



SPARTA TOWNSHIP COUNCIL

AGENDA

August 22, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, August 22, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council Closed Executive Session is opened at 6:00 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

PROCLAMATION

International Overdose day

2. MINUTES

None

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

August 22, 2023

6. INTRODUCTION OF ORDINANCE

None

7. HEARING OF ORDINANCE



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

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

- 9-1** Township of Sparta- Emergency Resolution – NJS 40A:4-48
(Under 3% limitation)
- 9-2** Approving the Submission of a Minor Subdivision Application for Block 12001, Lots 4 And 5, And Conveyances of Property upon Approval of a Minor Subdivision Application to be Submitted to the Sparta Township Planning Board
- 9-3** Resolution of the Township Council of the Township of Sparta Authorizing the Award of Contract for Professional Services of Township Special Conflict Counsel
- 9-4** One-Day ABC Social Affairs Permit –William B Sanford, Memorial Post 7248
- 9-5** One-Day ABC Social Affairs Permit – Father Johns Animal House
- 9-6** Authorizing a Property Maintenance Agreement with Louis W. Cseh



- 9-7 Resolution Authorizing the Issuance of and Not Exceeding \$5,931,000 Bond Anticipation Notes of the Township of Sparta, in the County of Sussex, New Jersey
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Air Force - September 18**
- 9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Navy - October 13**
- 9-10 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Marine Corps - November 10**
- 9-11 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States National Guard - December 13**
- 9-12 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Space Force - December 20**

10. **COUNCIL LIAISON' UPDATES**

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **OPEN TO THE PUBLIC**

14. **ADJOURNMENT**



9-1 Township of Sparta- Emergency Resolution – NJS 40A:4-48
(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to Reclassification Expense for Planning Board and, no adequate provision was made in the 2023 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$75,000.00 and three (3) percent of the total operating appropriations in the budget for 2023 is \$ 708,075.05 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2023,

NOW, THEREFORE, BE IT RESOLVED that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for
 - a) Planning Board Other Expense Reclassification \$75,000.00.
2. That said emergency appropriation shall be provided for in full in the 2023 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c (1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

9-2 Approving the Submission of a Minor Subdivision Application for Block 12001, Lots 4 And 5, And Conveyances of Property upon Approval of a Minor Subdivision Application to be Submitted to the Sparta Township Planning Board



WHEREAS, the Township Council of the Township of Sparta adopted Ordinance Number 21-14 adopting the 2021 Sparta Landfill Redevelopment Area Redevelopment Plan; and

WHEREAS, the Township Council of the Township of Sparta adopted Resolution Number 9-19 on June 14, 2022, designating CEP Renewables, LLC as Redeveloper for the Installation of a Solar Energy Facility and Authorizing a Long-Term Lease for the Property identified as Block 12001, Lot 4 on the Sparta Township Tax Map (the “Property”); and

WHEREAS, the Township Council of the Township of Sparta entered into a long-term lease with CEP Renewables, LLC, organized as Prices Land Solar Farm, LLC of Red Bank, New Jersey, as the Redeveloper for the Installation of a Solar Energy Facility, is hereby authorized for this Property; and

WHEREAS, East Coast Development Associates, LLC (“East Coast”) is the owner of adjacent property, Block 12001, Lot 5, an 0.587 acre portion of which property is necessary to acquire in order to locate all landfill and proposed solar operations within one lot, Lot 4, for the Sparta Landfill Redevelopment Area Redevelopment; and

WHEREAS, East Coast has agreed to deed the 0.587 acre portion of Lot 5 to the Township, as shown on the plan prepared by Dysktra Walker, entitled “Lot Line Adjustment/Minor Subdivision” dated July 14, 2023 (“Dykstra Plan”), in exchange for a conveyance of the same size of property from Lot 4 and the undeveloped Sustainable Way to East Coast; and

WHEREAS, the conveyance of property will require a minor subdivision and a drainage easement over Lot 4 for Lot 5, which the Township engineer has reviewed; and



WHEREAS, the subdivision of property will require review of the current zoning on Lots 4 and 5, as the ED and OSGU zones follow the boundaries of Block 12001, Lots 4 and 5.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta agrees to begin proceedings to vacate Sustainable Way, which property will become part of the adjacent Lot 5, if and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board;
2. The Township of Sparta shall review and adjust the boundary of the ED and OSGU zones to reflect the division of Lots 4 and 5, if and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board;
3. The Township of Sparta, as the owner of Block 12001, Lot 4, consents to the minor subdivision application of East Coast, as shown on the Dykstra Plan; and
4. If and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board, Sparta Township agrees to continue a drainage easement for Lot 5 over Lot 4, approximately 77' x 600' in size, on the southeast portion of Lot 4, allowing only for discharge and maintenance of the grade, subject to the Township engineer's approval.

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

This Resolution shall take effect immediately; however, it shall be void and of no effect in the event that East Coast does not receive minor subdivision approval from the Sparta Township Planning Board in accordance with the Dykstra Plan.



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.

9-3 Resolution of the Township Council of the Township of Sparta Authorizing the Award of Contract for Professional Services of Township Special Conflict Counsel

WHEREAS, the Township of Sparta has need for the professional services of a Special Conflict Counsel; and

WHEREAS, funds are available for this purpose; and

WHEREAS, N.J.S.A. 40A:11-1, *et seq.*, the "Local Public Contracts Law" permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, N.J.S.A. 40A:11-5 requires the award of contract for Professional Services be publicly advertised and the contract itself be available for public inspection:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta hereby appoints Edward J. Buzak, Esq. of Surenian, Edwards, Buzak & Nolan LLC with offices located at 311 Broadway, Suite A, Point Pleasant, NJ 08742, as Special Conflict Counsel for the period September 1, 2023 to December 31, 2023, in accordance with the attached Contract.
2. This appointment is awarded without competitive bidding as a "Professional Service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.



3. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract with Edward J. Buzak, Esq., of Surenian, Edwards, Buzak & Nolan LLC on behalf of the Township.

4. A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald as required by law.

5. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township.

6. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Edward J. Buzak, Esq. of Surenian, Edwards, Buzak & Nolan LLC does not sign the Agreement.

7. 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.

9-4 One-Day ABC Social Affairs Permit –William B Sanford, Memorial Post 7248

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to **William B Sanford, Memorial Post 7248** for a social affairs permit for a Clambake on September 9, 2023 from 2:00 p.m. to 7:00 p.m. at 66 Main Street, Sparta, NJ 07871.

9-5 One-Day ABC Social Affairs Permit – Father Johns Animal House

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to – Father Johns Animal House for a social affairs permit for the Happy Tails Dinner on September 23, 2023 from 6:00 p.m. to 10:00 p.m. at 28 Andover Road, Sparta, NJ 07871.

9-6 Authorizing a Property Maintenance Agreement with Louis W. Cseh



WHEREAS, the Township of Sparta (the "Township") has the need to enter into a contract for grass cutting on its property located at Block 14001, Lots 45 and 47 in Sparta Township; and

WHEREAS, the Township Purchasing Agent has determined that the value of the services is below the Township bid threshold and are not subject to the quotation requirements provided for in N.J.S.A. 40A:11-6.1; and

WHEREAS, the anticipated term of the contracts are set forth in the Agreement attached to this resolution as Exhibit A; and

WHEREAS, Louis W. Cseh has submitted a proposal indicating he will provide the services for the stated price of \$1,000 per year in said proposal; and

WHEREAS, the Chief Financial Officer of the Township of Sparta certifies that the appropriations specified within this resolution have been provided for within the Municipal Budget; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta:

1. Authorizes the Mayor to execute the Agreement.
2. A copy of this Resolution shall be placed on file with the Clerk of the Township of Sparta.
3. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Louis W. Cseh fails to or refuses to sign the Agreement.

9-7 Resolution Authorizing the Issuance of not Exceeding \$5,931,000 Bond Anticipation Notes of the Township of Sparta, in the County of Sussex, New Jersey.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of Sparta, in the County of Sussex, New Jersey (the "Township") entitled: "Bond ordinance providing



for the improvement of the sanitary sewerage system in and by The Township of Sparta, in the County of Sussex, New Jersey, appropriating \$95,000 therefor and authorizing the issuance of \$60,000 bonds or notes of the Township for financing such appropriation”, finally adopted on April 24, 2012 (#11-17) bond anticipation notes of the Township in a principal amount not exceeding \$6,000 shall be issued 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 Township, entitled: “Bond ordinance appropriating \$600,000, and authorizing the issuance of \$300,000 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” (#17-07/17-11), finally adopted on July 18, 2017, bond anticipation notes of the Township in a principal amount not exceeding \$120,000 shall be issued 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 Township, entitled: “Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,050,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey” (#18-04), finally adopted on April 24, 2018, bond anticipation notes of the Township in a principal



amount not exceeding \$525,000 shall be issued 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 Township, entitled: “Bond ordinance appropriating \$510,000, and authorizing the issuance of \$410,000 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” (#18-09), finally adopted on July 10, 2018, bond anticipation notes of the Township in a principal amount not exceeding \$205,000 shall be issued 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 Township, entitled: “Bond ordinance providing for the improvement of the Department of Public Works facility in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$902,500 bonds or notes of the Township for financing such appropriation” (#19-08), finally adopted on July 9, 2019, bond anticipation notes of the Township in a principal amount not exceeding \$541,200 shall be issued 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 Township, entitled: “Bond ordinance providing for the conversion of the White Deer Plaza Sewer Plant into a pumping station in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Township for financing such appropriation” (#19-13), finally adopted on August 13, 2019, bond anticipation notes of the Township in a principal amount not exceeding \$901,000 shall be issued 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 a bond ordinance of the Township, entitled: “Bond ordinance appropriating \$754,000, and authorizing the issuance of \$254,000 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” (#20-08), finally adopted on June 23, 2020, bond anticipation notes of the Township in a principal amount not exceeding \$177,800 shall be issued 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 8. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the acquisition of a new and additional fire truck by the



Township of Sparta, in the County of Sussex, New Jersey, appropriating \$700,000 therefor and authorizing the issuance of \$665,000 bonds or notes of the Township for financing such appropriation” (#21-18), finally adopted on November 23, 2021, bond anticipation notes of the Township in a principal amount not exceeding \$665,000 shall be issued 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 9. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance making a supplemental appropriation of \$700,000 for the conversion of the White Deer Plaza Sewer Plant into a pumping station and installation of pump station on Ceila Drive in and by the Township heretofore authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey, and authorizing the issuance of \$700,000 bonds or notes of the Township for financing such supplemental appropriation” (#22-18), finally adopted on December 13, 2022, bond anticipation notes of the Township in a principal amount not exceeding \$700,000 shall be issued 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 10. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the construction of a salt shed in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$2,200,000 therefor and authorizing the issuance of \$2,090,000 bonds or notes of the Township for financing such



appropriation” (#23-04), finally adopted on March 14, 2023, bond anticipation notes of the Township in a principal amount not exceeding \$2,090,000 shall be issued 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 11. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report



must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 12. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes 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 13. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the 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 the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the 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 Township, 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 the 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 officials and professionals of the Township relating to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.



Section 15. This resolution shall take effect immediately.

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Air Force - September 18

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 18**; 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 18, 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.

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.

9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Navy - October 13

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 **October 13**; 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 **October 13, 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.

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.

9-10 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Marine Corps - November 10

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 **November 10**; 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 **November 10, 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.



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.

9-11 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States National Guard - December 13

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 **December 13**; 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 **December 13, 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.

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.

9-12 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Space Force - December 20

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 **December 20**; 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 **December 20, 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.