

SPARTA TOWNSHIP COUNCIL

AGENDA

June 26, 2018

PLEASE TAKE NOTICE that action will be taken on the following items at the regular Council meeting on Tuesday, June 26, 2018 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME: The meeting is called to order at 7:30 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

SALUTE TO THE FLAG

2. MINUTES Motion S that the Regular Meeting Minutes held on June 12, 2018 be approved as presented.

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

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. INTRODUCTION OF ORDINANCE

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| 18-07 | An Ordinance Approving an Agreement Between the Township of Sparta and Village Utility LLC, Granting to Village Utility LLC a Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Wastewater Facilities in the Township Roads and Rights of Way |
| 18-08 | An Ordinance Appropriating the Total Sum of \$200,000.00 From Water Capital Improvement Fund for Funding Various Water Capital Improvements or Purposes by the Township of Sparta, In the County of Sussex, New Jersey |
| 18-09 | 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 |

5. OPEN TO THE PUBLIC

RESOLUTIONS

6. RESOLUTIONS

- | | |
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| 6-1 | One Day ABC License– William B Sanford Memorial Post #7248 |
| 6-2 | One Day ABC License– William B Sanford Memorial Post #7248 |
| 6-3 | Tax Overpayment Refund |
| 6-4 | Water Utility - Refund |
| 6-5 | ABC Renewals 2018-2019 |

6-6	Resolution Authorizing Assignment of Developer's Agreement Littell Homestead Corporation to Aaron Way LLC
6-7	Resolution Authorizing the Acceptance of a 1991 International Packer Truck Being Donated by Lafayette Township
6-8	Resolution - Chapter 159
6-9	Professional Services Resolution – Engineering Services
6-10	Resolution to Amend Capital Budget
6-11	Rescinding Professional Services Resolution – Special Appraiser
6-12	Professional Services Resolution - Appraiser

7. COUNCIL LIAISON REPORTS

8. OLD BUSINESS

9. NEW BUSINESS

10. ZONING BOARD APPOINTMENT

11. OPEN TO THE PUBLIC

12. EXPENDITURES

13. ADJOURNMENT

Sparta's Website: www.spartanj.org

Agenda Is Subject To Change

6-1 One-Day ABC License – 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, 66 Main St., Sparta, NJ for a one day liquor license on July 3, 2018 from 4:00 p.m. to 11:00 p.m. at the Sparta VFW Post 7248, 5 West Shore Trail, Sparta, NJ.

6-2 One-Day ABC License – 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, 66 Main St., Sparta, NJ for a one day liquor license on September 15, 2018 from 2:00 p.m. to 9:00 p.m. at the Sparta VFW Post 7248, 66 Main St., Sparta, NJ.

6-3 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
11007	4	Steven Malits	20 Deire Dr.	\$4,404.35

6-4 Water Utility Refund

BE IT RESOLVED BY the Township Council of the Township of Sparta that the Tax Collector removes a Final Water Reading fee charged in error:

ACCT#	NAME	ADDRESS	AMOUNT
6167	Dorothy Gergely	53 Shawnee Trail	\$40.00

6-5 ABC Renewals 2018-2019

BE IT RESOLVED by the Township Council of the Township of Sparta, that the following Alcoholic Beverage licenses be and are herewith approved and the Municipal Clerk is authorized to issue said licenses for the year July 1, 2018 to June 30, 2019:

1918-33-005-017	Marswell, Inc. t/a St. Moritz Grill and Bar 9 White Deer Plaza Sparta, NJ 07871
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1918-33-013-006	Island Services III LLC t/a Mohawk House 3 Sparta Junction Sparta, NJ 07871
1918-33-003-002	Summerlands, Inc. t/a Kroghs Restaurant & Brew Pub 23 White Deer Plaza Sparta, NJ 07871
1918-33-006-004	The Mohawk Inn LLC 3 Sparta Junction Sparta, NJ 07871

6-6 Granting Municipal Consent to the Assignment of Developer's Agreement Between Littell Homestead Corporation and Aaron Way LLC

WHEREAS, Littell Homestead Corporation sold its interest in certain subdivision designated on the Tax Map of the Township of Sparta known as Block 26, Lot 44 (now known as Block 16001, Lots 14, 15, 16, 17, 18, 19, 20 and 21 and Block 16003, Lots 7, 8, 9, 10 and 11) to Aaron Way LLC.

WHEREAS, the Township of Sparta and Littell Homestead Corporation are parties to a Developer's Agreement which was executed on or about September 19, 2007 and Littell Homestead Corporation proposes to assign its interest, rights and responsibilities under the Developer's Agreement to Aaron Way LLC, a true copy of the Developer's Agreement is attached to this Resolution. The parties have requested the Township of Sparta consent to the assignment.

WHEREAS, Aaron Way LLC has posted or will be posting the required performance and payment bonds for the Development with the Township of Sparta.

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

1. The Municipal Consent is granted for the Assignment of the Developer's Agreement from Littell Homestead Corporation to Aaron Way LLC. The Mayor and Township Clerk are authorized to sign the Municipal Consent portion of the Assignment of Developer's Agreement on behalf of the Township of Sparta.

2. The Municipal Consent is granted subject to Aaron Way LLC fulfilling all of the responsibilities and obligations as the Developer under the Developer's Agreement at its sole cost and expense.

3. This Resolution is granted subject to Aaron Way LLC recording the Assignment of Developer's Agreement (with the Developer's Agreement attached to it) with the Sussex County Clerk's Office at its sole cost and expense and providing a recorded copy to the Township of Sparta and the Township Attorney.

4. This Resolution shall take effect immediately; however, it shall be void and of no effect in the event that Littell Homestead Corporation and/or Aaron Way LLC fail or refuse to sign the Assignment of Developer's Agreement.

6-7 Resolution Authorizing the Acceptance of a 1991 International Packer Truck Being Donated by Lafayette Township

WHEREAS, Lafayette Township has offered to give to the Township of Sparta a 1991 International Packer truck that it no longer needs for its municipal operations; and

WHEREAS, the Township of Sparta Director of Public Works and the Fleet Department inspected and discussed the vehicle sought to be donated and have determine that they can use the vehicle within the Township's fleet after making needed repairs; and

WHEREAS, N.J.S.A. 40A:5-29 allows the Township to accept donations.

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

1. That the donation of the 1991 International Packer truck, Vehicle Identification No. 1HTGB NHR3M H3042 33, from Lafayette Township to the Township of Sparta is hereby accepted.

2. The Sparta Township Manager and/or Township Clerk are authorized to sign any of the documentation that is necessary to transfer title of the vehicle from Lafayette Township to the Township of Sparta.

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

4. 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.

6-8 Resolution – Chapter 159

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof not was determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and,

WHEREAS, the Township Council of the Township of Sparta, Township of Sparta, County of Sussex, State of New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Local Municipal Budget of the Township of Sparta for the year 2018, in the sum of \$60,000.00, which is, now available as a revenue from Additional Construction Already Received from the North Village Construction Project pursuant to the provision of Statute; and,

WHEREAS that a like sum of \$60,000.00 and the name is hereby appropriated for the year 2018 under the caption Construction Salary & Wages \$52,000.00, and Construction Other Expenses \$8,000.00; and,

BE IT FURTHER RESOLVED, that the above is a result of Construction Project North Village and /or/ has been anticipated as a revenue from the Additional Revenue Generated by Construction of North Village, and upon receipt shall be deposited into the Township of Sparta's Current Fund; and,

BE IT FURTHER RESOLVED, that two executed copies of this resolution be filed with the Director of the Division of Local Government Services.

6-9 Professional Services Resolution – Engineering Services

WHEREAS, N.J.S.A. 40A: I 1-I 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 professional engineering services for a regular inspection of the Lake Grinnell Dam in accordance with NJDEP-DSS Standards (N.J.A.C. 7:20, last amended December 15, 2017); and,

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:I I-I 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 appoints:

Eric J. Ditchey, P.E., LLC
 P.O. Box 1643
 Mount Laurel, NJ 08054

In an amount not to exceed \$3,000 (50% share with Lake Grinnell Association)

2. Political Contribution Disclosure: This contract has been awarded to Eric J. Ditchey, P.E., LLC based on the merits and abilities of Eric J. Ditchey, P.E., LLC 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 Eric J. Ditchey, P.E., LLC, 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.
5. The Mayor and Township Clerk are authorized to sign the Agreement between the Township and Eric J. Ditchey, P.E., LLC once the form of the Agreement is approved by the Township Manager and Township Attorney.

6-10 Resolution to Amend Capital Budget

WHEREAS, the local capital budget for 2018 was adopted on the 13th day of March 2018; and,

WHEREAS, it is desired to amend said adopted capital budget section.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Sparta, County of Sussex, that the following amendment to the adopted capital budget section of Water Capital be made.

(See attached)

6-11 Rescinding Professional Services Resolution – Special Appraiser

WHEREAS, the Township Council of the Township of Sparta adopted Resolution No. 18-88 on June 12, 2018 to appoint a special appraiser to undertake an appraisal of 191 Glen Road and 16 Fieldview Drive in Sparta, NJ.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that Resolution No. 18-88, adopted on June 12, 2018, is hereby rescinded

6-12 Professional Services Resolution - Special Appraiser

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, there exists a need to undertake an appraisal of 191 Glen Road and 16 Fieldview Drive, Sparta, NJ by a certified professional appraiser for the purposes of appraising the market value of the subject properties; 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:

John Gillooly, MRICS, SCGRE, CTA
Newmark Knight Frank Valuation & Advisory, LLC
80 S. Jefferson Road
Whippany, NJ 07981
in an amount not to exceed \$2500.00

2. Political Contribution Disclosure: This contract has been awarded to John Gillooly based on the merits and abilities of John Gillooly 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 Newmark Knight Frank Valuation & Advisory, LLC, 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.

