

June 26, 2018

The meeting was called to order at 7:32 p.m. by Mayor Joshua 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, Councilman Gibbs, Councilman Murphy, Township Attorney Thomas Ryan, Township Manager William Close, and Township Clerk Kate Chambers. Deputy Mayor Quinn, Councilwoman Whilesmith and Grant Rome, Chief Financial Officer were absent.

Salute to the Flag:

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

Minutes:

On motion by, Councilman Murphy seconded by Councilman Gibbs and unanimously carried, the minutes of the regular meeting held on June 12, 2018 were approved as presented.

Open to the Public:

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

Manager's Report:

Sparta Elks 4th of July Parade Grand Marshal

Mr. Close congratulated Donna Jenkins, Sparta Township's Recreation Program Coordinator, who had been selected as this year's Grand Marshal for the 4th of July Parade. He stated that she had been recognized and honored at a Grand Marshal brunch held by the Sparta Elks Lodge #2356 on Sunday. He further stated that Donna had given notice that she would be retiring on September 1st of this year. Mr. Close stated that during her time here she was an asset to the Township in serving its residents. He stated that this recognition was well-deserved and she would be missed.

2018 First Annual Sussex County Senior Olympics

Mr. Close informed Council that the First Annual Sussex County Senior Olympics had been held at Station Park on Thursday, June 14th. He stated that the park had been prepared for over 200 participants from Sussex County. He stated that the Sparta Township Seniors took Silver this year in the competition. Mr. Close stated that the Township had received letters complimenting the staff for their efforts in organizing the event and in the preparation of the facilities. He further stated that he'd like to recognize the staff of Laddey, Clark & Ryan who served as Judges during the event, as well as the Sussex County Division of Senior Services and Sparta High School. He further recognized Sparta Township's Police Department Honor Guard who kicked off the event.

Family Movie Night Under the Stars

Mr. Close informed Council that the first Family Movie Night had been held on Saturday, June 16th, at Dykstra Park. He stated that the movie that had been featured was "LEAP" and that there were over 350+ people in attendance. He further thanked the Parks and Recreation Department for their hard work in keeping this Family Movie Night Under the Stars a continued success for the Township residents.

Fireman Appointment

Mr. Close appointed Jordan C. Lang of 16 Waters Edge to the Sparta Fire Department as a probationary member until he passes the State Mandated Fire Fighter 1 program. He stated that he had been recommended by Sparta Fire Department Chief, Mike Herbst to serve in this capacity. He stated that Mr. Lang had lived in the Township for 3 years and had come highly

recommended by other Fire Department Members. He further stated that he was confident that Mr. Lang would be an asset to the Fire Department and Chief Herbst.

Upcoming Events

Mr. Close informed Council of the following upcoming events.

A. 4th of July Parade – Wednesday, July 4th, 11:00 a.m. Sponsored by Sparta Elks Lodge #2356, running along Route 616 (a/k/a East Shore Trail) through White Deer Plaza and Finishing at the Mohawk Avenue School.

B. Summer Concert Series – Our Free Summer Concert Series, Friday Nights at Dykstra Concert Park starting July 6th from 7:00 p.m. to 10:00 p.m. For a full line up and information regarding the Concerts can be found on www.spartaarts.org and the Township's website www.spartanj.org. Please remember, no dogs are allowed on Sparta public parks for the health, safety and welfare of those utilizing the parks. I want to commend our Cultural Affairs Committee on their efforts in putting together this year's program schedule.

All events are found on our website, www.spartanj.org located under Special Events.

Approval of Manager's Report:

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

Introduction 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

On motion by Councilman Murphy, 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 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 TOWNSHIP ROADS AND RIGHTS OF WAY is hereby adopted on first reading and the same shall be considered for final passage at a meeting of the Township Council to be held on July 10, 2018 at 7:30 p.m. at the Municipal Building, 65 Main Street and the Township Clerk is authorized to publish notice of the introduction and final hearing according to law.

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

On motion by Councilman Murphy, 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 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 first reading and the same shall be considered for final passage at a meeting of the Township Council to be held on July 10, 2018 at

7:30 p.m. at the Municipal Building, 65 Main Street and the Township Clerk is authorized to publish notice of the introduction and final hearing according to 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

On motion by Councilman Murphy, 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 first reading and the same shall be considered for final passage at a meeting of the Township Council to be held on July 10, 2018 at 7:30 p.m. at the Municipal Building, 65 Main Street and the Township Clerk is authorized to publish notice of the introduction and final hearing according to law.

Open to the Public – Resolutions:

Dan Chiariello 15 Cambridge Dr. addressed Council and asked if Sparta Township had any other franchises to operate sewer systems and referred to the ordinance that was on the agenda.

Mr. Close stated that if a private development was not part of the public sewer system they would have to have a package plant. He stated that the plant would be approved by the State, and would be under the regulatory Board of Public Utilities in terms of the franchisee hiring a manager of the system. Mr. Close stated that North Village was not part of the Town sewer system and they were completely separate from the Township.

Mr. Chiariello asked if there would be any risks to the Township.

Mr. Close stated that the franchisee would be hiring a licensed plant operator which the State would oversee. He stated that they would be responsible wholly for the management of the facility. He further stated that the liability rests with the property owner. He stated that the DEP had to oversee the proposed layout and operation and sign off on the proposed package to get approval from the State before going before the Board.

Mr. Ryan stated that the Township was providing their consent but it's the BPU that was going to regulate the plant not Sparta Township.

Mr. Chiariello asked if something were to happen such as the plant was on an aquifer would the Township be at risk because it's a franchise of the Township.

Mr. Close stated that the owner assumes all the liabilities and financial obligations and the State had to enforce those. He stated that the State, typically in licensing a plant operator, is very diligent with location such as an aquifer and would minimize those conditions as much as possible.

Mayor Hertzberg stated that the Township is still exploring additional protection and safeguards for Sparta Township.

Mr. Ryan stated that there was indemnification language in the franchise developer's agreement.

Resolutions:

On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried, Resolutions 6-1, through 6-10 were duly adopted.

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
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)

On motion by Mayor Hertzberg, seconded by Councilman Gibbs, **Resolution 6-11 – Rescinding Professional Services Resolution – Appraiser and Resolution 6-12 – Professional Services Resolution – Appraiser** were tabled. Councilman Murphy abstained.

Council Liaison Reports:

Councilman Murphy stated that the EDC had met briefly to discuss upcoming activities.

Mayor Hertzberg stated that they were postponing the business conference until after the summer and that they would be notifying the business owners.

Councilman Murphy stated that he went on a Senior Advisory field trip where they took a tour of the Sussex County Health Department in Hardyston. He stated that they were given a presentation by Tracy Mezzucco, who is the Sussex County Health Educator, on what to do when you have a storm event. He stated that it was very informative. He further stated that they also went over to Newton to see the new development for low and moderate income apartments.

Old Business:

There was no new business this portion of the meeting was closed.

New Business:

Councilman Gibbs stated that he had attended the Elks Grand Marshal brunch and they did a great job. He stated that Donna had all of her family there and it was a nice event.

Councilman Murphy stated that they're having discussions about the parades lining up in a different location next year. He stated that they were talking about bringing the parade down Main Street instead of ending at the Mohawk Ave School.

Zoning Board Appointment

Mayor Hertzberg asked for a motion to appoint Michael Sylvester to a vacancy on the Zoning Board. On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried, Michael Sylvester was appointed to the Zoning Board. Councilman Murphy stated that Mr. Sylvester was on the EDC and that he was a very knowledgeable man.

Open to the Public:

Dan Chiariello, 15 Cambridge Dr., addressed Council concerning the previous Economic Development discussions.

Mayor Hertzberg responded that various business owners had held a meeting together with EDC committee members to discuss their concerns and opinions about owning a business in Sparta. He stated that the Township would begin to address their top three concerns and that another meeting with the business owners was scheduled for September in order to go over the progress that had been made.

In response to a question by Mr. Chiariello as to how business owners were contacted, Mayor Hertzberg stated that he, Mr. Close and a few EDC members had gone door to door handing out invitations, along with emails and information on the Township's web page.

Mr. Close indicated that the Township web page would provide more of a presence for businesses and would be more interactive for visitors.

In response to a question by Mr. Chiariello regarding the Chamber of Commerce, Mr. Close stated that the local chamber was made up mostly of realtors and financial businesses. He stated that the Township worked in conjunction with the County Chamber and they were discussing ways to identify business development and enhance the businesses already established as well as encouraging new business development in the County as a whole.

Expenditures:

On motion by Councilman Gibbs, seconded by Councilman Murphy and unanimously carried expenditures in the amount of \$4,911,493.80 was 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 Councilman Murphy and unanimously carried to adjourn at 8:08 p.m.

Respectfully submitted,

Kate Chambers, RMC
Municipal Clerk