



SPARTA TOWNSHIP COUNCIL

AGENDA

May 9, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, May 9, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Regular Meeting begins at 7:30 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 January 6, 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



Senior of The Year – Wendy Stamer

Mental Health Awareness

2. MINUTES

Executive Meeting minutes - January 24, 2023
Executive Meeting minutes – February 28, 2023
Executive Meeting minutes - March 27, 2023
Executive Meeting minutes - March 28, 2023

3. MANAGER’S REPORT

APPROVAL OF MANAGER’S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

1. Economic Development

5. EXPENDITURES

6. INTRODUCTION OF ORDINANCE

None

7. HEARING OF ORDINANCE



23-10 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

9-1 – Resolution Authorizing the Cancellation of Township Tax Sale Certificates

9-2 Adoption of the Municipal Budget – Title Only

9-3 Resolution Adopting and Confirming the Special Assessment for Glen Lake Beach Club's Dam Rehabilitation Project

9-4 Resolution -DMHAS Youth Leadership Grant

9-5 Resolution Authorizing Contract Payment No. 4 for White Lake Fields with Tomco Construction, Inc.

9-6 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles During Law Enforcement Appreciation Week

9-7 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles during National EMS Week

9-8 Resolution of the Township of Sparta Approving the Professional Services Agreement with J. Caldwell & Associates, LLC

9-9 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement with the Merchandise Drivers Local 641, International Brotherhood of Teamsters and the Township of Sparta (**Dispatchers**)

9-10 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal



Employees, AFL-CIO, New Jersey (**Supervisors**) and the Township of Sparta

9-11 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (**Rank and File**) and the Township of Sparta

9-12 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement Between the Superior Officers Association of The Fraternal Order of Police, Spartan Lodge # 26A (**SOA/FOP**) and the Township of Sparta

10. COUNCIL LIAISON' UPDATES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

1. Food Truck Ordinance

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Authorizing the Cancellation of Township Tax Sale Certificates

WHEREAS, certificates of sale were issued to the Township of Sparta for delinquent taxes on various blocks and lots at the 2020 tax sale held by the Township, and,

WHEREAS, Block 35007, Lot 16 was redeemed, the certificate on this property is paid in full for amount of the delinquency to the Township.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk of the Township of Sparta are hereby authorized to endorse the following Certificate of Sale for cancellation:

<u>Certificate #</u>	<u>Block/Lot</u>
19-00060	35007 / 16

9-2 Adoption of Municipal Budget – Title Only

BE IT RESOLVED by the Township Council of the Township of Sparta that the budget be read by title only inasmuch as the conditions set forth in N.J.S.A. 40:4-55 as follows have been met: that a complete copy of the approved budget was posted in the Municipal Building and copies of said budget were made available to each person requesting the same prior to a public hearing to be held on May 9, 2023.

9-3 Resolution Adopting and Confirming the Special Assessment for Glen Lake Beach Club’s Dam Rehabilitation Project

WHEREAS, the Township of Sparta serves as the co-borrower for Glen Lake Beach Club, Inc.’s Dam Rehabilitation Project. The Dam Rehabilitation Project was necessary in order for Glen Lake Beach Club to undertake repairs mandated by the State of New Jersey Department of Environmental Protection’s Dam Safety and Flood Control Section; and

WHEREAS, upon completion of the Dam Rehabilitation Project the Township of Sparta’s Assessment Commission was tasked with determining the special assessment for the Glen Lake Dam Rehabilitation Project; and

WHEREAS, the Assessment Commission submitted its report to the Township Council on February 21, 2023; and



WHEREAS, all improvements were completed and the total amount of the Special Assessment is Nine Hundred Thirty-Six Thousand Three Hundred Sixty-Two Dollars and Five Cents (\$936,362.05); and

WHEREAS, the Township of Sparta will not contribute to the repayment of any part of the costs of the Glen Lake Dam Rehabilitation Project or the Special Assessment.

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

1. The Sparta Township Council hereby adopts and confirms the Special Assessment report, including the recommendations in the report and Scott Holzhauser, CTA, SCGREA, dated February 16, 2023.
2. The Assessment Commission's report is now final and conclusive in accordance with N.J.S.A. 40:56-30. The total amount of the Special Assessment is Nine Hundred Thirty-Six Thousand Three Hundred Sixty-Two Dollars and Five Cents (\$936,362.05).
3. The Special Assessment assessed against each impacted property shall constitute a first and paramount lien as provided for under N.J.S.A. 40:56-33 and N.J.S.A. 58:4-12d(1).
4. The Special Assessment shall be paid in annual installments over the remaining repayment term of the loan. However, in the event that a property subject to the special assessment is sold or title transferred prior to the assessment being paid in full, the remaining balance of the special assessment shall be paid at the time the closing of title or transfer occurs. Bills for the assessment will be sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
5. The rate of interest for any delinquency that is past due 30 days in accordance with N.J.S.A. 40:56-35, shall be determined as provided for in N.J.S.A. 54:4-67 at the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00.



6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.
7. A copy of this Resolution as well as the report shall be placed on file with the Clerk of the Township.
8. All appropriate Township of Sparta officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

9-4 Resolution -DMHAS Youth Leadership Grant -Form 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Township Council of the Township of Sparta, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Sparta, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the Sparta Municipal Alliance for Grant Term Two, 9/1/23 – 9/30/25, in the total amount of:
DMHAS Grant Funding \$3,245.00



2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

9-5 Resolution Authorizing Contract Payment No. 4 for White Lake Fields with Tomco Construction, Inc.

WHEREAS, the Township of Sparta approved a contract with Tomco Construction, Inc. to construct the White Lake Fields project the "Contract"; and

WHEREAS, Tomco Construction, Inc. has submitted a request for Payment No. 4 in the amount of \$713,867.85 and the Township Engineer has reviewed and approved the payment.

NOW, THEREFORE BE IT RESOLVED that Payment No. 4 be made in the amount of \$713,867.85 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.

9-6 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles During Law Enforcement Appreciation Week

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 during Law Enforcement Appreciation Week; 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 during Law Enforcement Appreciation Week (May 15-21, 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.

9-7 Resolution Authorizing the Displaying of Commemorative Flag for National EMS Week on Township Owned Flagpoles

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 during National EMS Week; 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 during May 21-27, 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.

9-8 Resolution of the Township of Sparta Approving the Professional Services Agreement with J. Caldwell & Associates, LLC

WHEREAS, the Township of Sparta desires to enter into a Professional Services Agreement for GIS mapping and related services and has received a proposal from J. Caldwell & Associates, LLC in the amount of \$145 per hour not to exceed \$8,500; and

WHEREAS, the Township desires to approve the Professional Services Agreement with J. Caldwell & Associates, LLC for GIS mapping and related services with a project completion date on or before December 31, 2023; and

WHEREAS, the approval of this contract is made in compliance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the proposal for GIS mapping and related services submitted by J. Caldwell & Associates, LLC at the rate of \$145 per hour and not to exceed \$8,500 as reflected in the attached Professional Services Agreement is hereby approved subject to the review of the final document by the Township Manager and Township Attorney. The Township Chief Financial Officer has confirmed that the Township has sufficient funds available for the contract; and



BE IT FURTHER RESOLVED the Mayor and Township Clerk are authorized to sign the Professional Services Agreement with J. Caldwell & Associates, LLC on behalf of the Township; and

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

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 J. Caldwell & Associates, LLC fails to sign the Professional Services.

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 of the Township of Sparta Approving the Collective Bargaining Agreement the Merchandise Drivers Local 641, International Brotherhood of Teamsters and the Township of Sparta (Dispatchers)

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the Merchandise Drivers Local 641, International Brotherhood of Teamsters (Dispatchers) for the term of January 1, 2022 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the Merchandise Drivers Local 641, International Brotherhood of Teamsters for the period January 1, 2022 through December 31, 2024 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Agreement on behalf of the Township of Sparta; and

BE IT FURTHER RESOLVED that Resolution No. 22-181 adopted by the Sparta Township Council on December 13, 2022 approving a Memorandum of Understanding between the Township and Local 641, and that Memorandum of Understanding, is hereby rescinded, made void and of no effect.

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the Merchandise Drivers Local 641, International Brotherhood of Teamsters fail to approve this Agreement and have it executed by a duly authorized representative.



BE IT FURTHER RESOLVED that 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.

9-10 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) and the Township of Sparta

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the AFSCME New Jersey Council 62 and its affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) for the period January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO New Jersey (Supervisors) for the period January 1, 2023 through December 31, 2026 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Agreement on behalf of the Township of Sparta, and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) fail to approve this Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED 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 if for any reason to be held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.



9-11 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Rank and File) and the Township of Sparta

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the AFSCME New Jersey Council 62 and its affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Rank & File) for the period January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO New Jersey (Rank & File) for the period January 1, 2023 through December 31, 2026 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Agreement on behalf of the Township of Sparta, and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of

State, County and Municipal Employees, AFL-CIO, New Jersey (Rank & File) fail to approve this Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED 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 if for any reason to be held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.



9-12 Resolution of the Township of Sparta Approving The Collective Bargaining Agreement Between the Superior Officers Association of The Fraternal Order of Police, Spartan Lodge # 26A (SOA/FOP) and the Township of Sparta

WHEREAS, Sparta Township has negotiated a Collective Bargaining Agreement (“CBA”) with the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) for the period January 1, 2022 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Collective Bargaining Agreement between the Township of Sparta and the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) for the period January 1, 2022 through December 31, 2024 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Collective Bargaining Agreement on behalf of the Township of Sparta; and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) fail to approve this Collective Bargaining Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED that 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.