



SPARTA TOWNSHIP COUNCIL

AGENDA

August 8, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, August 8, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council meeting is opened at 4:30 pm.

The Regular meeting begins at 7:00 pm.

All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on June 14, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

RESOLUTION

Open Public Meetings Act-Executive Session Motion _S_



SALUTE TO THE FLAG

2. MINUTES

None

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

July 25, 2023

August 8, 2023

6. INTRODUCTION OF ORDINANCE

23-17 AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING SALARY ORDINANCE FOR "NON-UNION AND UNION" EMPLOYEES

23-18 AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE SPARTA TOWNSHIP FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE SPARTA TOWNSHIP FIRE DEPARTMENT



7. HEARING OF ORDINANCE

23-15 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND THE DEFINITIONS UNDER SECTION 18.2 AND TO AMEND PORTIONS OF SECTION 18-4.31A ENTITLED “PLANNED COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)”

23-16 THE TOWNSHIP OF SPARTA AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

9-1 Resolution Authorizing Refunds for Tax Overpayments

9-2 Resolution Authorizing Refunds for Tax Overpayment Due to NJ State Court Judgment/Stipulation for Exempt Status

9-3 Resolution Authorizing Disabled Veteran Cancellation of Tax

9-4 Resolution of the Township of Sparta, County of Sussex, State of New Jersey, Extending the Due Date for 3rd Quarter 2023 Tax Bills

9-5 One-Day ABC Social Affairs Permit – Samaritan Inn Inc

9-6 One-Day ABC Social Affairs Permit –Camp Sacajawea



- 9-7 Resolution Authorizing the Purchase of a Caterpillar Backhoe Loader for the Department of Public Works via Sourcewell Cooperative purchasing contract.
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles- September 11th- 9/11 Flag

10. COUNCIL LIAISON' UPDATES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Authorizing Refunds for Tax Overpayment

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to Sussex County Tax Board Judgment

BLOCK	LOT	AMOUNT	YEAR
3001	88	\$3,678.40	2023

9-2 Resolution Authorizing Refunds for Tax Overpayment Due to NJ State Court Judgment/Stipulation for Exempt Status

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to NJ State Court Judgment/Stipulation for exempt status:

BLOCK	LOT	AMOUNT	YEAR
17001	5	\$9,337.03	2017
17001	5	\$9,453.67	2018
17001	5	\$12,969.79	2019
4002	30	\$13,314.40	2020

9-3 Resolution Authorizing Disabled Veteran Cancellation of Tax

WHEREAS, the property owner of Block 27001, Lot 79, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30;

WHEREAS, the Assessor approved the exemption as of the July 7, 2023.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector cancel 2023 tax balance and the first half of 2024;

9-4 Resolution of the Township of Sparta, County of Sussex, State of New Jersey, Extending the Due Date for 3rd Quarter 2023 Tax Bills

WHEREAS, Revised State Statute 54:4-67 requires that all 3rd Quarter tax bills be mailed out at least twenty-five (25) days before the due date; and



WHEREAS, the Tax Collector did not receive the Certified Tax Rate and the Extended Tax Duplicate for the Township of Sparta before the new 2023/2024 billing could proceed; and

WHEREAS, the Tax Collector is requesting that the due date for the third (3rd) quarter may be extended the twenty-five (25) days as required, from the tax bill mailing date, July 28, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Sparta, County of Sussex and State of New Jersey, on this 8th day of August, 2023 that the extended due date for the (3rd) third quarter tax bills for the year 2023 is hereby approved.

9-5 One-Day ABC Social Affairs Permit –Samaritan Inn Inc

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Samaritan Inn Inc for a social affairs permit for a Wine Tasting on September 10, 2023 from 3:00 p.m. to 6:30 p.m. at LMCC, 21 The Boardwalk, Sparta, NJ 07871.

9-6 One-Day ABC Social Affairs Permit –Camp Sacajawea

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Camp Sacajawea for a social affairs permit for the Renaissance Festival, September 9,10,16,17,23,24, 2023 from 10:00 a.m. to 5:00 p.m. at Station Park, 215 White Lake Road, Sparta, NJ 07871.

9-7 Resolution Authorizing the Purchase of a Caterpillar Backhoe Loader for the Department of Public Works via Sourcewell Cooperative purchasing contract.

WHEREAS, Caterpillar and Sourcewell have entered into an agreement (Contract #032119-CAT) for the procurement of Heavy Equipment; and

WHEREAS, the Township of Sparta is an approved Sourcewell member ID#28192; and



WHEREAS, Caterpillar have extended their pricing to Sourcewell Members, thereby affording the Township of Sparta the opportunity of direct purchase through their distributor Foley Caterpillar without competitive bidding; and

WHEREAS, Foley Caterpillar offers the ability to purchase a replacement backhoe while also offering a trade in option; and

WHEREAS, funds in the amount \$400,000.00 are currently available for this purpose as approved in the 2023 Capital Improvement line 04-216-55-954-002; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Sparta in the County of Sussex, State of New Jersey wishes to purchase a current year model 420-07XE Backhoe Loader for a total price of ONE HUNDRED AND TWENTY-SIX THOUSAND AND SIXTY DOLLARS (\$126,060.00); and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute said contract and related contract documents; and

BE IT FURTHER RESOLVED that this contract will be in effect from the date of award until delivery and acceptance of the equipment as per the time allotted in the technical specifications.

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.

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – September 11th - 9/11 Flag

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and



WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **September 11th, 2023**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **September 11, 2023**.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

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.

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**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
- d. Miscellaneous Legal Advice

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.