

SPARTA TOWNSHIP COUNCIL

AGENDA

August 14, 2018

PLEASE TAKE NOTICE that action will be taken on the following items at the regular Council meeting on Tuesday, August 14, 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

RESOLUTION Open Public Meetings Act-Executive Session

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

SALUTE TO THE FLAG

2. MINUTES Motion _S_ that the Regular and Executive Meeting Minutes held on July 24, 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

18-11

An Ordinance Authorizing the Enforcement of Subtitle 1, Title 39 of the Revised Statutes of the State of New Jersey to be Applied to the Property Owned by RM Sparta Donuts, LLC, 550 Lafayette Road, in the Township of Sparta

5. HEARING OF ORDINANCE

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

6. OPEN TO THE PUBLIC

RESOLUTIONS

7. RESOLUTIONS

7-1

One Day ABC – Samaritan Inn

7-2

Refund Tax Overpayment

7-3

Resolution Authorizing the Exclusion of Properties Subject to the Glen Lake Beach Club Special Assessment From Being Included in Future Tax Sales During the Pending Litigations

7-4

Resolution Authorizing the Township Attorney and Tax Assessor to File a Counterclaim in the New Jersey Investors

	Growth by Stop & Shop as Tenant Tax Appeal
7-5	Resolution to Cancel Outstanding Check Balances
7-6	Professional Services Resolution – Engineer
7-7	Professional Services Resolution – Acting Planner
7-8	Resolution Authorizing the First Amendment to the Co-Borrower Agreement Between the Township of Sparta and Lake Grinnell Association
7-9	Resolution for Line Striping Township Roads

8. COUNCIL LIAISON REPORTS

9. OLD BUSINESS

10. NEW BUSINESS

11. OPEN TO THE PUBLIC

12. EXPENDITURES

13. ADJOURNMENT

Sparta's Website: www.spartanij.org

7-1 One Day ABC License – Samaritan Inn, Inc.

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Samaritan Inn, Inc., 901 Swartswood Road, Newton, NJ 07860 for a one day liquor license on October 14, 2018 from 3:00 p.m. to 7:00 p.m. at Lake Mohawk Country Club, 21 The Boardwalk, Sparta, NJ 07871.

7-2 Refund – Tax Overpayment

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
2101	24	Mr. Cooper/Longstreth	97 Stanhope Rd	\$7344.76

7-3 Resolution Authorizing the Exclusion of Properties Subject to the Glen Lake Beach Club Special Assessment From Being Included in Future Tax Sales During the Pending Litigation

WHEREAS, the Sparta Township Council adopted Resolution No. 16-126 on August 23, 2016 accepting the findings of the Sparta Township Assessment Commission imposing a special assessment for the Glen Lake Beach Club loan from the State of New Jersey under the New Jersey Department of Environmental Protection (“NJDEP”), from the “Dam, Lake, Stream, Flood Control, Water Resources, Wastewater Project Bond Act of 2003”; and

WHEREAS, a lawsuit was filed by some of the affected property owners which resulted in a Judgment and Order being entered by the Honorable Stuart A. Minkowitz, A.J.S.C. on November 14, 2017 and February 22, 2018, invalidating the special assessment; and

WHEREAS, the Township of Sparta filed an appeal of the matter on March 14, 2018 which appeal is pending before the Appellate Division; and

WHEREAS, the Sparta Township Council, has determined that any uncollected special assessment payments shall not be included in a Township tax sale pending final disposition of the appeal and any related proceedings. However, this exclusion does not apply to any delinquent property taxes or municipal utilities charges owed to the Township of Sparta; and

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

1. Any outstanding special assessment payments for the Glen Lake Beach Club special assessment shall not be included in the upcoming tax sales based on the trial court’s Judgment and Order entered on November 14, 2017 and February 22, 2018 pending final disposition of the Township of Sparta’s appeal of this matter and any related proceedings. Nothing within the Resolution shall be deemed to exclude from a tax sale any delinquent real property taxes or municipal utility charges.

2. 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.

7-4 Resolution Authorizing the Township Attorney and Tax Assessor to File a Counterclaim in the Jersey Investors Growth by Stop & Shop as Tenant Tax Appeal

WHEREAS, the Township of Sparta is the Defendant in the tax appeal lawsuit captioned “Jersey Investors Growth by Stop & Shop as Tenant v. Sparta” filed in the Tax Court of New Jersey, 006793-2018; and

WHEREAS, the Sparta Township Attorneys, Laddey, Clark & Ryan, LLP and the Township’s Tax Assessor seek authorization to file a counterclaim on behalf of the Township in this Tax Appeal if they deem it appropriate;

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

1. The Township Attorneys in consultation with the Township’s Tax Assessor, are authorized to file and prosecute counterclaims, and take any other actions they deem advisable in order to defend the Township’s position(s) in the Jersey Investors Growth by Stop & Shop as Tenant v. Sparta, appeal filed in the Tax Court of New Jersey, 006793-2018, and any actions previously taken in this regard are approved and ratified by the Sparta Township Council.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Township Council reserves the right in its sole discretion to modify or rescind this resolution as it deems appropriate.

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.

7-5 Resolution to Cancel Outstanding Check Balances

Whereas, there are certain accounts within the Township of Sparta with outstanding check balances from checks not returned or unclaimed; and

Whereas, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Sparta that the following outstanding check balances within the following checking accounts be canceled:

Check #	Date	Name Disbursement Account	Amount
110001	11/13/17	Christopher Amelar	\$ 60.00
110250	12/12/17	Don Somma	\$ 381.40
110379	12/12/17	Treasurer State of NJ	\$ 258.00

7-6 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 need for the professional services of a Land Surveyor; 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:

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

In an amount not to exceed \$750.00

2. Political Contribution Disclosure: This contract has been awarded to Keller & Kirkpatrick, Inc. based on the merits and abilities of Keller & Kirkpatrick, Inc. 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 Keller & 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 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.

7-7 Professional Services Resolution – Acting Planner

WHEREAS, the Township of Sparta desires to hire an Acting Planner to work with the Township Zoning Board; and

WHEREAS, the Township of Sparta has determined it would be in the best interest of the Township of Sparta to retain Russell Stern, AICP, PP, LLA of Russell Stern Limited Liability Company to serve as the Acting Planner for the Township Zoning Board; and

WHEREAS, the compensation for professional services to be rendered may exceed the maximum permissible amounts specified in the Public Contracts Law, but said services constituting “professional services” are exempt from public bidding pursuant to N.J.S.A. 40A:11-5(10)(a) of the Public Contracts Law because said 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 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 Council of the Township of Sparta is desirous of appointing Russell Stern, AICP, PP, LLA of Russell Stern Limited Liability Company as the Acting Planner for the Township of Sparta's Zoning Board; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Sparta that Russell Stern, AICP, PP, LLA of Russell Stern Limited Liability Company, 33 Maple Avenue, Madison, NJ 07940, is hereby appointed as Acting Planner for the Township of Sparta's Zoning Board;

BE IT FURTHER RESOLVED, that the Acting Planner will be compensated at the rate of \$150 per hour, and \$210 per hour for litigation services;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the Agreement for Professional Services on behalf of the Township.

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.

7-8 Resolution Authorizing the First Amendment to the Co-Borrower Agreement Between the Township of Sparta and Lake Grinnell Association

WHEREAS, the LAKE GRINNELL ASSOCIATION and THE TOWNSHIP OF SPARTA are parties to a Dam Rehabilitation Co-Borrower and Shared Responsibility Agreement dated April 2015 ("Co-Borrower Agreement"); and

WHEREAS, the LAKE GRINNELL ASSOCIATION has requested that Schedule "C" to the Co-Borrower Agreement be amended as reflected in the attached document entitled "First Amendment to Dam Rehabilitation Co-Borrower and Shared Responsibility Agreement".

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

1. That the Mayor and Township Clerk are authorized to execute the First Amendment to the Co-Borrower Agreement.

2. This Resolution shall take effect immediately, however, it shall be void and of no effect in the event that Lake Grinnell Association fails or refuses to execute the First Amendment to the Co-Borrower Agreement.

3. 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.

4. A copy of this Resolution as well as the Amendment shall be placed on file with the Clerk of the Township.

5. All appropriate Township of Sparta officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

7-9 Resolution for Line Striping Township Roads

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #36 for “Traffic Striping on Roadways” to Denville Line Painting Inc.; and

WHEREAS, the Township of Sparta wishes to utilize Denville Line Painting, Inc. (“Denville Line”) through its membership in the Morris County Cooperative Pricing Council (“MCCPC”) to perform the required traffic striping of municipal roadways and purchase the above state services; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and 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 traffic line striping by Denville Line Painting, Inc. pursuant to MCCPC Contract #36, for a total amount not to exceed Twenty Five Thousand Dollars (\$25,000); and
2. The Mayor and Township Clerk, together with all the other officers, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. The forgoing project is subject to the certification of availability of funds by the appropriate officers of the Township.
4. Resolution shall take effect as herein provided.

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.