



SPARTA TOWNSHIP COUNCIL

AGENDA

September 12, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, September 12, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Regular meeting is opened 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

SALUTE TO THE FLAG

PROCLAMATIONS

Turn the Town Teal



Prostate Cancer

2. MINUTES

Executive Meeting Minutes of April 27, 2023

Regular Meeting Minutes of May 9, 2023

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

September 12, 2023

6. INTRODUCTION 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

23-19 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION", ARTICLE IX. "COMMITTEES; BOARDS; COMMISSIONS", SECTION 2-39, "ENVIRONMENTAL COMMISSION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA



7. HEARING OF ORDINANCE

None

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

- 9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax
- 9-2 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to NJ Tax Court Judgment/Stipulation
- 9-3 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to Mortgage Company
- 9-4 Resolution for Award of Contract - Proposed Curb Repairs for Various Streets
- 9-5 Resolution Awarding Contract for the Project Known As "2023 Road Improvement Program – Part 2" As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$286,195.00
- 9-6 Resolution Authorizing Contract Change Order No.3 to Reduce Final Contract Amount and Payment No. 6 for White Lake Fields for Tomco Construction, Inc.
- 9-7 Resolution of the Township of Sparta Establishing a Procedure for Public Comment Before the Sparta Township Council
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – **Sparta Township Fire Department 100 Years of Service**

10. COUNCIL LIAISON' UPDATES

11. UNFINISHED BUSINESS



12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax

WHEREAS, the property owner of Block 3001, Lot 63, 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 27, 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 in addition to refunding a prorated amount paid for Q3 2023 in the amount of \$2,753.10.

9-2 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to NJ Tax Court Judgment/Stipulation

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 Tax Court Judgment/Stipulation

BLOCK	LOT	ADDRESS	AMOUNT
1001	11	14 Maria Drive	\$6,052.81 (2018)
1001	11	14 Maria Drive	\$7,839.50 (2019)

9-3 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to Mortgage Company

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment, mortgage company paid in error

BLOCK	LOT	ADDRESS	AMOUNT
35005	6	20 White Birch Lane	\$1,806.42

9-4 Resolution for Award of Contract - Proposed Curb Repairs for Various Streets

WHEREAS, the Township of Sparta received bids for the **Proposed Curb Repair – Various Streets project on September 6, 2023 at 10:00AM;** and



WHEREAS, Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840 was the lowest responsible bidder with a bid of **\$179,082.00**; and

WHEREAS, the Township Engineer; Cory L, Stoner, P.E. of Harold E. Pellow & Associates, Inc. has reviewed the Bid submitted and has determined that it is consistent with the Township’s bid specifications and recommends in his memorandum dated September 6, 2023 that an award be made to **Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840**; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Sparta, County of Sussex, State of New Jersey, hereby awards a contract for the **Proposed Curb Repair – Various Streets to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840 in the amount of \$179,082.00.**

BE IT ALSO RESOLVED that the Mayor and Municipal Clerk are authorized to sign the contracts for **Proposed Curb Repair – Various Streets** in the amount of \$179,082.00.

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 Riverview Paving, Inc. fails or refuses to execute the Contract/

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

9-5 Resolution Awarding Contract for the Project Known As “2023 Road Improvement Program – Part 2” As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$286,195.00

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract # 6 for “Road Resurfacing” to Schifano Construction Corporation.; and



WHEREAS, the Township of Sparta wishes to utilize Schifano Construction Corporation through its membership in the Morris County Cooperative Pricing Council to perform the required road resurfacing of certain municipal roadways including but not limited to:

Timberline Drive
Bromley Court
Coventry Lane
Stratton Court

And purchase the above stated materials and services; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that based upon a review of various proposals with staff, as well as the Township Manager, it was the determination that it offered the best performance of road resurfacing to meet the needs of the Township at the best price; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Sparta that Schifano Construction Corporation be awarded the contract for the “2023 Road Improvement Program – Part 2”; and

BE IT FURTHER RESOLVED that the Township 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 Schifano Construction Corporation, 1 Smalley Avenue, Middlesex, NJ 08846, pursuant to the Morris County Cooperative Pricing Council Contract # 6 for a total amount not to exceed Two Hundred Eighty-Six Thousand One Hundred Ninety-Five Dollars (\$286,195.00); and
2. The Mayor and Township Clerk, together with all officers, professionals, and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposed of this Resolution.
3. The foregoing project is subject to the certification of availability of funds by the appropriated officers of the Township.



4. This contract is subject to review and approval by the Township Attorney and Township Manager.

5. Resolution shall take effect as herein provided.

9-6 Resolution Authorizing Contract Change Order No.3 to Reduce Final Contract Amount and Payment No. 6 for White Lake Fields for Tomco Construction, Inc.

WHEREAS, the Township of Sparta approved a contract with Tomco Construction, Inc. to construct the White Lake Fields project (the "Contract"). The approved contract cost was \$2,181,171.01; and

WHEREAS, The Township of Sparta approved Change Orders 1 & 2 for additional work that was required for the project in a total amount of \$226,613.50 that adjusted the contract amount to \$2,407,784.51; and

WHEREAS, the final as-built quantities during construction resulted in a net decrease in the adjusted contract amount by \$7,058.00 and the Township Engineer has recommended that the final contract amount be modified by way of Change Order No. 3 to \$2,400,726.51; and

WHEREAS, Tomco Construction, Inc. has submitted a request for Payment No. 6 in the amount of \$261,637.96 which the Township Engineer has reviewed and approved the payment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the Change Order proposed by the Township in the amount of -\$7,058.00 is hereby approved; and

BE IT FURTHER RESOLVED the Interim Manager is authorized to sign the Change Order as proposed; and

BE IT FURTHER RESOLVED that Payment No. 6 be made in the amount of \$261,637.96 to Tomco Construction, Inc., 22 Howard Blvd., Ste. 204, Mt. Arlington,



NJ 07856 upon the Chief Financial Officer certifying that sufficient funds are available.

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

9-7 Resolution of the Township of Sparta Establishing a Procedure for Public Comment Before the Sparta Township Council

WHEREAS, the Sparta Township Council provides for public comment during all of its public meetings in accordance with the First Amendment right to speak freely, without censorship or suppression, and as provided by the New Jersey Open Public Meetings Act (OPMA); and

WHEREAS, Chapter 2-3.7 of the Sparta Township Municipal Code provides that the order of business, agenda, conduct of meetings, procedures, and any and all matters pertaining to actions of the Council shall be determined and proscribed by Resolution of the Council; and

WHEREAS, the Council believes that it is in the best interest of all those wishing to address the Council to have reasonable opportunity to do so; and

WHEREAS, without appropriate and reasonable limitations, the rights of all public speakers may be curtailed and undermined; and

WHEREAS, the said limitations on public comment shall not regulate the content of the comments, but will place a reasonable limit on the allotted time for individuals to comment; and



WHEREAS, the Council encourages members of the public to not only utilize their opportunity for comment at public meetings, but also to use all other reasonable means for communication with the Council, including electronic and written communication.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, and State of New Jersey, that there is hereby established a procedure for public comment before the Council whereby each speaker shall be granted no more than three (3) minutes in the aggregate, regardless of whether speaking on general issues, agenda items, or second readings of ordinances; there shall be no more than one (1) appearance during each public comment section of any public meeting of the Council; and there shall be no yielding of time by the speaker to another person.

BE IT FURTHER RESOLVED, that this procedure shall not apply to any persons or parties that are scheduled to make a presentation before the Council.

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.

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Sparta Township Fire Department 100 Years of Service

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 3rd**; 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 3rd, 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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