

SPARTA TOWNSHIP COUNCIL

AGENDA

February 13, 2018

PLEASE TAKE NOTICE that action will be taken on the following items at the regular Council meeting on Tuesday, February 13, 2018 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME: The meeting is called to order at 6:00 p.m.

STATEMENT: Adequate notice of this meeting was provided to the public and the press on January 9, 2018 by delivering to the press and posting at the Municipal Building a copy of the Annual Notice of Meetings

1. ROLL CALL G,H,M,Q,W, MGR.,ATTY., MUN CLERK

RESOLUTION Open Public Meetings Act-Executive Session Motion _S_

SALUTE TO THE FLAG

2. MINUTES Motion _S_ that the executive meeting minutes held on December 12 and December 16, 2017; and the regular and executive meeting minutes held on January 23, 2018 be approved as presented.

OPEN TO THE PUBLIC **ITEMS NOT ON THE AGENDA**

PROCLAMATIONS St. Patrick's Day Parade
Grand Marshal - Betsy Sutherland

American Heart Month

3. MANAGER’S REPORT

APPROVAL OF MANAGER’S REPORT

4. OPEN TO THE PUBLIC

RESOLUTIONS

5. RESOLUTIONS

- 5-1 Tax Overpayment Refund
- 5-2 One-Day ABC License-Shepherd of the Hills Lutheran Church
- 5-3 One-Day ABC License-Nothing Is Impossible, Inc.
- 5-4 Person-to Person Liquor License Transfer – 1918-33-015-004 – Fu’s Mido Restaurant, Inc.
- 5-5 Resolution Authorizing Compliance With the United State’s Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records” in Employment Decisions Under Title VII of the Civil Rights Act of 1964
- 5-6 Resolution to Appoint a North Jersey Municipal Employee Benefits Fund Producer/Risk Manager
- 5-7 Professional Services Resolution – Health Services Consultant
- 5-8 Professional Services Resolution – Engineer

5-9

Professional Services Resolution – Land
Use & Redevelopment Consultant/Attorney

6. **COUNCIL LIAISON REPORTS**
7. **OLD BUSINESS**
8. **NEW BUSINESS**
9. **OPEN TO THE PUBLIC**
10. **EXPENDITURES**
11. **ADJOURNMENT**

Sparta's Website: www.spartanj.org

5-1 Tax Overpayment Refund

BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayment:

BLOCK	LOT	NAME	ADDRESS	AMOUNT
4001	153	Criscuoli/Gilman, Keith	318 West Shore Tr	\$3,838.39
12002	7	LTS Acquisitions, LLC	18 McCloud Lane	\$3,205.96
3034	7	Graniello, John	261 East Shore Tr	\$250.00

5-2 One-Day ABC License-Shepherd of the Hills Lutheran Church

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Shepherd of the Hills Lutheran Church, 246 Woodport Rd., Sparta, NJ for a one day liquor license on March 3, 2018 from 3:00 p.m. to 8:00 p.m. at the Shepherd of the Hills Church, 246 Woodport Road, Sparta, NJ 07871.

5-3 One-Day ABC License-Nothing Is Impossible, Inc.

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Nothing Is Impossible, Inc., 243 Sparta Ave., Sparta, NJ for a one day liquor license on March 24, 2018 from 6:00 p.m. to 10:00 p.m. at Our Lady of the Lake Parish, 294 Newton-Sparta Rd., Sparta, NJ.

5-4 Person-to Person Liquor License Transfer – 1918-33-015-004 – Fu’s Mido Restaurant, Inc.

WHEREAS, an application for the person-to-person transfer of alcoholic beverage license #1918-33-015-004, Fu’s Chinese Restaurant Inc. has been submitted, reviewed and found to be complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes, regulations, promulgated there under as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the application has disclosed and the authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the authority has received a written statement, under oath, signed by an authorized representative of both the transferor and the transferee, affirming that the transferee is aware of all obligations outstanding to New Jersey alcoholic manufacturers, wholesalers and distributors,

and that either the transferee has assumed any such obligations or the obligations have been or will be satisfied by the transferor out of the proceeds of the sale of the licensed premises.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, County of Sussex, acting as the Local Alcoholic Beverage Control Board, that the person-to-person transfer of Alcoholic Beverage Control License #1918-33-015-004 from Fu's Chinese Restaurant Inc. to Fu's Mido Restaurant Inc., 227 Sparta Ave., Sparta, NJ 07871 is hereby approved.

5-5 Resolution Authorizing Compliance With the United State's Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records" in Employment Decisions Under Title VII of the Civil Rights Act of 1964

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township of Sparta hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

5-6 Resolution to Appoint a North Jersey Municipal Employee Benefits Fund Producer/Risk Manager

WHEREAS, the Township of Sparta has resolved to join the North Jersey Municipal Employee Benefits fund; and

WHEREAS, the bylaws of the fund requires the fund Program Manager to perform certain consulting, field and marketing services to Fund members; and

WHEREAS, recognizing that new members may have existing relationships with a licensed broker/consultant, the member may appoint, subject to approval of the Fund and Program

Manager, that another firm perform the portion of the professional consulting services normally provided by the Program Manager to the member municipality as detailed in the “Producers Agreement”; and

WHEREAS, the Executive Committee of the North Jersey Municipal Employee Benefits Fund determines annually the fee payable to producers based on the Municipality’s assessment and/or enrollments or a member may negotiate a different amount for which their assessment would be adjusted accordingly and for which expenditure represents reasonable compensation for the services required and is included in the assessment for this fund; and

WHEREAS, the judgmental nature of the Consultant’s duties renders comparative bidding impractical.

NOW, THEREFORE, BE IT RESOLVED that the Township of Sparta does hereby appoint Brown & Brown Advisors, Inc. as its Producer/Risk Manager for the term of January 1, 2018 through December 31, 2018.

5-7 Professional Services Resolution – Health Services Consultant

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, the Township of Sparta has need for the professional services of a Health Services Consultant; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the business disclosure entity certification and the determination of value shall be placed in a file with this resolution.

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

1. The Township of Sparta hereby makes the following appointment:

Steven Levinson
Assurance Consulting Associates, LLC
76 Yacht Club Drive
Lake Hopatcong, NJ 07849

In an amount not to exceed \$21,600.00

2. Political Contribution Disclosure: This contract has been awarded to Steven Levinson based on the merits and abilities of Steven Levinson to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Assurance Consulting Associates, LLC, it’s subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Sparta, County of Sussex if a member of that political party is serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded.
3. Vendors performing work for and on behalf of Sparta Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township’s interest.

Prior to becoming a vendor for the Township, all vendors are required to disclose possible conflicts so that the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, a vendor is required to promptly notify the Township Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Township.

4. A copy of this resolution shall be published in the New Jersey Herald as required by law within ten days of its passage.

5-8 Professional Services Resolution – Engineer

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, the Township of Sparta has a need for construction inspections on infrastructure improvements for the development known as “North Village.”

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the business disclosure entity certification and the determination of value shall be placed in a file with this resolution.

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

1. The Township of Sparta hereby makes the following appointment:

Keller & Kirkpatrick, Inc.
301 Gibraltar Drive, Suite 2A
Morris Plains, NJ 07950

For an amount not to exceed \$25,000.00

2. Political Contribution Disclosure: This contract has been awarded to Keller and Kirkpatrick, Inc. based on the merits and abilities of Keller and Kirkpatrick, Inc. to provide the goods or services as described herein and in accordance with their submitted Proposal. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Keller and Kirkpatrick, Inc., its subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Sparta, County of Sussex if a member of that political party is serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded.

3. Vendors performing work for and on behalf of Sparta Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township’s interests.

Prior to becoming a vendor for the Township, all vendors are required to disclose possible conflicts so that the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, a vendor is required to promptly notify the Township Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Township.

5. A copy of this resolution shall be published in the New Jersey Herald as required by law within ten days of its passage.

5-9 Professional Services Resolution – Land Use & Redevelopment Consultant/Attorney

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, the Township of Sparta has need for the professional services of a Land Use and Redevelopment Consultant/Attorney; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the business disclosure entity certification and the determination of value shall be placed in a file with this resolution.

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

1. The Township of Sparta hereby makes the following appointment:

Glenn C Kienz
Weiner Law Group LLP
629 Parsippany Rd.
Parsippany, NJ 07054

In an amount not to exceed \$12,000.00

2. Political Contribution Disclosure: This contract has been awarded to Weiner Law Group based on the merits and abilities of Weiner Law Group LLP to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Weiner Law Group, its subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Sparta, County of Sussex if a member of that political party is serving in an elective public office of the Township of Sparta, County of

Sussex when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded.

3. Vendors performing work for and on behalf of Sparta Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township's interest.

Prior to becoming a vendor for the Township, all vendors are required to disclose possible conflicts so that the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, a vendor is required to promptly notify the Township Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Township.

4. A copy of this resolution shall be published in the New Jersey Herald as required by law within ten days of its passage.

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

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.