

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
MARCH 15, 2010
7:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR MEETING**

1. CALL TO ORDER

2. OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald, the Township Journal, posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

3. ROLL CALL

4. RESOLUTION FOR EXECUTIVE SESSION

- Pending/Ongoing Litigation – PSE&G
- Personnel – Township Manager Evaluation
- Attorney Client Privileged Information
 1. Lake Mohawk Charges
 2. Village Center Designation
 3. COAH Highlands Scarce Resource Order
- Contract Negotiations
 1. Clerical Union
 2. Open Space

5. RETURN TO OPEN SESSION

6. CALL REGULAR SCHEDULED MEETING TO ORDER

7. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

8. APPROVAL OF AGENDA

9. PUBLIC PARTICIPATION I – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided

10. APPROVAL OF MARCH 15, 2010 BILL LIST

11. APPROVAL OF MINUTES – February 24, 2010 – Special Budget Meeting Minutes

- March 1, 2010 - Regular Minutes
- March 1, 2010 – Closed Session Minutes
- March 8, 2010 – Special Budget Meeting Minutes

12. REPORTS

- Township Manager
- Mayor and Council Members

13. SPECIAL PRESENTATIONS

- MS Awareness - Proclamation
- Census - Proclamation

14. CONSENT AGENDA: All items with an (*) are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda.

A. Resolution No. 30 – 2010 – Reduction of Performance Guarantee for Public Improvements to Partridge Run Major Subdivision to \$114,186.00

B. Resolution No. 31 – 2010 – Execution of Addendum #2 of the Developer's Agreement Between Byram Township and Donald Bell/Dennis McConnell-Partridge Run

C. Resolution No. 32 – 2010 – Refund of Engineering Escrow – Blk. 342, Lots 1-3-\$670.00

D. Resolution No. 33 – 2010 – Refund of Engineering Escrow – Blk.365.04/Lot 10 - \$64.50

E. Resolution No. 34 – 2010 – Appropriation Reserve Budget Transfers for 2009 Budget

F. Raffle – Sussex County Sheriff's Crime Stoppers – May 7th at Adam Todd

15. ORDINANCE – Introduction – ORDINANCE TO AMEND ADMINISTRATION, SUPERVISORY & CLERICAL SALARY AND WAGES FOR THE YEARS 2010-2012

16. DISCUSSION ITEMS

- ANJEC Grant
- 2010 Adopt a Beach Spring Cleanup

17. PUBLIC PARTICIPATION II

18. EXECUTIVE SESSION (if necessary)

19. RETURN TO OPEN SESSION

20. ADJOURNMENT

2010 CENSUS PARTNER PROCLAMATION
TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY

WHEREAS an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law.

Now, therefore, we PROCLAIM that Byram Township is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

Signed this day of March 15, in the year 2010.

Attest: Doris J. Flynn

James Oscovitch, Mayor of Byram Township

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
PROCLAMATION**

WHEREAS, an unpredictable, often disabling, disease of the central nervous system, Multiple Sclerosis (MS) disrupts the flow of information between an individual's body and brain; and

WHEREAS, MS affects an estimated 2.5 million people worldwide, 400,000 in the United States and 10,000 people in Northern New Jersey; and

WHEREAS, March 8-12, 2010, the National MS Society will sponsor MS Awareness Week for New Jersey.

NOW, THEREFORE, I, JAMES OSCOVITCH, MAYOR OF BYRAM TOWNSHIP, do hereby proclaim March 8-12, 2010, to be MS AWARENESS WEEK in Byram and encourage everyone to recognize efforts to diagnose, treat and manage this disorder.

James Oscovitch, Mayor

Proclamation adopted this 15th day of March, 2010.

Doris J. Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 30 - 2010**

**REDUCTION OF PERFORMANCE GUARANTEE FOR
PUBLIC IMPROVEMENTS TO THE PARTRIDGE RUN MAJOR
SUBDIVISION, BLOCK 234, LOT 1 AND BLOCK 237, LOT 523, FROM
\$264,000 TO
\$114,186.00**

WHEREAS, the Township Engineer has received a request from Developers Donald Bell and Dennis McConnell, with an address care/of McConnell, Lenard and Campbell, 4 Waterloo Road, P.O. Box 111, Stanhope, NJ 07874 ("Developers") for the reduction of the performance guarantee for the public improvements associated with the Partridge Run Major Subdivision, Block 234, Lot 1 and Block 237, Lot 523; and

WHEREAS, the initial performance guarantee consisted of a Lakeland Bank Letter of Credit No. 630058485 in the amount of \$264,000.00; and

WHEREAS, the Township Engineer has revised its prior estimate on January 27, 2010, which indicates that amount of the remaining work is \$114,186.00.

NOW THEREFORE, BE IT RESOLVED by Mayor and Township Council of the Township of Byram that the initial performance bond in the amount of \$264,000.00 is hereby reduced to \$114,186.00, as recommended by the Township Engineer to Developers.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on Monday, March 15, 2010.

Doris J. Flynn, RMC
Township Clerk

SLABY ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS & PLANNERS
51 GIBRALTAR DRIVE, MORRIS PLAINS, NJ 07950
PHONE: (973) 539-3838
E-Mail: ContactUs@SlabyEngineering.com

TOWNSHIP OF BYRAM
PARTRIDGE RUN BLOCK 234, LOT 1, BLOCK 237, LOT 523
Bell & McConnell
PERFORMANCE BOND ESTIMATE
January 27, 2010
S-143-034

ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	SUBTOTAL	AMOUNT COMPLETED	AMOUNT REMAINING
1	2" BITUMINOUS CONCRETE SURFACE COURSE, MIX I-5	1525	SY	\$6.90	\$10,523	0	\$10,523
2	4" BITUMINOUS CONCRETE SURFACE COURSE, MIX I-2	1525	SY	\$13.80	\$21,045	0	\$21,045
3	SWEEP AND TACK COAT	1525	SY	\$0.50	\$763	0	\$763
4	SEED AND MULCH	2850	SY	\$3.50	\$9,975	0	\$9,975
5	MONUMENTS	5	EACH	\$250.00	\$1,250	0	\$1,250
6	CURB	1120	LF	\$20.00	\$22,400	0	\$22,400
7	DETENTION BASIN	1	LS	\$30,000.00	\$30,000	75%	\$7,500
8	B' INLET	4	EACH	\$2,000.00	\$8,000	4	\$0
9	DOUBLE B' INLET	1	EACH	\$3,500.00	\$3,500	1	\$0
10	MANHOLE	1	EACH	\$2,000.00	\$2,000	1	\$0
11	HEADWALL	2	EACH	\$1,500.00	\$3,000	2	\$0
12	15" RCP	391	LF	\$40.00	\$15,640	391	\$0
13	18" RCP	141	LF	\$45.00	\$6,345	141	\$0
14	18" CLASS IV RCP	80	LF	\$50.00	\$4,000	80	\$0
15	RETAINING WALL W/ (ELIMINATED FROM PROJECT)	0	LF	\$285.00	\$0	0	\$0
16	STREET TREES	15	EACH	\$300.00	\$4,500	6	\$2,700
17	STREET LIGHTS	2	EACH	\$2,500.00	\$5,000	0	\$5,000
18	INTERSECTION IMPROVEMENTS	1	LS	\$10,000.00	\$10,000	50%	\$5,000
19	EXISTING DRIVEWAY IMPROVEMENTS	1	LS	\$3,000.00	\$3,000	0	\$3,000
20	SITE WORK (GRADING, ETC.)	1	LS	\$15,000.00	\$15,000	60%	\$6,000
					SUBTOTAL:	\$175,940	\$95,155
					20% CONTINGENCIES:	\$35,188	\$19,031
					TOTAL:	\$211,128	\$114,186

LOUIS R. SLABY, P.E.
BOARD ENGINEER

**TOWNSHIP OF BYRAM
RESOLUTION NO. 31 – 2010**

**RESOLUTION AUTHORIZING THE EXECUTION OF ADDENDUM #2 OF
THE DEVELOPER'S AGREEMENT BETWEEN BYRAM TOWNSHIP AND
DONALD BELL AND DENNIS MCCONNELL**

WHEREAS, the Township Attorney has prepared Addendum #2 to the Developer's Agreement between Byram Township and Donald Bell and Dennis McConnell with regard to the development of Block 234, Lot 1 and Block 237, Lot 523 known as the Partridge Run Subdivision.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Manager and Clerk be authorized to sign Addendum #2 of the Developer's Agreement between Byram Township and Donald Bell and Dennis McConnell.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on March 15, 2010.

Doris Flynn, RMC
Township Clerk

ADDENDUM #2 TO DEVELOPER'S AGREEMENT
PARTRIDGE RUN MAJOR SUBDIVISION

THIS ADDENDUM #2 TO DEVELOPER'S AGREEMENT is hereby made this _____ day of March, 2010, by and between the Parties:

Donald Bell and Dennis McConnell,
Care of McConnell, Lenard & Campbell
4 Waterloo Road
P.O. Box 111
Stanhope, NJ 07874
("Developers")

AND

Township of Byram
Township Municipal Building
10 Mansfield Drive
Stanhope, NJ 07874
("Township")

WITNESSETH:

WHEREAS, the Developer's Agreement incorporates by reference and requires Developers to comply with all conditions of the preliminary and final approvals granted for the Partridge Run Major Subdivision, Block 234, Lot 1 and Block 237, Lot 523 ("subject property"); and

WHEREAS, Developers obtained Preliminary Major Subdivision Approval by Resolution of Memorialization dated January 15, 2004, and Final Major Subdivision Approval by Resolution of Memorialization dated August 4, 2005, which are incorporated herein by reference; and

WHEREAS, the Township and Developers executed a Developer's Agreement dated March 16, 2006 ("Developer's Agreement"), and a First Addendum to Developer's Agreement dated October 6, 2006 ("First Addendum"), which are incorporated herein by reference; and

WHEREAS, the date set forth in Paragraph 6 of the Developer's Agreement is hereby amended and extended to August 4, 2012.

IN WITNESS WHEREOF, the Parties have executed this Second Addendum to Developer's Agreement as of the date set forth below:

Witness:

Developers:

Donald Bell, Date:

Dennis McConnell, Date:

Witness:

Township of Byram

By: _____
James Oscovitch, Mayor
Date: _____



**TOWNSHIP OF BYRAM
RESOLUTION NO. 32 – 2010**

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

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

WHEREAS, the Township of Byram Engineer and the Director of Planning have verified that the following application has been completed:

BLK 343 L 1,2,3	Tomahawk Lake Inc.	\$670.00	
Total:			\$670.00

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of monies in the escrow account in the total amount of \$670.00.

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

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on March 15, 2010.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 33 – 2010**

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

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

WHEREAS, the Township of Byram Engineer and the Director of Planning have verified that the following application has been completed:

<u>Block/Lot</u>	<u>Applicant Name</u>	<u>Amount</u>
365.04/10	Victor Pita	\$64.50

Total: \$64.50

WHEREAS, Mayor and Council of the Township of Byram are in agreement with the release of the balance of monies in the escrow account in the total amount of \$64.50.

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

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on March 15, 2010.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 34 – 2010**

**RESOLUTION AUTHORIZING APPROPRIATION RESERVE BUDGET
TRANSFERS FOR 2009 CURRENT BUDGET**

WHEREAS, the following 2009 budget appropriation transfers are necessary;

<u>TRANSFER FROM</u>	<u>TRANSFER TO</u>
Group Insurance	Police SW \$ 30,000.00
Heating Oil	Police SW \$ 50,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Township of Byram, County of Sussex, N.J., that the Finance Officer is hereby authorized and directed to make the above 2009 Budget Appropriation Reserve Transfers.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

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Doris Flynn, RMC
Township Clerk

SALARY ORDINANCE WILL BE POSTED ON BULLETIN
BOARD AND GIVEN TO COUNCIL MEMBERS ON MONDAY
MORNING, MARCH 15, 2010

