

June 27, 2017

The meeting was called to order at 6:08 p.m. by Mayor Gibbs who issued the formal statement in compliance with the provisions of the Open Public Meetings Act, Chapter 231, P.L.

Roll call was taken and present were: Mayor Gibbs, Councilman Murphy, Councilwoman Whilesmith, Township Attorney Thomas Ryan, Township Manager William Close, Chief Financial Officer Sam Rome and Municipal Clerk Kate Chambers. Deputy Mayor Hertzberg, Councilwoman Quinn were absent.

**Open Public Meetings Act- Executive Session:**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy, and unanimously carried, the following resolution was duly adopted:

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:

1. The public shall be excluded from discussion of an action upon the hereinafter-specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation
  - b. Personnel
  - c. Legal Advice
  - d. Contract Negotiations
3. It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.
4. This resolution shall take effect immediately.

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, Council reconvened into public session at 7:20 p.m.

Mayor Gibbs announced that Council would recess until 7:30 p.m.

Mayor Gibbs asked the assembly for a moment of silence for the loss of Paul Johnson, founder of the Recreation Committee and former School Board member.

**Salute to the Flag:**

Mayor Gibbs led the assembly in a salute to the flag.

**Approval of Minutes:**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, the regular Council meeting minutes held on June 13, 2017 were approved as presented.

**Open to the Public:**

No one wished to be heard and this portion was closed.

**Manager's Report:****Septic Reserve Area Waiver Request**

Mr. Close stated that an engineer hired by the Lake Mohawk Country Club had requested a septic reserve waiver for their application for a minor subdivision at 186 West Shore Trail. Mr. Close stated that a resolution had been passed which authorizes him, as the Township Manager, to approve Waivers of reserve septic field requirements under the current Township ordinance. He further stated that after reviewing the documents with the Township Engineer and with the approval of the Sussex County Health Department that the proposed septic system meets the State of NJ requirements for septic system design and approval was given for the waiver of the second septic disposal area.

**Dunkin Donuts TWA Application**

Mr. Close stated that he and the Department of Community Development reviewed an application for a Treatment Works Approval permit for the proposed Dunkin Donuts to be located at 550 Lafayette Road. He stated that a preliminary approval had been granted by the Sussex County Health Department that the proposed septic system had met the State of New Jersey requirements for septic system design. He further stated that he has approved and signed the necessary form on behalf of the governing body so that the NJDEP could complete their review of the application.

**Township Property Tick Control**

Mr. Close stated that White Lake, Station Park, Dykstra Band Shell, Ungermann Field and the playground by the Library had been treated for tick control. He stated that the work had been completed by Farmside Supplies, Inc. He further stated that he hoped that it would assist in controlling ticks for the public visiting these properties.

**Notice of Work Activity**

Mr. Close stated that Wireless Siting Solutions, Inc. which is an authorized representative of Sprint Nextel would be undertaking some minor maintenance work in and around the Sparta utility water tank located in Byram Township. He further stated that the work being performed was in full compliance with the Site Agreement that the Township had with Sprint Nextel.

**Estimated Tax Bills**

Mr. Close stated that the third quarter 2017 estimated tax bills had been mailed out on June 23<sup>rd</sup> (3200 in total). He stated that the mailing also included the Honeywell sign up insert. He further stated that the reconciled tax bill with new figures would be mailed out at the end of August.

**Right to Know Survey 2016**

Mr. Close advised the Mayor and Council that the 2016 Right to Know inventory, surveys and processing had been completed by Rullo & Julliet Associates, Inc. He stated that there were no issues reported.

**Recreation Advisory Board Member Passing**

Mr. Close stated that Paul Johnson had passed away. He stated that he had served on the Recreation Advisory Board for seven years. He further stated that his contributions to the Sparta Community would be missed.

**Honeywell Registration**

Mr. Close stated that the amount of users registered for the Honeywell Alert system is now at 3200. He stated that the Township is continuing to push for registration through the website, Facebook and at Sparta Day which is scheduled for this Fall.

### **Free Family Movie Night**

Mr. Close stated that there had been approximately 150 people who had attended the first Movie Night Under The Stars showing “The Secret life of Pets.” Mr. Close stated that it had been a lower attendance than normal but was expected due to it being a rain date and also the recent High School Graduations.

### **Upcoming Events**

July 4<sup>th</sup> Parade – Sunday, July 2<sup>nd</sup>, 11:00 a.m. Sponsored by Sparta Elks Lodge #2356, running along Route 616 (East Shore Trail) through White Deer Plaza, and finishing at the Mohawk Avenue School.

Summer Concert Series – Will be held Friday nights at Dykstra Concert Park from 7:00 p.m. to 9:30 p.m. More information regarding the concerts could be found on [www.spartaarts.org](http://www.spartaarts.org) and on the Township’s website [www.spartanj.org](http://www.spartanj.org). He stated that that he commended the Cultural Affairs Committee for putting together this year’s program schedule.

### **Approval of Manager’s Report:**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, the Manager’s Report was approved as presented.

### **Hearing of Ordinance:**

#### **17-07 An Ordinance Appropriating \$600,000.00, and Authorizing the Issuance of \$300,000.00 Bonds or Notes of the Township, For Various Water Utility System Improvements or Purposes Authorized To Be Undertaken by the Township of Sparta, In the County of Sussex, New Jersey**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, this ordinance was tabled.

### **Open to the Public – Resolutions**

No one wished to be heard and this portion was closed.

### **Resolutions:**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, Resolutions 6-1 through 6-7 were duly adopted:

#### **6-1 Resolution Authorizing The Continuance of Contractual and Claim Payments**

WHEREAS, by way of this resolution will confirm that the Township Manager, in coordination with the Chief Financial Officer, is authorized to continue to make all contractual payments which customarily become due and the Township Staff and Professionals are directed to continue to perform their services, with the understanding that any and all actions that they take shall be confirmed at the next scheduled Council meeting, except in the case of emergency or a matter which would be deemed by the Township Attorney to be extraordinary, authorization shall be sought from the Mayor and Council of the Township of Sparta; and

WHEREAS, the Township Manager and the Chief Financial Officer meet on a daily/weekly basis to review and prepare the Bills List for the payment of invoice claims submitted to the municipality for goods and/or services rendered to the Township of Sparta for action by the Governing Body at their scheduled meeting on the second and fourth Tuesdays of each month; and

BE IT RESOLVED, by the Mayor and Council of the Township of Sparta as follows:

1. The Township Manager, in coordination with the Chief Financial Officer, is authorized to make payment for all contracted services and goods necessary for daily operation of the Township Departments.
2. All Township Staff and Professionals are directed to proceed in the normal course of their duties to take any and all steps necessary to operate the departments of the Township to provide services to the residents of the community for which the Mayor and Council of the Township of Sparta will confirm their actions at the next scheduled Council meeting, the only exception being is if there is an item which is deemed to be extraordinary by the Township Attorney, authorization shall be sought by the Township Manager before that action is taken.
3. This resolution confirms the authority of the Township Manager to authorize routine payment requests submitted by the Chief Financial Officer from the various municipal departments, professionals, and consultants as per the advertised Council meeting.

## **6-2 ABC License Renewals 2017-2018**

BE IT RESOLVED by the Township Council of the Township of Sparta that the following alcoholic beverage licenses are herewith approved and the Municipal Clerk is authorized to issue said licenses for the year July 1, 2017 to June 30, 2018:

1918-33-015-004	Fu's Chinese Restaurant Inc. 227 Sparta Ave. Sparta, NJ 07871
1918-33-012-005	Barjoet LLC t/a Village Saloon 712 Woodport Road Sparta, NJ 07871
1918-33-005-017	Marswell, Inc. t/a St. Moritz Grill and Bar 9 White Deer Plaza Sparta, NJ
1918-33-013-006	Island Services III LLC t/a Mohawk House 3 Sparta Junction Sparta, NJ 07871
1918-32-014-005	BBT Management Inc. t/a Liquor Factory 41 Woodport Road Sparta, NJ 07871
1918-32-001-008	Kathryn P. Romano 1070 US Highway 46 Ledgewood, NJ 07852
1918-33-007-006	Lake Mohawk Golf Club 471 West Shore Trail Sparta, NJ 07871
1918-33-008-011	Evrik, LLC

	191 Woodport Road Sparta, NJ 07871
1918-33-004-008	Branzak Enterprises, LLC t/a Rock Island Lake Club, LLC 485 Glen Road Sparta, NJ 07871
1918-32-017-004	Pino Sparta Enterprises, LLC t/a Sparta Lanes 43 Theatre Centre Sparta, NJ 07871
1918-33-010-010	Skyview Golf Course 226 – Lafayette Road Sparta, NJ 07871
1918-33-011-004	Lake Mohawk Country Club 21 The Boardwalk Sparta, NJ 07871
1918-33-003-002	Summerlands, Inc. t/a Kroghs Restaurant & Brew Pub 23 White Deer Plaza Sparta, NJ 07871
1918-32-009-003	Burke’s Inc. 6 Sparta Ave. Sparta, NJ 07871
1918-31-021-001	William B Sandford Memorial Post #7248 VFW 66 Main St. Sparta, NJ 07871
1918-32-016-002	SPECAC Corp. t/a White Deer Inn 4 White Deer Plaza Sparta, NJ 07871
1918-31-018-001	Sparta Elks Lodge 2356 BPOE 6 West Shore Trail Sparta, NJ 07871
1918-33-006-004	The Mohawk Inn LLC 3 Sparta Junction Sparta, NJ 07871

### 6-3 Refund – Tax Overpayment

BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayment;

BLOCK	LOT	NAME	ADDRESS	AMOUNT
5042	14	Michael Sawey	79 Springbrook Trail	\$136.86

**6-4 Refund – State Court 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 State Court Tax Appeal:

BLOCK	LOT	NAME	ADDRESS	AMOUNT
4031	29	Paul Johnson	427 West Shore Trail	\$181.37

**6-5 Resolution Approving the Water Capital Fund Balance Transfer**

WHEREAS, there is a remaining balance Unfunded in the Water Capital Account from the Improvement Authorization # 955 of the Township of Sparta; and

WHEREAS, the Township of Sparta would like to apply unused Water Capital Fund balance to the unfunded amount; and

WHEREAS, the Township Auditor has recommended that the Township raise said unfunded balance to clear it from the balance sheet.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the following Water Capital Fund account balance be applied and transferred to Water Capital Improvement Authorization # 955:

NAME	AMT. CANCELLED
Water Capital Fund Balance	\$64,191.63

**6-6 Resolution Approving the Municipal Service Agreement With Arapaho Lake Association**

WHEREAS, Arapaho Lake Association. has requested that it be reimbursed for municipal services pursuant to the New Jersey Municipal Services Act, N.J.S.A. 40:67-23.2 et seq.

WHEREAS, the Arapaho Lake Association has submitted documentation to the satisfaction of the Township that it qualifies under the Municipal Services Act for reimbursement. The Township Attorneys have prepared the attached Municipal Services Agreement which has been signed by Arapaho Lake Association (Exhibit A).

NOW THEREFORE BE IT RESOLVED by the Sparta Township Council, County of Sussex, State of New Jersey that the attached document entitled “Sparta Township Municipal Service Agreement With Arapaho Lake Association, Inc.” is hereby approved.

BE IT FURTHER RESOLVED THAT that the Mayor and Township Clerk are authorized to sign the Agreement on behalf of the Township.  
This Resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

**6-7 Annual Report of Audit**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

And,

WHEREAS, the members of the governing body has personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Sparta hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

### **Council Liaison Reports:**

Councilman Murphy stated that the Planning Board had met and approved two applications. He stated that EMS Labs located on Wilson Drive had been approved for a 9000 square foot addition. He further stated that Sky View Golf Club’s application to enclose the outside patio had also been approved.

Councilwoman Whilesmith stated that the Library Board had met and the search committee had found the new Library Director. She stated that the name of the person would be announced at a later date.

### **Old Business:**

No old business at this time this portion of the meeting was closed.

**New Business:**

Councilman Murphy stated that there was an application and recommendation for a new Planning Board member to fill the second alternate position which was open.

Mayor Gibbs stated that he would like to wait until the next meeting to discuss this appointment with the other Council members.

Councilman Murphy stated that the Eagle Scout project to install a historical marker would cost \$2340.00. He stated that he had contacted the County and was told that if the County seal was on the marker that \$600.00 would be contributed to help with the cost. He further stated that the Eagle Scouts would help raise money for this project and asked if the Township would contribute an equal amount with the County to offset the cost.

Mayor Gibbs stated that he would discuss this further with Mr. Close.

**Open to the Public.**

No one wished to be heard this portion of the meeting was closed.

**Expenditures:**

On motion by Councilman Murphy and seconded by Councilwoman Whilesmith and unanimously carried expenditures in the amount of \$5,617,168.80 were approved as presented.

Mr. Close stated that the Expenditure Total for the May 23, 2017 meeting was \$5,146,489.61. He stated that when the copies were printed of the agenda for the May 23<sup>rd</sup> meeting the Expenditure List from the May 9<sup>th</sup> meeting had been inadvertently attached so that it would need to be corrected.

On motion by Councilwoman Whilesmith and seconded by Councilman Murphy and unanimously carried the amended expenditure amount for the May 23, 2017 meeting in the amount of \$5,146,489.61 was approved as presented.

**Audit Report:**

Mr. Close stated that Tom Ferry, the Municipal Auditor, was present and wanted to commend him and his staff for the outstanding job they do while reviewing the Township's documents during the audit. Mr. Close also commended the Department Heads for having the financial documents ready for the auditors review. He also commended Sam, the Township's CFO, for the outstanding job of having 20 plus outstanding items in previous year's Audit reports and stated that the current Audit report is now down to one outstanding item.

**Adjournment:**

No one else wished to be heard and no further business was brought up, motion was made by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried to adjourn at 7:51 p.m.

Respectfully,

Kate Chambers  
Municipal Clerk