letter, no task overages will be honored without meeting the grant agreement terms, which require prior authorization by the Highlands Council.

Dan Rafferty stated that he was assured that Byram would not incur any costs. He stated that he was told that the Highlands Grant would pay for all our professionals to do the work needed for Plan Conformance. Scott Olson feels that we have incurred extra cost because we don't have a project manager for the Highlands work.

Councilman Thompson said that he was tired of the unfunded mandates and would like to send a resolution to the State stating so.

Revised Lackawanna Drive Plaza Area – Joe Sabatini stated that he attended a meeting with Dan Rafferty, Scott Olson and the NJDOT regarding the jurisdictional agreement and the Lake Lackawanna/Route 206 improvements. Joe Sabatini reviewed what was in the original plan and the amount of maintenance required to perform the upkeep. NJDOT came back with a drawing showing the portion of the sidewalk along Lackawanna Drive that would be eliminated and they moved over the sidewalk to abut the bank property, with the hopes that the bank will maintain that portion of the sidewalk. The sidewalk also abuts a part of the Shop Rite Plaza. They made additional changes with regard to the amount of pavers that will be utilized in the plaza and sitting area. The jurisdictional agreement puts the responsibility on the township to maintain the pavers. The township suggested using colored sidewalk and expanding on that concept, which will have more durability.

The NJDOT would like the Township to let them know if these changes are acceptable to the Council.

Motion by Councilman Olson, second by Councilman Rafferty, to accept the changes in the Lackawanna Plaza plans as presented by the NJDOT through meetings with the RBA, Dan Rafferty, Joe Sabatini and Scott Olson.

There was also discussion regarding adding sidewalk on the South Bound side of Route 206 which would tie the Salt Pub to Hi-Glen Drive. The only problem is it abuts State property and Byram would have to maintain it.

Scott Olson stated that Denise from the RBA Group said that adjoining property owners in some other towns have taken responsibility for it if they benefit from it. We might want to talk to the adjoining property owner about maintaining the sidewalk. Joe asked Tom if we would have to get a written agreement from the property owner and Tom said yes, we would need a developer's agreement. Marie asked if the Parks, Division of Forestry, could be responsible for it, since it abuts Allamuchy State Park.

Tom Collins asked if there is a missing trail link near the Salt Pub. Marie said that one of the trails in the woods ends near Salt, and Salt wanted to put a trail head behind the restaurant. The trail doesn't continue to a public street. Tom stated that he felt that was a reason why the NJDEP should think about encouraging that to happen. Scott stated that the owners of Salt are working right now with the NJDEP to establish a trail head in their parking lot. Tom suggested adding this to their discussion.

Joe Sabatini was directed to look further into this and reach out to the NJDEP, Department of Parks and Forestry and the adjoining property owner (Salt).

Appointment of 2nd alternate for the Musconetcong River Management Council – Councilman

Olson stated that Michelle Rehse is the regular member and he is the 1st alternate. He explained that the meeting dates for this group conflicts with the Council meeting dates. He is asking the Council to appoint David Grey as 2nd Alternate so that he can attend the meetings.

Motion by Councilman Olson, second by Councilman Thompson to appoint David Grey as 2nd Alternate to the Musconetcong River Management Council.

PUBLIC PARTICIPATION II

Motion by Councilman Olson, second by Councilwoman Raffay to open to the public for discussion. All members were in favor. Motion carried.

Bill Barrett, 7 Brookwood Road, stated that the DPW seems to be stretched very thin, and does not feel they can handle maintaining properties that are in foreclosure or maintaining State property. He asked if the township has done research about pavers. He also suggested contacting companies that make mulch out of brush—a company could possibly come to the recycling center and pick up our brush for mulch.

Boy Scout's Thomas Healy, Matt Oscovitch, Nick Gentile, and Logan Merkey addressed the Council.

They asked if there were other towns in Sussex County that have recycling centers like Byram. The Mayor stated that not all towns have their own recycling center. Some towns provide the service and some towns do not.

The Scouts had the following suggestions:

- Install a fence in the recycling center and lock it up.
- Restrict the recycling center to residents only.
- Everyone in the township can buy a key to get into the recycling center.
- Give everyone a card to get into the recycling center – charge one dollar for each card, which could offset the expenses of the center.

Matt Oscovitch asked why we say the roll call so many times. Mayor Oscovitch explained that the Council sets policy and makes laws so there has to be a vote taken, and if there is a majority of votes in favor of the law or policy then it passes. The votes are recorded and a permanent record is kept.

Barbara McLoughlin, 42 River Road, stated that they have had a few homes in foreclosure in their neighborhood. When they call the realtor listed on the sign, someone comes and mows it. She asked about the paving schedule. Joe Sabatini stated that he will send her an email with the exact schedule.

Ali Griffith, 22 Old Stage Coach, stated that sidewalks could encourage jay-walking. Jim Oscovitch stated that there will be new crosswalks installed.

Motion by Councilman Rafferty, second by Councilman Thompson to close to the public. All members were in favor. Motion Carried.

RESOLUTION FOR EXECUTIVE SESSION – Motion by Councilman Rafferty, second by Councilwoman Raffay, to go into executive session at 9:30 p.m. and adopt the below resolution.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

- Attorney Client Privilege Information
 1. Shared Services
 2. Right of Access Agreement with NJDEP for Sussex Branch Trail Repair
 3. Benefit Time

BE IT FURTHER RESOLVED that Minutes will be kept on file in the Municipal Clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BYRAM TOWNSHIP COUNCIL

Certification: I certify that the Byram Township Council adopted the above resolution
Township Council Meeting Minutes 8 August 16, 2011

on August 16, 2011.

Doris Flynn, Municipal Clerk

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

RETURN TO OPEN SESSION - Motion by Councilman Rafferty, second by Councilwoman Raffay to return to open session. All members were in favor. Motion Carried.

ADJOURN

On the motion by Councilman Rafferty, second by Councilwoman Raffay, and with all members in favor, the meeting was adjourned at 10:35 p.m. Motion carried.

Doris Flynn, RMC

James Oscovitch, Mayor

**TOWNSHIP OF BYRAM
RESOLUTION NO. 103 – 2011**

RESOLUTION APPOINTING APPRAISAL SYSTEMS, INC. FOR A MUNICIPAL-WIDE REASSESSMENT OF ALL REAL PROPERTY FOR TAX EQUALIZATION PURPOSES AND AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT WITH APPRAISAL SYSTEMS, INC.

WHEREAS, the Township of Byram will require Extraordinary Unspecifiable Services in connection with a municipal-wide reassessment of all real property for tax equalization purposes for Byram Township; and

WHEREAS, the above mentioned services can be performed adequately and effectively by Appraisal Systems, Inc.; and

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 Extraordinary Unspecifiable Services without competitive bid and the contract itself must be available for public inspection.

WHEREAS, by this resolution the Township of Byram hereby authorizes the execution of the attached contract with Appraisal Systems, Inc., and the contract is incorporated herein by reference.

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 contract with Appraisal Systems, Inc.
2. A notice of this resolution shall be printed once in the official newspaper of the Township of Byram.

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 Byram Township Council at a meeting held on September 6, 2011 adopted the foregoing resolution.

Doris Flynn, Municipal Clerk

ARTICLES OF AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2011, by and between the **TOWNSHIP OF BYRAM**, a Municipal Corporation of the State of New Jersey, hereinafter referred to as the Municipality,

AND

APPRAISAL SYSTEMS, INC., an appraisal firm with its principal office located at 110 S. Jefferson Rd Suite 300, Whippany, NJ 07981 hereinafter referred to as the Firm.

WITNESSETH:

Whereas, the Municipality is engaged in a project to reassess all the lands, buildings and improvements contained within the boundaries of the Municipality and has engaged the services of the Firm to render necessary advice and assistance in the said project; and

Whereas, the Firm will complete, in the format of a complete reassessment as prescribed by law (N.J.S.A. 54:1-35.35) the services rendered to the Municipality; and

Whereas, the Sussex County Board of Taxation and the Director of the Division of Taxation, State of New Jersey have granted a reassessment program set October 1, 2011 to be effective for the tax year 2012;

Now, therefore, each of the parties hereto intending to be legally bound hereby, it is agreed as follows:

The municipality agrees to pay the sum of **ONE HUNDRED THIRTY SIX THOUSAND NINE HUNDRED DOLLARS (\$136,900)** in full for consideration of the services to be rendered as detailed herein.

**ARTICLE 1
REASSESSMENT PROCEDURES**

- A. A diligent attempt will be made to inspect the interior and exterior of all improvements that require inspection. The municipal assessor will identify the properties that require an inspection attempt. Field inspectors will be provided with the existing property record cards which shall be relied upon by Appraisal Systems Inc. Field inspectors will review the sketch, exterior structures, and land description and will modify the existing records where there are material changes to the existing data. All properties that require inspection will be billed at a rate of thirty dollars (\$30.00) per property.
- B. A scaled sketch with dimensions of each significant building will be prepared on which building sections, accessories, and story levels or heights will be noted
- C. The Real Property Appraisal Manual for New Jersey Assessors will be utilized to develop appropriate depreciated replacement costs for all improvements as of the assessing date.
- D. All exempt property assessments will be updated to a current value as of the assessment date.
- E. All land assessments will be updated to a current value as of the assessment date utilizing generally acceptable land valuation procedures.
- F. Sales of all properties deemed to be usable and occurring within the past three years will be analyzed; and significant data extracted from appropriate sales will be utilized in developing pertinent factors, adjustments, tables and/or schedules for determining current market values of property as of the assessment date.
- H. All owners of income-producing property will be requested to submit income and expense information as provided under N.J.S.A. 54:4-34. The Township is responsible for the cost of the mailing (already conducted).
- I. All applicable approaches to value will be employed in the valuation process, and values developed will be reconciled to determine a final assessed value of the property as of October 1 of the pretax year.

- J. An introductory letter will be sent by the firm, via first class mail, to all property owners to inform them of the Reassessment Program and advise them of the procedures to be implemented in the performance of the reassessment program.
- K. A subsequent notice will be sent by the firm, via first class mail, to all property owners toward the end of the program to inform them of their proposed assessed value, and how an appointment may be made to arrange for an informal review with a representative of the firm.

**ARTICLE VI
TAXPAYER REVIEW PROCEDURE**

- A. The Firm shall provide each taxpayer with an opportunity to review the proposed assessment of his property.
- B. Informal reviews shall be held at a designated location within the Municipality and the Firm shall schedule sufficient time to fully review and discuss the proposed assessment with the taxpayer.
 - 1. Each taxpayer attending a review shall be afforded an individual meeting with a qualified person employed by the Firm.
 - 2. A written record of each review shall be provided to the assessor in a format approved by the assessor.
 - 3. Suggested revisions by the Firm resulting from the taxpayer review shall be made with the consent of the assessor.
 - 4. Each taxpayer shall be informed in writing by the Firm of the result of their assessment review within four weeks of the conclusion of all reviews.

**ARTICLE II
CONTRACT CONTINGENT UPON APPROVAL BY
THE DIRECTOR OF THE DIVISION OF TAXATION**

- A. This contract is contingent upon approval of the Director of the Division of Taxation and shall not be effective until such approval is noted on the approval page provided within this Agreement.
- B. The Firm shall not assign or transfer this contract or any interest therein without written permission from the Municipality, and written permission of the surety company, the County Board of Taxation and the Director of the Division of Taxation
- C. No changes will be permitted in this contract except upon mutual consent of the Firm and the Municipality, and written permission of the surety company, the County Board of Taxation and the Director of the Division of Taxation.

**ARTICLE III
CONFLICT OF INTEREST**

- A. No commissioner or employee of the Sussex County Board of Taxation shall have any interest whatsoever, directly or indirectly, as an officer, stockholder, employee or any other capacity in the firm.
- B. The Firm and its parent company and subsidiaries, if any, shall not represent any property owner or taxpayer filing a tax appeal with respect to the reassessment completed by the Firm.

**ARTICLE IV
APPRAISAL FIRM: QUALIFICATIONS OF PRINCIPALS AND EMPLOYEES**

- A. The principals of the Firm and the employees of the Firm directly engaged in municipal revaluation programs in this State shall meet the following minimum requirements.
 - 1. Principals shall have ten years practical and extensive appraisal experience in the valuation of the four classifications of property;
 - 2. Supervisors shall have five years of practical and extensive appraisal experience in the appraisal of the particular type of properties for which they are responsible. Two years of this experience must have been in the mass appraisal field and occurred within the past five years;

3. Field personnel, building enumerators and listers shall have a minimum of 1 year of experience pertaining to their particular phase of work and shall be generally aware of the other phases of the revaluation project before starting actual field work;
 4. Personnel determining final land values shall meet the qualifications prescribed for supervisors in direct charge of the work.
- B. Any change in personnel employed under this contract shall be submitted to the assessor and county board of taxation in writing.

**ARTICLE V
PROGRESS REPORTS AND PAYMENT**

- A. The firm shall provide monthly reports of the progress of the work and meet with the Assessor when required or requested.
- B. The Firm shall commence work within thirty (30) days after the approval of the contract by the Director of the Division of Taxation.
- C. The Firm shall not be responsible for delays caused by strikes, war, catastrophes or acts of God, which might stop or delay the progress of work.
- D. The firm shall receive payment installments commensurate with the progress of work outlined in the monthly reports submitted to the Assessor.

**ARTICLE VI
DEFENSE OF APPEALS**

- A. The Firm shall assist the municipality by providing expert witnesses in the defense of all valuations rendered to the Municipality that are appealed to the Sussex County Board of Taxation.
 1. The Firm's obligation with respect to this requirement is limited to the initial appeal of an assessment during the year in which the revaluation is implemented and one year thereafter.
 2. Such assistance shall include a qualified expert from the Firm who is knowledgeable with the properties that are appealed.

**ARTICLE VI
SUMMARY AND DELIVERY**

- A. The Firm shall provide the assessor with all supporting data, documentation and special procedures used in deriving value.
- B. The Firm shall make available qualified personnel for the purpose of giving full explanation and instruction to the assessor and his/her staff with regard to all materials submitted in all phases of the reassessment.
- C. A magnetic tape containing the new values will be provided by the Firm and shall be in a format consistent with the New Jersey Property Tax System MOD IV so that entry of the data can be made directly into the taxing district's master file.
- D. The data collected and utilized in the development of all values shall be delivered to the Assessor in an ASCII format so that it may be entered into the computer program chosen by the Assessor. In the event that the municipality has in place an appraisal software package (CAMA), the Assessor may require that the reassessment program be performed on said system.

**TOWNSHIP OF BYRAM
RESOLUTION NO. 104-2011**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$1,705,150 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF BYRAM, IN THE
COUNTY OF SUSSEX, NEW JERSEY**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of The Township of Byram, in the County of Sussex (herein called "local unit") entitled: "Bond ordinance providing for sewer utility improvements in the Township of Byram, appropriating \$185,000 therefor and authorizing the issuance of \$175,000 of bonds or notes of the Township of Byram, County of Sussex, New Jersey for financing part of the cost thereof", finally adopted on November 1, 2004 (#19-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$15,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of a rescue vehicle by the Township of Byram, in the County of Sussex, New Jersey, appropriating \$230,000 therefor and authorizing the issuance of \$219,000 bonds or notes of the Township for financing such appropriation", finally adopted on September 5, 2006 (#16-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$81,000 shall be issued purpose for the purpose of temporarily financing the

improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$284,100, and authorizing the issuance of \$210,600 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", finally adopted on June 4, 2007 (#10-07), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$164,600 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$325,000, and authorizing the issuance of \$309,000 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", finally adopted on July 21, 2008 (#11-08), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$302,200 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$620,000, and authorizing the issuance of \$590,000 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", finally adopted on May 18, 2009 (#11-09), Bond Anticipation Notes of the local unit in a principal amount not exceeding

\$590,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$425,000, and authorizing the issuance of \$200,000 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", finally adopted on July 19, 2010 (#7-10), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$200,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$465,000, and authorizing the issuance of \$352,350 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", finally adopted on June 21, 2011 (#5-2011), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$352,350 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 8. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 7

described, shall be combined into a single and combined issue of bonds in the principal amount of \$1,705,150.

Section 9. The following matters in connection with said Bond Anticipation

Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) three years from the date of the first note issued pursuant to the bond ordinances referred to in Section 1 to 7 hereof, unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes shall be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 10. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

Section 11. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 12. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 13. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 14. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds

certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 15. All action heretofore taken by Township officials and professionals with regard to the sale and award of said notes is hereby ratified, confirmed, adopted and approved.

Section 16. This resolution shall take effect immediately.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovich
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 6, 2011.

 Doris Flynn, RMC
 Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 105 – 2011

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$150,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF BRYAM, IN THE**

COUNTY OF SUSSEX, NEW JERSEY

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BRYAM, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all
the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to an ordinance of The Township of Bryam, in the County of Sussex (herein called “local unit”) authorizing a special emergency appropriation in the amount of \$150,000, finally adopted on August 16, 2011 and entitled: “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” (#10-2011), Special Emergency Notes of the local unit are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S. 40A:4-1 *et seq.*) in a principal amount not exceeding \$150,000 for the purpose of financing the improvement or purpose described in said ordinance, including (to any extent necessary) the renewal of any Special Emergency Notes heretofore issued therefor.

Section 2. The following matters in connection with said notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer (the "chief financial officer") of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) one year from the date of the first note issued pursuant to the ordinance referred to in Section 1 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Special Emergency Notes issued pursuant to the Local Budget Law, and any such notes shall be signed or sealed by the Township chief financial officer, Mayor and Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

Section 3. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 4. The chief financial officer of the local unit is hereby authorized to sell said notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 7. The chief financial officer of the local unit is further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds

certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 9. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of said notes is hereby ratified, confirmed, adopted and approved.

Section 10. This resolution shall take effect immediately.

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 September 6, 2011.

 Doris Flynn, RMC
 Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 106 – 2011

**RESOLUTION RENEWING A PLENARY RETAIL CONSUMPTION
LICENSE ISSUED TO WGB PROPERTIES, L.L.C., TRADING AS BYRAM
MOTEL**

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that a renewal of a Plenary Retail Consumption License be issued to WGB Properties, L.L.C., trading as Byram Motel, located at 24 Route 206, Stanhope New Jersey 07874. The same license being No. 1904-33-007-005. Said license shall be valid from July 1, 2011 through June 30, 2012.

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 6, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 107 – 2011**

TAX SALE CERTIFICATE REDEMPTION

WHEREAS, the Tax Collector has certified that the following tax lien(s) has been satisfied:

Lien Holder	Certificate #	Tax Sale		Total Amount
		Block	Lot	
US Bank % Sass Muni VI	#2009-03	70/9		\$39,202.25
US Bank % Sass Muni VI (Premium)	#2009-03	70/9		\$19,500.00

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 holder.

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 6, 2011 adopted the foregoing resolution.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 108 – 2011**

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

WHEREAS, escrow accounts were established for work performed within the Township of Byram, and

WHEREAS, the work has been completed, and a balance exists in said accounts, and

WHEREAS, the Township professionals have been paid in full and have agreed that the projects are complete on the following:

<u>Applicant Name</u>	<u>Block Lot</u>	<u>Amount</u>
Designer Homes of NJ	279 335/336	\$304.50
Richard Piccolo	360 6.03	\$ 40.20

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of money(s) in the escrow account(s) as stated above.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, New Jersey, that the Finance Officer be authorized to issue payment to the above applicants the aforementioned balance in the escrow accounts.

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 6, 2011.

Doris Flynn, RMC
Township Clerk

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

**An Ordinance Establishing That A Business Entity Which Makes Political
Contributions To Municipal Candidates And Municipal And County
Political Parties In Excess Of Certain Thresholds Shall Be Limited In Its
Ability To Receive Public Contracts From The Township of Byram in The
County of Sussex**

Purpose Statement: The purpose of this ordinance is to establish restrictions and regulations as to the awarding of public contacts to certain contributors, and prohibiting the award of professional services agreements and extraordinary services contracts to entities that have made political contributions in excess of maximum amounts.

The Mayor and Council of the Township of Byram does hereby Ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

WHEREAS, in the interest of good government, the people and the government of the *Township of Byram* desires to establish a policy that will avoid the perception of improper

influence in public contracting and local elections;

NOW, THEREFORE, BE IT RESOLVED, it shall be the policy of the *Township of Byram* to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the *Township of Byram*; and,

BE IT ORDAINED by the *Township of Byram*, in the County of Sussex, and State of New Jersey, as follows:

DEFINITIONS

As used in this ordinance:

- (a) “Campaign Committee” means (i) every candidate for *the Township of Byram* elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for *the Township of Byram* elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for *the Township of Byram* elective municipal office; (iv) every political party committee of the *Township of Byram*; (v) every political party committee of the *County of Sussex*; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the *Township of Byram* municipal or *County of Sussex* elective offices or *the Township of Byram* municipal or *County of Sussex* political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- (b) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A “contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.

(d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

(a) To the extent that it is not inconsistent with state or federal law, the *Township of Byram* and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i)

a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in *the Township of Byram* or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any *Township of Byram* or County of Sussex political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of *the Township of Byram* municipal or County of Sussex elections and/or *the Township of Byram* municipal or County of Sussex candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

(b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the *Township of Byram* or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in *the Township of Byram*, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any *Township of Byram* or County of Sussex political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the *Township of Byram*; (ii) \$500 maximum per calendar year to a *Sussex County* political committee or political party committee;

and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all *Township of Byram* candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all *Township of Byram* or *County of Sussex* political committees and political party committees as described herein combined, without violating subsection (a) of this section.

(d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the *Township of Byram* Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the *Township of Byram*, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

SECTION 3 - CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

- (a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the *Township of Byram* or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The *Township of Byram*, its purchasing agents and departments shall be responsible for informing the *Mayor and Council* that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (b) A Business Entity shall have a continuing duty to report to the *Township of Byram* any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The *Township of Byram*, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Byram Township Council meeting following receipt of said report from the Business Entity, or whichever comes first.
- (c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the *Township of Byram* or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business

Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

SECTION 6 - EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

SECTION 7 - PENALTY

(a) It shall be a material breach of the terms of a *Township of Byram* agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in *the Township of Byram*, or a holder of public office having ultimate responsibility for the award of a contract, or any *Township of Byram* or County of Sussex political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which

if done directly would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future *Township of Byram* contracts for a period of four (4) calendar years from the date of the violation.

(c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the *Township of Byram*.

SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the *Township of Byram* has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

SECTION 9 - 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 10 – INDEXING

The monetary thresholds of "Definitions" Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the <New York-Northern New Jersey-Long Island> or <Philadelphia> region, rounded to the nearest \$10.00. The Clerk of the *Township of Byram* shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

SECTION 11 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the *Mayor and Council of the Township of Byram* and shall be published as required by law.

DATED: _____, 2011

ADOPTED:

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

By: _____
Doris, Flynn, Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 11-2011**

**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.

SECTION 4. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

INTRODUCED: AUGUST 16, 2011

ADOPTED: SEPTEMBER 6, 2011

TOWNSHIP OF BYRAM

JAMES OSCOVITCH, MAYOR

ATTESTED:

DORIS FLYNN, TOWNSHIP CLERK

NOTICE

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at the meeting of the Byram Township Council held at the Byram Township Municipal Building, 10 Mansfield Drive on the 16th day of August 2011. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township on the 6th day of September, 2011 at 7:00 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM

DORIS FLYNN,
TOWNSHIP CLERK

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 12-2011**

**AN 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**

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 213 Article VI of the Ordinances of the Township of Byram shall be and hereby is amended as follows:

SECTION 1. Section 213-40, entitled "Costs of Snow and Ice Removal" is hereby added 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.

SECTION 4. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

INTRODUCED: AUGUST 16, 2011

ADOPTED: SEPTEMBER 6, 2011

TOWNSHIP OF BYRAM

JAMES OSCOVITCH, MAYOR

ATTESTED:

DORIS FLYNN, TOWNSHIP CLERK

NOTICE

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at the meeting of the Byram Township Council held at the Byram Township Municipal Building, 10 Mansfield Drive on the 16th day of August 2011. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township on the 6th day of September, 2011 at 7:00 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM

DORIS FLYNN,
TOWNSHIP CLERK