

July 10, 2018

The meeting was called to order at 6:04 p.m. by Deputy Mayor Quinn 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: Deputy Mayor Quinn, Councilman Gibbs, Councilwoman Whilesmith, Chief Financial Officer Grant Rome, Township Attorney Thomas Ryan, and Township Clerk Kate Chambers. Township Manager William Close arrived at 6:10 p.m. and Councilman Murphy arrived at 6:27 p.m. Mayor Hertzberg was absent.

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

On motion by Councilwoman Whilesmith, seconded by Councilman Gibbs, 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
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 Councilman Murphy, seconded by Councilman Gibbs and unanimously carried, Council reconvened into public session at 7:20 p.m.

**Salute to the Flag:**

Councilman Murphy led the assembly in a salute to the flag.

**Proclamation**

Deputy Mayor Quinn presented proclamations to the Sparta High School Girls Track & Field Team along with their coaches. Present were Gianna Macones, Carlie Wilson, Zoe Cazoniero and Emily Hosker who brought home Sparta's first historic State championship in the girls track competition. Deputy Mayor Quinn and Councilman Gibbs congratulated everyone on this wonderful achievement and wished them continued success.

Deputy Mayor Quinn called for a five minute recess.

**Minutes:**

On motion by Councilman Murphy seconded by Councilman Gibbs and carried, the minutes of the regular meeting held on June 26, 2018 were approved as presented. Councilwoman Whilesmith abstained.

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

Scott Fadden, 3 Terry Lynn Drive, Sparta addressed Council regarding a water bill that he had received for \$2000.00. He stated that he had approached Mr. Spaldi, Utility Director, to set up a payment plan and was informed that he was on the tax sale list. He further stated that he did not want to pay the interest and surcharges and that the Township was going to put a lien on his property. Mr. Fadden stated that he had been laid off from his job. He stated that he had sent the Mayor an email regarding this issue and had not heard back from him.

Mr. Close stated that the email had been forwarded to him and that he was planning to review the account history with Mr. Spaldi and that he would be responding back to him.

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

#### **4<sup>th</sup> of July Festivities**

Mr. Close thanked the Township Council and Staff for their preparation and attendance at the parade. He stated that the Sparta Elks Lodge #2356 did an excellent job organizing this event and that it had been well-attended, despite the hot temperatures. He also commended all emergency personnel/volunteers for their presence at both the parade and the July 3<sup>rd</sup> LMCC fireworks.

#### **Public Safety GO TO Center**

Mr. Close stated that the Sparta Township Office of Emergency Management made a decision to open up two locations designated as GO TO Centers (Police Department and Sparta Library) last week during the extreme heat conditions in the area. He stated that the GO TO Centers operate as cooling stations and residents were welcome to come in and cool down during hours of operation. He further stated that the information had been posted on the Police and Township Facebook pages, and had been sent out via the Honeywell System and the Township website as well.

#### **Payment Drop Box**

Mr. Close informed Council that the Township would be installing a drive-thru payment drop box which would assist with residents making payments to the Township for taxes, solid waste, and utilities. He stated that he expected the installation of this box to be completed by August 1, 2018 and it would be located in the lower parking lot.

#### **Paving and Microsurfacing:**

Mr. Close informed Council that the Department of Public Works staff had prepped the roadways that had been approved during the 2018 budget discussions for paving and microsurfacing. He stated that paving would commence on July 30<sup>th</sup> starting with West Mountain Road and Houses Corner Road for approximately 3 to 5 days, weather permitting. He further stated that the microsurfacing of Township roads were in the process of being scheduled. He stated that residents could find which roads were scheduled with approximate start dates of work on the Township's website.

#### **Upcoming Events**

Mr. Close informed Council of the following upcoming events.

A. **Summer Concert Series** – Our first Free Summer Concert Series started last Friday with nice weather with approximately 350+ in attendance. The Concerts are **Friday Nights** at Dykstra Concert Park from 7:00 p.m. to 10:00 p.m. The list of upcoming performers and information regarding the Concerts can be found on [www.spartaarts.org](http://www.spartaarts.org) and the Township's website [www.spartanj.org](http://www.spartanj.org). Please remember, no dogs are allowed on Sparta public parks for the health, safety and welfare of those utilizing the parks.

B. **Family Movie Night Under the Stars**– Saturday, July 14<sup>th</sup>, Rain Date Saturday, July 21<sup>st</sup>, at dusk. The feature movie is the original “Karate Kid” (Parental discretion advised).

C. **Pass It Along Triathlon** – Saturday, July 28<sup>th</sup>, 7:00 a.m. to 11:00 a.m. around Lake Mohawk. For more information on the race go to [www.trisignup.com/race/nj/sparta/passitalong](http://www.trisignup.com/race/nj/sparta/passitalong).

Summer events and programs for all ages are found on our website, [www.spartanj.org](http://www.spartanj.org) located under Special Events.

### **Approval of Manager’s Report:**

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, the Manager’s Report was approved as presented.

### **Hearing of Ordinance**

On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried **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** was tabled.

### **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**

The second and final hearing of the ordinance entitled: 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 was given and held open for public discussion.

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

On motion by Councilman Murphy, seconded by Councilwoman Whilesmith and unanimously carried, the following resolution was duly adopted:

BE IT RESOLVED by the Township Council of the Township of Sparta that the following ordinance entitled: 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 is hereby adopted on second and final reading and the Township Clerk is authorized to publish said notice and the ordinance will take effect in accordance with the law.

### **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**

The second and final hearing of the ordinance entitled: AN 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 was given and held open for public discussion.

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

On motion by Councilwoman Whilesmith, seconded by Councilman Gibbs and unanimously carried, the following resolution was duly adopted:

BE IT RESOLVED by the Township Council of the Township of Sparta that the following ordinance entitled: AN 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 is hereby adopted on second and final reading and the Township Clerk is authorized to publish said notice and the ordinance will take effect in accordance with the law.

**Open to the Public – Resolutions:**

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

**Resolutions:**

On motion by Councilwoman Whilesmith, seconded by Councilman Gibbs and unanimously carried, Resolution 6-1, was duly adopted.

**6-1 One-Day ABC License – Sparta Library**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Sparta Library, 22 Woodport Rd., Sparta, NJ for a one day liquor license on October 20, 2018 from 7:00 p.m. to 10:00 p.m. at the Sparta Public Library, 22 Woodport Rd., Sparta, NJ.

**6-2 Rescinding Professional Services Resolution – Appraiser**

WHEREAS, the Township Council of the Township of Sparta adopted Resolution No. 18-88 on June 12, 2018 to appoint an 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

**6-3 Professional Services Resolution - 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, SCGREAA, 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, 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.

On motion by Councilwoman Whilesmith, seconded by Councilman Gibbs and carried, Resolution 6-2 and 6-3 were duly adopted by the following roll call vote:

Councilman Gibbs – Yes  
 Councilman Murphy – Abstained

Councilwoman Whilesmith – Yes  
 Deputy Mayor Quinn – Yes

#### **Council Liaison Reports:**

Councilman Gibbs stated that the Sparta Elks had approached him regarding conducting a 9/11 memorial ceremony at Town Hall. He stated that he was working with the Elks in putting together a ceremony and he would present it to the Township Manager as soon as the plans were complete.

Councilman Murphy stated that fortunately no citizens from Sparta were lost in the 9/11 tragedy.

Deputy Mayor Quinn stated that a link was now available on the Sparta Library website to bring everyone to the Health Department page. She stated that there was a lot of information being made available to the public. She stated that links to the Health Department were also going to be made available in other municipal locations as well as social media.

#### **Old Business:**

There was no old business and this portion of the meeting was closed.

#### **New Business:**

Councilman Murphy stated that during the lineup for the parade, he spoke with members of the Fire Department and they had expressed some concerns about the gatehouse on West Shore Trail that they may not be able to get some of their vehicles through the new construction. He stated that the Fire Department had been advised to go through the Byram gate at the southern end of Lake Mohawk. He stated that the Department estimated a fifteen to twenty minute response time.

Mr. Close stated that he would speak with the Fire Chief and the Lake Mohawk Country Club and would come back to Council with their comments.

Councilman Murphy stated that people have spoken to him regarding Marianne Dilworth's impending retirement and want to know if she could be kept in some capacity regarding planning senior trips.

Mr. Close stated that he could not comment on an employee as it is a personnel matter. Mr. Close stated that he has spoken to Ms. Dilworth on numerous occasions as to how much her services are valued. He stated that she has done an outstanding job with the seniors over her many years in Sparta and would welcome any discussion of that nature.

Deputy Mayor Quinn spoke regarding the legalization of marijuana and how it could affect Sparta Township long term. She stated that she had received a letter from a Sparta resident asking Council to consider taking a look at abandoning the cultivation, manufacturing and sale of marijuana products in the Township. She stated that there were many municipalities in New Jersey and also some Counties who were looking to take the same kind of action. She stated that she hoped the Council would collectively direct the Township Manager to work with the Police Chief to do some research in this area and give Council what their recommendations would be.

Mr. Ryan stated that Council should wait to see what laws come from the State legislature regarding this issue.

Mr. Close stated that he had already asked the Township Clerk to obtain resolutions that have been adopted in other municipalities. He stated that the Police Chief and members of the police department had been sent to recent seminars on this topic. He stated that he would compile all of the information received and give it to Council members.

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

Dan Chiariello, 15 Cambridge Dr., addressed Council and stated that the recent microsurfacing work on the roads had looked fantastic.

Mr. Close stated that it was a different program that was started a couple of years ago to allow the Township to expand its program in the community in terms of road improvements and was cost effective for the Township.

Mr. Chiariello also asked if there was any further information regarding a sidewalk that was going to be built from the jughandle to Round Tree.

Mr. Close stated that the timeline for the sidewalk was probably around the end of next year. He stated that the Township had to meet with certain stakeholders and then it would need to be submitted to the Federal government because of the Federal grant. He stated that process would typically be about three or four months to complete. Mr. Close further stated that he hoped to be out to bid before the end of 2019. He stated that the grant money would cover 60 to 70% of the cost if asphalt prices stay the same as present.

No one else wished to be heard and this portion of the meeting was closed.

### **Audit Report:**

Deputy Mayor Quinn stated that all members of Council have copies of the Audit report and the affidavit would need to be signed after it has been reviewed.

**Expenditures:**

On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried expenditures in the amount of \$1,355,500.98 were approved as presented.

**Adjournment:**

No one else wished to be heard and no further business was brought up, motion was made by Councilman Gibbs, seconded by Councilwoman Whilesmith and unanimously carried to adjourn at 8:34 p.m.

Respectfully submitted,

Kate Chambers, RMC  
Municipal Clerk