



SPARTA TOWNSHIP COUNCIL

AGENDA

May 23, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, May 23, 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

RECOGNITION

Molly Whilesmith



PROCLAMATION

EMS Services

2. MINUTES

None

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

6. INTRODUCTION

23-11 AN ORDINANCE AMENDING ARTICLE III, MEETINGS OF
TOWNSHIP COUNCIL, SECTION 2-3.2, REGULAR MEETINGS
OF THE MUNICIPAL CODE OF THE TOWNSHIP OF SPARTA

7. HEARING OF ORDINANCE

None

8. OPEN TO THE PUBLIC

Resolutions



9. RESOLUTIONS

- 9-1 Resolution Authorizing Refunds for Tax Overpayment to the NJ State Court Judgment/Stipulation
- 9-2 Resolution to Authorizing Disabled Veteran Cancellation of Tax
- 9-3 Resolution Authorizing a Fireworks Display-Lake Mohawk Country Club
- 9-4 One-Day ABC Social Affairs Permit – Camp Sacajawea
- 9-5 One-Day ABC Social Affairs Permit – Sparta Elks Lodge 2356 BPOE
- 9-6 Resolution Authorizing Contract for the Furnish and Construction of a 70 FT. X 180 FT. Salt Barn, Contract No. BLD-23-1, to Dutchman Contracting LLP
- 9-7 Approving the Professional Services Agreement Between the Township of Sparta and HPA & Associates, Inc.
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles During June 1-7, 2023 Pride week
- 9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles on June 14, 2023 for the Birthday of the United States Army
- 9-10 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles on June 19, 2023 for Juneteenth Day
- 9-11 A Resolution of the Township of Sparta, County of Sussex, New Jersey Supporting RevolutionNJ
- 9-12 Resolution Establishing A Business Development Committee
- 9-13 Resolution of the Township of Sparta in Support of the Continued Enjoyment of the State’s Waters for Drinking Water and Recreation Without Harm to Agriculture



9-14 Resolution to Amend 2023 Municipal Budget -Title Only

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 to the NJ State 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 State Court Judgment/Stipulation for exempt status:

BLOCK	LOT	AMOUNT	YEAR
4002	30	\$44,572.90	2019
4002	30	\$45,757.20	2020
4002	30	\$45,057.38	2021
4002	30	\$18,186.74	2022

9-2 Resolution to Authorizing Disabled Veteran Cancellation of Tax

WHEREAS, the property owner of Block 30002, Lot 18, 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 VA determination of February 20, 2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refund taxes in the amount of \$11,636.71 and cancel 2023 tax balance;

Q1 2022	\$ 947.20 (prorated)
Q2 2022	\$2,096.12
Q3 2022	\$2,165.76
Q4 2022	\$2,165.75
Q1 2023	\$2,130.94
Q2 2023	\$2,130.94



9-3 Resolution Authorizing a Fireworks Display-Lake Mohawk Country Club

BE IT RESOLVED by the Township Council of the Township of Sparta that permission is granted to Starfire Corporation, 566 Theatre Road, PO Box 179, St. Benedict, PA 15773 to hold a fireworks display at the Lake Mohawk Country Club on Sunday, July 2, 2023, between the hours of 9:00 p.m. to 10:30 p.m., with a rain date of July 3, 2023.

9-4 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, 251 White Lake Road, Sparta, NJ for a social affairs permit to be held on June 24, 2023, from 12:00 p.m. to 10:00 p.m. at 251 White Lake Road, Sparta, NJ.

9-5 One-Day ABC Social Affairs Permit – Sparta Elks Lodge 2356 BPOE

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Sparta Elks Lodge 2356 BPOE 22 Woodport Road, Sparta, NJ for a social affairs permit to be held on July 4, 2023, from 11:00 a.m. to 3:00 p.m. at the field behind Sparta Library/Mohawk Avenue School, Sparta, NJ.

9-6 Resolution Authorizing Contract for the Furnish and Construction of a 70 FT. X 180 FT. Salt Barn, Contract No. BLD-23-1, to Dutchman Contracting LLP

WHEREAS, the Township of Sparta received bids for the **Furnish and Construction of a 70 ft. x 180 ft. Salt Barn, Contract BLD-23-1 on May 16, 2023;** and

WHEREAS, two (2) bids were received; and

WHEREAS, **Dutchman Contracting LLP of Reinholds, Pennsylvania** was the lowest responsible bidder with a bid of **\$1,483,534.00;** and



WHEREAS, the Township Engineer, Edward L. Haack recommends awarding the contract **to Dutchman Contracting LLC of Reinholds, Pennsylvania,** in his letter dated May 17, 2023; and

WHEREAS, the Township Attorney has reviewed and accepted the bid package submitted by **Dutchman Contracting LLC;** and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that the funds for said contract are available and are designated to a line item appropriation designated below and totaling **\$1,483,534.00**

ACCOUNT NUMBER(to be determined)

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, hereby awards the contract for the **Furnish and Construction of 70 ft. x 180 ft. Salt Barn – Contract BLD-23-1 to Dutchman Contracting LLC, 278 North Ridge Road, Reinholds, Pennsylvania 17569 in the amount of \$1,483,534.00.**

BE IT ALSO RESOLVED that the Mayor and Municipal Clerk are authorized to sign the contracts for the **Furnish and Construction of 70 ft. x 180 ft. Salt Barn – Contract BLD-23-1.**

9-7 Approving the Professional Services Agreement Between the Township of Sparta and HPA & Associates, Inc.

WHEREAS, Sparta Township has the need for sewer, water and general engineering services plus an individual to fill the position of Township Engineer for Sparta Township: and

WHEREAS, the Township Council desires to contract with Harold E. Pellow & Associates, Inc. to provide sewer, water and general engineering services and Cory L. Stoner, P.E. as the Township Engineer: and

WHEREAS, the compensation for professional services to be rendered may exceed the maximum permissible amounts specified in the Public Contracts Law. However, the services constitute "professional services" and are exempt from public bidding pursuant to N.J.S.A. 40A:11-5(10)(a) of the Public Contracts Law because the services are rendered or performed by a person authorized by law to practice a recognized profession, rendered or



performed by a person whose practice is regulated by law, and/or the performance thereof requires knowledge of an advanced type in the field of learning required by a prolonged formal course of specialized instruction and study as distinguished from general academic training, instruction or apprenticeship; and

WHEREAS, the proposed Agreement between the Township of Sparta and Harold E. Pellow & Associates, Inc. provides that Harold E. Pellow & Associates, Inc. shall be paid for its services invoiced at the attached billing rates or specific project proposal amounts for a total amount not to exceed \$435,000 from June 1, 2023 to December 31, 2023; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Sparta that an Agreement with Harold E. Pellow & Associates, Inc. for sewer, water and general engineering services plus Cory L. Stoner, P.E. as the Township Engineer is hereby approved, and the Mayor and Township Clerk are authorized to sign the Agreement upon final review and approval of the Agreement by the Township Manager and Township Attorney; and

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

A copy of this Resolution as well as the contract 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.

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles During June 1-7, 2023, Pride 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 **June 1-7, 2023, Pride 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 **June 1-7, 2023, Pride Week**.

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.

9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles on June 14, 2023 for The Birthday of the United States Army

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 at Sunrise on **June 14, 2023** for the birthday of the **United States Army**, and at Sunset it will be taken down; 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 at Sunrise on **June 14, 2023** for the birthday of the **United States Army**, and at Sunset it will be taken down.

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 Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles on June 19, 2023, for Juneteenth Day

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 **June 19, 2023**, for **Juneteenth Day**; 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 **June 19, 2023**, for **Juneteenth Day**.

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.

9-11 A Resolution of the Township of Sparta, County of Sussex, New Jersey Supporting RevolutionNJ

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and [County/City/Borough/Township]; and



WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Sparta hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Sparta Township Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Sparta Township Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Sparta Township Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

9-12 Resolution Establishing A Business Development Committee



WHEREAS, the Sparta Township Council has determined that input from those most knowledgeable of the intricacies of business and economic trends should be considered by the Township Council.

WHEREAS, the Sparta Township Council deems it appropriate to establish a committee to study, prepare reports and advise the Council on the development of business in the Township of Sparta; and

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council, County of Sussex and State of New Jersey, that Resolution 5-5 (2006) is hereby repealed in its entirety and that the Economic Development Advisory Committee is hereby dissolved.

BE IT FURTHER RESOLVED that a Business Development Committee is hereby established.

BE IT FURTHER RESOLVED that the Business Development Committee shall be advisory in nature only and have the following structure, goals, and objectives:

- 1) The Committee shall be known as the “Business Development Committee.”
- 2) The Committee’s charter and activities shall align with the vision and objectives of the Sparta Township Master Plan.
- 3) The Business Development Committee shall consist of seven (7) members, as follows:
 - a. Four members who are business owners in Sparta, to be appointed by the Council;
 - b. Two Sparta residents who are not business owners, to be appointed by the Council;
 - c. One current member of the Sparta Township Chamber of Commerce to act as liaison, to be recommended by the President of the Sparta Township Chamber of Commerce and appointed by the Council;
 - d. The Committee Chairperson shall be selected by the members of the Committee from the Committee members; and
 - e. Committee Members shall serve for one year, with each term expiring on December 31 of the calendar year of their appointment.



- 4) The Committee shall have three non-voting Liaison Members, appointed by the Council, who shall serve for one year with each term expiring on December 31 of the calendar year of their appointment, with one Liaison Member from each of the following:
 - a. Township Council;
 - b. Planning Board;
 - c. Zoning Board.

- 5) The Scope of the Committee is as follows:
 - a. The Committee is advisory in nature only, and shall provide advice to the Council and Planning Board. No action taken by the Committee shall affect any ordinance, administrative function, or administrative practice;
 - b. The Committee shall solicit, formulate, and propose policy and administrative changes to support the growth and well-being of existing and new business in Sparta Township;
 - c. The Committee shall partner with the Sparta Township Chamber of Commerce to solicit policy and administrative changes suggested by that organization; and
 - d. The Committee is empowered to perform its own studies in order to craft or support its proposed policy and administrative changes.

- 6) The Committee shall operate as follows:
 - a. The Committee shall produce a written report to the Council and Planning Board once a year summarizing the policy and administrative changes recommended by the Committee;
 - b. The Committee shall keep and make available to the public minutes from its meetings.

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 parts of this resolution.



9-13 Resolution of the Township of Sparta in Support of the Continued Enjoyment of the State's Waters for Drinking Water and Recreation Without Harm to Agriculture

WHEREAS, Sparta Township has approximately 19,722 residents, most of whom receive drinking water from underground aquifers; and

WHEREAS, Sparta Township contains approximately 95.45* linear miles of streams, tributaries, and rivers, in addition to Lake Mohawk, Saginaw Lake, Lake Grinnell, Sparta Lake, Fox Hollow Lake, Upper Lake Mohawk and many other waters, which may be used for recreation, drinking water, agriculture, fish and wildlife habitat, and other purposes; and

WHEREAS, significant investments have been made for the acquisition of land for the public use and enjoyment, especially land with surface waters, through use of public funds by Sparta Township and governmental and non-governmental agencies; and

WHEREAS, clean water from streams, rivers, lakes, and other surface waters contribute to the municipality's scenic and aesthetic qualities, real estate and home values, and economic opportunities from recreation and tourism; and

WHEREAS, the loss of good water quality in streams, rivers, lakes, and other surface waters can result in a loss of the municipality's scenic and aesthetic qualities, real estate and home values, and economic opportunities from recreation and tourism; and

WHEREAS, recreational uses have not been incorporated by the N.J. Department of Environmental Protection into assessments for developing anti-degradation safeguards for discharges to surface waters; and

WHEREAS, the waters in streams and rivers are held in the public trust and recreation may occur on those waters, but the land underlying them may be owned privately or publicly, and trespass on private lands is prohibited; and

WHEREAS, agriculture is an important activity, and no additional restriction or undue burden should be placed on agriculture with regard to water withdrawals, which are already regulated by the Water Supply Management Act, and

WHEREAS, municipal residents rely on underground aquifers as their drinking water



source; and

WHEREAS, underground aquifers can include porous rock formations, vulnerable to the mixing of contaminated surface and ground waters, such as carbonate bedrock; and

WHEREAS, the presence of pollutants in a surface water or groundwater may inadvertently put drinking water aquifers at risk; and

WHEREAS, the additional costs associated with the treatment of degraded drinking water supplies can be a burden to homeowners, industry, and drinking water suppliers; and

NOW, BE IT RESOLVED, that Sparta Township encourages:

- 1) The Department of Environmental Protection to develop methods for identifying waters already utilized for recreational purposes to ensure water quality in these areas are not degraded by new discharges; and
- 2) The Department of Environmental Protection to promote the protection of drinking water aquifers, including waters in carbonate rock areas; and
- 3) The Department of Environmental Protection to establish anti-degradation standards for small public water supply systems and waters in the Highlands Region to protect drinking water quality; and
- 4) The Department of Environmental Protection to preserve and enhance water quality by protecting headwater streams from disturbances; and
- 5) That any actions the Department of Environmental Protection may take in response to this resolution, be done so in consultation with the stakeholders, including municipalities; and
- 6) That the state should provide adequate resources to ensure the public's access to state lands and waters.

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

Copies of this Resolution shall be sent to Sparta Township's Representatives in the New Jersey Legislature, and a copy shall be sent to the Governor of the State of New Jersey.



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 parts of this resolution.

9-14 Resolution to Amend 2023 Municipal Budget-Title Only

(See Attached)