

**TOWNSHIP OF BYRAM  
COUNCIL MEETING AGENDA  
SEPTEMBER 7, 2010**

**7:00 P.M. CLOSED SESSION/7:30 P.M. REGULAR MEETING**

1. CALL TOWNSHIP COUNCIL MEETING TO ORDER
2. OPEN PUBLIC MEETINGS STATEMENT

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

3. ROLL CALL

4. RESOLUTION FOR EXECUTIVE SESSION

- Attorney Client Privileged Information
- Anticipated/Pending Litigation
  - a. Tax Appeals
  - b. Lutz
- Contract Negotiations
  - a. Solid Waste Disposal
  - b. Veterinarian Agreement for Dog Pound
  - c. Stanhope Sewer Allocation

5. RETURN TO PUBLIC SESSION

6. FLAG SALUTE

7. APPROVAL OF AGENDA

8. PUBLIC PARTICIPATION I – Meeting is 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 SEPTEMBER 7, 2010 BILL LIST

10. APPROVAL OF MINUTES –

- August 16, 2010 – Regular Meeting Minutes
- August 16, 2010 – Closed Session Minutes

11. REPORTS

- Township Manager
- Mayor and Council Members
- Township Attorney

12. CONSENT AGENDA: **These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion 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. 120-2010 – BAN Resolution

- B. Resolution No. 121-2010 –PSA – Preliminary Engineering Design Services for Hudson Greenway Parcel not to exceed \$5,000

- C. Resolution No. 122-2010 – PSA – Authorizing Appointment of the Sewer Operator and Award of Professional Service Contract not to exceed \$11,000.00

- D. Resolution No. 123-2010 - EUS – Review of Computer Services by MSI Services, Inc. not to exceed \$900.00

13. DISCUSSION ITEMS

- A. Best Practices Checklist
- B. Budget Workshop Meeting with Department Heads and Council

14. PUBLIC PARTICIPATION II

15. RETURN TO OPEN SESSION

16. ADJOURNMENT

**TOWNSHIP OF BYRAM**  
**SUSSEX COUNTY, NEW JERSEY**  
**RESOLUTION NO. 120-2010**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT  
EXCEEDING \$1,441,600 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 \$35,000 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 \$109,000 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 \$198,600 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 \$309,000 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 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 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 6 described, shall be combined into a single and combined issue of bonds in the principal amount of \$1,441,600.

Section 8. 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 6 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 9. 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 10. 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 thereof.

Section 11. 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 12. 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 13. 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 14. 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 15. This resolution shall take effect immediately.

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 7, 2010.

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 Doris Flynn, RMC  
 Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 121 – 2010**

**RESOLUTION AUTHORIZING HAROLD PELLOW &  
ASSOCIATES TO PROVIDE PRELIMINARY ENGINEERING  
DESIGN OF PROPOSED RECREATIONAL FIELDS ON THE  
HUDSON GREENWAY PARCEL**

**WHEREAS**, has determined that there is a need to enter into a professional services agreement with Harold Pellow & Associates to provide engineering services for a preliminary engineering design of recreational fields on the Hudson Greenway parcel; and

**WHEREAS**, funds are available through the Open Space Trust 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 Harold Pellow & Associates. not to exceed \$5,000.00 as per proposal dated August 31, 2010.
2. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

**BYRAM TOWNSHIP COUNCIL**

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

**ATTEST:**

I certify that the Byram Township Council at a meeting held on September 7, 2010 adopted the foregoing resolution.

Doris J. Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 122- 2010**

**AUTHORIZING APPOINTMENT OF THE SEWER OPERATOR AND  
AWARD OF PROFESSIONAL SERVICE CONTRACT IN CONNECTION  
THEREWITH**

WHEREAS, the Township of Byram, pursuant to N.J.S.A. 40:55D-71b, has determined it necessary to employ a sewer operator for the Township Council; and

WHEREAS, the Mayor and Council intend by this resolution to award to Wastewater Management, Inc. a professional services contract for the period July 1, 2010 to June 30, 2011 in accordance with the services outlined in the attached proposal dated June 16, 2010; and

WHEREAS, such award of contract shall be made as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Wastewater Management, Inc. has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for “Professional Services,” without competitive bids and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Byram, County of Sussex and State of New Jersey that it hereby authorizes the Mayor, Township Manager and Clerk to enter into a contract with Wastewater Management, Inc. as described hereinabove; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township Newspaper.

**BYRAM TOWNSHIP COUNCIL**

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on September 7, 2010.

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Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 123 – 2010**

**RESOLUTION AUTHORIZING MSI SERVICES, INC. TO PROVIDE  
COMPUTER SERVICES TO THE  
TOWNSHIP OF BYRAM**

**WHEREAS**, Byram Township has determined that there is a need to enter into an Extraordinary Unspecifiable Services agreement with MSI Services, Inc. to provide a review of the Township of Byram's current network servers and workstations, the e-mail system and the backup disaster recovery system; and

**WHEREAS**, there are funds 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.

**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 the attached agreement dated September 1, 2010 with MSI Services, Inc for review of current systems at a cost of \$900.00.
2. A notice of this contract shall be printed once in the official newspaper of the Township of Byram.

**BYRAM TOWNSHIP COUNCIL**

ATTEST:

I certify that the Byram Township Council at a meeting held on September 7, 2010, adopted the foregoing resolution.

Doris J. Flynn, Township Clerk