

February 13, 2018

The meeting was called to order at 6:03 p.m. by Mayor Hertzberg who issued the formal statement in compliance with the provisions of the Open Public Meetings Act, Chapter 231, P.L.

Roll call was taken and present were: Mayor Hertzberg, Deputy Mayor Quinn, Councilman Gibbs, Councilman Murphy, Councilwoman Whilesmith, Township Attorney Tom Ryan, Township Manager William Close, Chief Financial Officer Sam Rome and Township Clerk Kate Chambers.

**Open Public Meetings Act- Executive Session:**

On motion by Councilman Murphy, seconded by Deputy Mayor Quinn, and unanimously carried, the following resolution was duly adopted:

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:

1. The public shall be excluded from discussion of an action upon the hereinafter-specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation
  - b. Personnel
3. It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.
4. This resolution shall take effect immediately.

On motion by Deputy Mayor Quinn, seconded by Councilwoman Whilesmith and unanimously carried, Council reconvened into public session at 7:30 p.m.

**Salute to the Flag:**

Mayor Hertzberg led the assembly in a salute to the flag.

**Proclamations:**

**American Heart Month**

Mayor Hertzberg read the Proclamation for American Heart Month into the record.

**St. Patrick's Day Parade Grand Marshal – Betsy Sutherland**

Mayor Hertzberg read into the record the Proclamation for the Grand Marshal and stated that he would present it to Betsy Sutherland at an event for the Sussex County St. Patrick's Day Committee that is being held on February 18, 2018.

**Minutes:**

On motion by Deputy Mayor Quinn, seconded by Councilman Gibbs and carried, the executive minutes of the regular Council meeting held on December 12, 2017 were approved as presented. Mayor Hertzberg abstained.

On motion by Deputy Mayor Quinn, seconded by Councilman Murphy and unanimously carried the executive minutes of the special meeting held on December 16<sup>th</sup> were approved as presented.

On motion by Councilwoman Whilesmith, seconded by Deputy Mayor Quinn and carried the minutes of the regular Council meeting held on January 23, 2018 were approved as presented. Councilman Gibbs abstained.

### **Open to the Public:**

No one wished to be heard and this portion was closed.

### **Manager's Report:**

#### **Tax Office/Credit Card Machine**

Mr. Close stated that the Township now accepts credit card payments for property taxes as well as solid waste, water and sewer bills. He stated that there is a service fee assessed by the third party vendor for the processing of these transactions. He stated that the Township does not receive any portion of these monies as it relates to this service payment option, so the municipality cannot waive or reduce this transaction fee for any reason. He further stated that the information has been posted on the website and a notice placed in the Tax Office.

#### **Tax Forms/State and Federal**

Mr. Close stated that residents who are in need of Federal Income Tax and State Income Tax forms with instructions can go to the Township website and download and print for their use.

#### **Recreation Department Events Guide**

Mr. Close stated that Sparta Recreation has printed and made available the Winter Program Activity Calendar & Senior Citizen mini-letter advertising the special events and programs for residents of all ages. He further stated that the list of 2018 senior trips was also being advertised and is available in the Recreation Office, Senior Center and Town Hall. All information has been posted on the Township's website.

#### **Winter Festival**

Mr. Close stated that the annual Winter Festival was held at the Sparta Middle School on Saturday, February 10<sup>th</sup>. He stated that there had been approximately 550—600 people in attendance. He stated that 17 boxes of food had been collected and donated to the Sparta Ecumenical Food Pantry along with \$85.00 in cash donations. Mr. Close further stated that local businesses performed demonstrations on stage and local organizations had information tables set up with games and activities for the participants. He advised that there were over 100 volunteers from the community who had helped staff with the various activities.

Mr. Close stated that following the festival there had been a wine and beer tasting event at the Sparta Library. He stated that there were approximately 90 people in attendance. Mr. Close further thanked the Kiwanis Club, Recreation Advisory Committee, Sparta Library Staff, Recreation staff and all volunteers who made both of these events a success.

#### **Solar Renewable Energy Certificates (SRECs) Sale**

Mr. Close informed Council that the Township would be auctioning of 104 certificates during an SREC sale scheduled for February 14, 2018. He stated that the auction would be conducted by Flett Exchange, LLC., and would be available for sale between the hours of 11:00 a.m. and 12:00 p.m., on the Flett Exchange, LLC web site <http://www.flettexchange.com> and would be open to SREC market participants. Mr. Close further advised that the Township anticipates receiving approximately \$21,000., but will be reporting the final revenue collected at the next Council meeting.

## **BID #CN 18-02 Coating of the Seneca Water Storage Tank**

Mr. Close informed Council that on February 15<sup>th</sup>, bid documents would be available to the public for the project consisting of coating the 0.14 MG water storage tank. He stated that the Township would be accepting formal bids on March 15, 2018 at 11:00 a.m. in the front conference room, 65 Main Street, Sparta, NJ and that upon awarding the bid, work is expected to begin mid-April and completed by the end of July.

### **Approval of Manager's Report:**

On motion by Deputy Mayor Quinn, seconded by Councilman Murphy and unanimously carried, the Manager's Report was approved as presented.

### **Open to the Public – Resolutions:**

No one wished to be heard and this portion was closed.

### **Resolutions:**

On motion by Deputy Mayor Quinn, seconded by Councilman Gibbs and unanimously carried, Resolutions 5-1 through 5-9 were duly adopted:

#### **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:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
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, 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.

### **5-8 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.

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

### **Council Liaison Reports:**

There were no liaison reports and this portion was closed

### **Old Business:**

There was no old business and this portion was closed.

### **New Business:**

There was no new business and this portion was closed.

### **Open to the Public:**

Gail Adrian 44 Lake Shore Dr., Stockholm NJ addressed Council regarding the logging project on Sparta Mountain and stated that it was to resume on February 14th. She asked Council if there was anything they could do to stop this project. She stated that she felt that the logging was not warranted on Sparta Mountain and that further scientific research needed to be done. She further stated that she would continue going to meetings with the D.E.P. and Council hoping the logging would stop.

Robert Moss a resident of Bloomfield, NJ addressed Council stating that he had filed a lawsuit in Superior Court against the logging project and asked Sparta Township to join the lawsuit or engage in a second suit. Mr. Moss stated that his legal points were different from the arguments that Council may have heard. He stated that the scientific basis that the D.E.P. was using to decide which areas to take the trees down were from scientific journals and that the D.E.P. had been making false statements about what the journal articles say. He further stated that Green Acres doesn't allow for commercial logging which is what they are doing. He stated that the project is revenue generated. Mr. Moss stated that he would forward his suit to Council.

Erin Lambert – Sparta stated that her family moved here seven years ago and chose Sparta because of the Green Acres and Highlands Act and for the beauty and nature of the area. She stated that she would like to understand where the Council stands on this logging project. She stated that she felt that there has not been enough communication regarding this project and would like to see council speak out more about it. She stated that taking all the trees down would have an additional effect on climate change. She asked if Council could reach out to the D.E.P. because of the new change in leadership.

Deputy Mayor Quinn responded and stated that approximately 2 ½ years ago she met with the D.E.P. and listened to a six hour long presentation with documentation supporting this project. She stated that the Township had done a significant amount of research to explore other options and since then had several more meetings with the D.E.P. She stated that Sparta Mountain is owned by the D.E.P. and not Sparta Township and that the safety of the residents had been the Townships major concern in moving forward with this project.

Mr. Close stated that a notice had been sent out notifying the residents that the project was resuming to make everyone aware for those who would be affected.

Deputy Mayor Quinn asked Mr. Close to contact the D.E.P. to open up a dialog with them.

Mayor Hertzberg stated that the D.E.P. had given their reasons why this project needed to be done and he realized that there were conflicting issues by various groups concerning this project.



**Expenditures:**

On motion by Deputy Mayor Quinn, seconded by Councilman Gibbs and unanimously carried expenditures in the amount of \$1,524,980.47 were approved as presented.

**Adjournment:**

No one else wished to be heard and no further business was brought up, motion was made by Councilwoman Whilesmith, seconded by Deputy Mayor Quinn and unanimously carried to adjourn at 8:02 p.m.

Respectfully,

Kate Chambers, RMC  
Municipal Clerk