

**SPARTA TOWNSHIP COUNCIL**

**AGENDA**

**September 26, 2017**

PLEASE TAKE NOTICE that action will be taken on the following items at the regular Council meeting on Tuesday, September 26, 2017 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

**TIME:** The meeting is called to order at 6:00 p.m.

**STATEMENT:** Adequate notice of this meeting was provided to the public and the press on January 3, 2017 by delivering to the press and posting at the Municipal Building a copy of the Annual Notice of Meetings

**1. ROLL CALL** G,H,M,Q,W, MGR.,ATTY., MUN CLERK

**RESOLUTION** Open Public Meetings Act-Executive Session Motion \_S\_

**SALUTE TO THE FLAG**

**PROCLAMATION** **Breast Cancer Awareness Month**

**2. MINUTES** Motion \_S\_ that the regular and executive Council meeting minutes held on September 12, 2017 be approved as presented.

**OPEN TO THE PUBLIC** **ITEMS NOT ON THE AGENDA**

**3. MANAGER'S REPORT**

**APPROVAL OF MANAGER'S REPORT**

#### 4. INTRODUCTION OF ORDINANCE

- |       |   |
|-------|---|
| 17-11 | Ordinance of the Township of Sparta Amending Chapter 18 Entitled “Comprehensive Land Management Code” of the Code of the Township of Sparta to Modify Section 18-2.1 Entitled “Definitions” and Section 18-5.3(n) Entitled “Fences and Walls” |
| 17-12 | An Ordinance Amending Salary Ordinance  |

#### 5. OPEN TO THE PUBLIC

#### RESOLUTIONS

#### 6. RESOLUTIONS

- |     |   |
|-----|---|
| 6-1 | One Day ABC –Shepherd of the Hills Lutheran Church  |
| 6-2 | One Day ABC – First Presbyterian Church Sparta Ecumenical Food Pantry   |
| 6-3 | Tax Overpayment Refund  |
| 6-4 | Tax Refund State Tax Appeal   |
| 6-5 | Disabled Veteran Tax Refund & Property Tax Exemption  |
| 6-6 | Disabled Veteran Tax Refund & Property Tax Exemption  |
| 6-7 | Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act    |
| 6-8 | Resolution of the Township of Sparta Awarding Bid for Installation of Wooden Beam Guardrail and Posts, Contract Number CN 17-02 |

- 6-9 Resolution Approving the Re-Conveyance of the Ownership of the Road to be Built Known at Whitlins Way and the Detention Basin for the Whitlins Way Development to the Route 34 Corp.
- 6-10 Resolution Awarding Contract for the Project Known as “2017 Improvements to Various Municipal Roadways” as Part of the Morris County Cooperative Pricing Council for a Total Amount not to Exceed \$14,000
- 6-11 Resolution Awarding Contract for the Project Known as “Repairs to Celia Drive in Sparta Township” to Earth-Tec Associates, Inc. of Vernon, NJ in the Amount Not to Exceed \$12,985

7. **COUNCIL LIAISON REPORTS**
8. **OLD BUSINESS**
9. **NEW BUSINESS**
10. **OPEN TO THE PUBLIC** **ANY ITEMS**
11. **EXPENDITURES**
12. **ADJOURNMENT**

Sparta's Website: [www.spartanj.org](http://www.spartanj.org)

### **6-1 One Day ABC License – Shepherd of the Hills Lutheran Church**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Shepherd of the Hills Lutheran Church, 246 Woodport Road, Sparta, NJ for a one day liquor license on October 2, 2017 from 3:00 p.m. to 8:00 p.m. at Shepherd of the Hills Lutheran Church, 246 Woodport Road, Sparta, NJ 07871.

### **6-2 One Day ABC License – First Presbyterian Church – Sparta Ecumenical Food Pantry**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to First Presbyterian Church – Sparta Ecumenical Food Pantry, 32 Main St., Sparta, NJ for a one day liquor license on October 5, 2017 from 6:00 p.m. to 10:00 p.m. at Lake Mohawk Country Club, 21 The Boardwalk, Sparta, NJ 07871.

### **6-3 Tax Overpayment Refund**

BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayments:

| <b>BLOCK</b> | <b>LOT</b> | <b>NAME</b>                | <b>ADDRESS</b>  | <b>AMOUNT</b> |
|--------------|------------|----------------------------|-----------------|---------------|
| 2015         | 28         | Reverse Mortgage Solutions | 30 Conestoga Tr | \$1,537.21    |
| 5013         | 5          | Empire Capital Group       | 11 Tamarack Rd  | \$ 335.44     |

### **6-4 Tax Refund – Tax Appeal**

BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayment due to County Tax Appeal:

| <b>BLOCK</b> | <b>LOT</b> | <b>NAME</b> | <b>ADDRESS</b> | <b>AMOUNT</b> |
|--------------|------------|-------------|----------------|---------------|
| 26001        | 18         | David Brady | 61 Manor Sq    | \$531.44      |

### **6-5 Disabled Veteran Tax Refund and Property Tax Exemption**

WHEREAS, the owner of Block 3046, Lot 45, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30; and

WHEREAS, the owner was approved by the Veteran’s Administration on April 17, 2017, and is entitled to the exemption.

NOW, THEREFORE, BE IT RESOLDVED by the Township Council of the Township of Sparta that the Tax Collector refund monies paid in the amount of \$1,395.68, on Block 3046, Lot 45 for

the 3<sup>rd</sup> quarter of 2017, \$1092.50 pro-rated amount for 2<sup>nd</sup> quarter 2017 and cancel the taxes due for the 4<sup>th</sup> quarter of 2017.

#### **6-6 Disabled Veteran Tax Refund and Property Tax Exemption**

WHEREAS, the owner of Block 16005 Lot 66, is a 100% permanently disabled veteran in accordance with N.J.S.A. 54:4- 30.30; and

WHEREAS, he applied to the Veteran's Administration for the disabled veteran's designation which was granted on April 25, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refund monies paid on Block 16005, Lot 66 for the 1st, 2nd, and 3rd Tax Quarters of 2017 in the amount of \$6,369.40, and the municipal portion of taxes paid for 2014 through 2016, and cancel 2017 open taxes.

2016 Refund \$1,581.01

2015 Refund \$1,709.57

2014 Refund \$1,131.90 (pro-rated)

#### **6-7 Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act**

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

**6-8 Resolution of the Township of Sparta Awarding Bid For Installation Of Wooden Beam Guardrail And Posts, Contract Number CN17-02**

WHEREAS, the Township of Sparta solicited bids for the Installation of Wooden Beam Guardrails and Posts in Various Locations; and

WHEREAS, bids were received on September 21, 2017; and

WHEREAS, upon review of the lowest, responsible responsive bidder, Challenger Fence, Inc.' bid was found to be in order; and

WHEREAS, the Municipal Engineer recommends awarding the Contract to Challenger Fence, Inc., 53 Kentucky Ave., Paterson, NJ 07503 in the amount of \$27,750 for the base bid; and

WHEREAS, the Municipal CFO has certified the funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Sparta, Sussex County, New Jersey as follows:

1. The bid in the amount of \$27,750 submitted by Challenger Fence, Inc. is hereby accepted; and
2. The Mayor and Clerk are hereby authorized to execute a contract with Challenger Fence Inc. in the amount of \$27,750.

**6-9 Resolution Approving the Re-Conveyance of the Ownership of the Road to be Built Known at Whitlins Way and the Detention Basin for the Whitlins Way Development to the Route 34 Corp.**

WHEREAS, Provident Bank, as successor to the original Developer of The Whitlins Way Subdivision located at Stanhope Road, (Block 30005, Lots 3, 4 and 9) entered into a Developer's Agreement with the Township of Sparta. Under the Developer's Agreement, Provident Bank or its successor is required to build and convey to the Township of Sparta certain public improvements upon completion of the development and formal acceptance by the Sparta Township Council; and

WHEREAS, The Route 34 Corp. is the successor to Provident Bank's interest in the development; and

WHEREAS, Provident Bank through its counsel prepared the required conveyance documents for the public improvements to be constructed, including a Deed of Road Dedication and a Detention Basin Deed, which were to be conveyed to the Township upon completion of the development and formal acceptance by the Sparta Township Council. Inadvertently the Deed of Road Dedication and the Detention Basin Deed were recorded by Provident Bank with the Sussex County Clerk's Office prior to completion and acceptance of the road and the detention basin. As such, the Sparta Township Council will not accept ownership of the road and detention basin and are conveying the road and detention basin to the current owner of the development, The Route 34 Corp., as reflected on the attached Deeds from the Township to The Route 34 Corp.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that fee ownership of the property upon which the road is to be constructed that covers part of Block 3005, Lots 4.01, 4.02, 4.03, 4.04, 4.05 and 4.06 and the detention basin that is to be constructed located on Block 3005, Lot 4.05, is conveyed to The Route 34 Corp.

BE IT FURTHER RESOLVED that the Township of Sparta shall not accept either the road or the detention basin unless and until those items have been constructed, approved by the Township Engineer, the required maintenance bonds are posted and the Township Engineer provides a report to the Township Council recommending acceptance of the road and the detention basin and the Township Council adopts an ordinance accepting the road and detention basin.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign the Deed of Road Dedication and Retention Basin Deed and such other documents as may be reasonably required in order to transfer fee ownership of the Property to The Route 34 Corp.

This Resolution shall take effect immediately.

**6-10 Resolution Awarding Contract for the Project Known as "2017 Improvements to Various Municipal Roadways" as Part of the Morris County Cooperative Pricing Council for a Total Amount not to Exceed \$14,000**

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6 for "Road Resurfacing" to Tilcon New York, Inc.; and

WHEREAS, the Township of Sparta wishes to utilize Tilcon New York Inc. ("Tilcon") through its membership in the Morris County Cooperative Pricing Council ("MCCPC") to perform the required milling and paving of municipal roadways and parking lots including but not limited to:

Celia Drive

and purchase the above-stated materials and services; and

WHEREAS, the Township Finance Officer has certified that funds are available for this purpose,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Sparta, in the County of Sussex and State of New Jersey, as follows:

1. The Township hereby confirms the authorization for the performance of road resurfacing by Tilcon New York, Inc. pursuant to MCCPC Contract #6, for a total amount not to exceed Fourteen Thousand Dollars (\$14,000); and
2. The Mayor and Township Clerk, together with all other officers, professionals, and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. The foregoing project is subject to the certification of availability of funds by the appropriate officers of the Township.
4. Resolution shall take effect as herein provided.

**6-11 Resolution Awarding Contract for the Project Known as “Repairs to Celia Drive in Sparta Township” to Earth-Tec Associates, Inc. of Vernon, NJ in the Amount Not to Exceed \$12,985**

WHEREAS, Earth-Tec has provided a quote in the amount of \$12,985, and

WHEREAS, the Township of Sparta wishes to utilize Earth-Tec Associates, Inc. to complete the required repairs to curbing, pavement and infrastructure and purchase the above-stated materials and services; and

WHEREAS, the Township Finance Officer has certified that funds are available for this purpose,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Sparta, in the County of Sussex and State of New Jersey, as follows:

- 1 The Township hereby confirms the authorization for the performance of road and infrastructure repairs by Earth-Tec Associates, Inc. pursuant to their quotation dated August 2, 2017, for a total amount not to exceed Twelve Thousand Nine Hundred and Eighty Five Dollars (\$12,985); and



2. The Mayor and Township Clerk, together with all other officers, professionals, and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. The foregoing project is subject to the certification of availability of funds by the appropriate officers of the Township.
4. Resolution shall take effect as herein provided.

**RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, 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 Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.