

September 11, 2018

The meeting was called to order at 7:30 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 Manager William Close, Chief Financial Officer Grant Rome, Township Attorney Thomas Ryan, and Township Clerk Kate Chambers.

Mayor Hertzberg asked the assembly for a moment of silence for those who lost their lives on September 11<sup>th</sup>.

#### **Salute to the Flag:**

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

#### **Proclamations**

Mayor Hertzberg read the Proclamation declaring "September as Prostate Cancer Awareness Month."

#### **Minutes:**

On motion by Deputy Mayor Quinn seconded by Councilman Gibbs and carried, the executive minutes of the meeting held on August 14, 2018 were approved as presented. Mayor Hertzberg and Councilman Murphy abstained.

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

Fred Turner, 6 Hamilton Road, Sparta stated that he was a representative of the homeowners association for Sparta Lake. Mr. Turner thanked the Township for paving part of Lake Shore and Lincoln Drive and for repairing the catch basins. Mr. Turner addressed Council regarding their concerns about Lincoln Drive and provided photographs of the road. He stated that the picture that they were looking at was South on Lincoln Drive that the upper part was paved and the lower section was not. He stated that in the seventies there had been a combined effort between the Township and the homeowners to keep most of the roads paved and maintained. He further stated that in 2000 there had been a major flood and that since then the Township has not maintained Lincoln Drive. He stated that the association has done what they could to maintain the road but they were at a point where they needed help. He stated that none of the roads were deeded to the homeowners association, and that they appear to be orphan roads. He stated that Lincoln Drive was an unsafe road.

Glenn Macierowski, 23 Olive Road, Sparta stated that he had spoken to several neighbors that lived in Sparta Lake in the early seventy's and that in 1969 the Township had started paving the roads and by 1972 most of the roads had been paved and maintained by the Township. He stated that the Township had also put in the curbing and drainage. He stated that he thought the homeowners had been assessed and had paid the Township an assessment fee for the work that was done. He stated that since the flood in 2000 the Township stopped maintaining the roads and felt that it was due to the expense of maintaining. He stated that it is going to take a lot of funds to bring this road up to Township standards.

Mr. Turner asked Council if Lincoln Drive could be closed until it gets upgraded.

Mayor Hertzberg stated that the Township needed to review the information that had been given to them before making any decision. He further stated that the Township needed to look at the history of these roads and that he would get back to them.

Mr. Turner stated that Mr. Close had reached out to them and that they would be contacting him to set up a working meeting to discuss these issues. He stated that Mr. Close has been very gracious and that they were not knocking anyone in the Township. He stated that they just need help.

## **Manager's Report:**

### **2018 Tax Sale**

Mr. Close informed Council that the Tax Sale was scheduled for Wednesday, September 12, 2018 at 10:00 a.m. in the Council Chambers/Courtroom. He stated that the original tax sale list had been advertised in the New Jersey Herald and posted at Town Hall. He stated that the original listing had 182 accounts listed for sale, but as of today, there were only 25 accounts. He further stated that at the 2017 Tax Sale, 83 accounts had been sold. Mr. Close commended Dianne O'Connor, Tax Collector, along with her staff Virginia Iacobazzo and Gail Lincoln, for their hard work in working with the residents in getting these accounts paid.

### **Payment Drop Box**

Mr. Close informed Council that the new payment drop box had been installed in the lower parking lot. He stated that the drop box will assist those residents making utility, solid waste, and tax payments. He stated that the Tax Collector advised him that each day they are getting more envelopes as the residents start to notice it. He further stated that notification of this drop box had been mailed out with the third quarter tax bills.

### **Station Park/Basketball Courts**

Mr. Close informed Council that the major work on the Basketball Courts had been completed and that some final landscaping touches and lighting would be completed, weather permitting, by the end of September. He further stated that a new water fountain by the Courts had also been installed.

### **Turf Fields**

Mr. Close informed Council that safety padding had been installed at the Station Park Turf Field along with new signage. He stated that the Parks staff had been working to upgrade the "Entrance" signs to both sections of Station Park.

### **Grants**

Mr. Close stated that on the Agenda there is a Resolution supporting the Township's Application for the NJ DCA Recreational Opportunities for Individuals with Disabilities (ROID) Grant. He stated that he had been working with staff, specifically Eric Powell and Marianne Dilworth, along with our Grants Consultant, Millennium Strategies, in applying for this grant. He stated that the grant would provide funding to run a bowling program focusing on accommodations for those with disabilities to participate. Mr. Close thanked Sparta Lanes for their support of this grant in working with the municipality.

Mr. Close informed Council that the Township has been working with the consultants on other project grant applications as well. He stated that on the September 25<sup>th</sup> Council Agenda, he would be placing two separate Resolutions approving the submission of 2019 NJ DOT Municipal Aid grant applications and the execution of grant agreements for both Green Road and East Mountain Road Improvements Projects. He stated that future grants were being reviewed with Millennium for EV Charging Stations and Home Depot Community Impact grants.

### **Upcoming Events**

Mr. Close updated Council on the following upcoming events.

**Family Movie Night Under the Stars– Rain Date, Saturday, September 15<sup>th</sup>, at dusk.** The last feature movie of 2018 is "Wonder". Dykstra Park opens at 6:30 pm.

**Sussex County Day and Champion of the Grill** – Visit the Sparta Township Booth Sunday, September 16, 2018, 12:00 p.m. to 5:00 p.m. at the Sussex County Fairgrounds

For Fall Events and Programs, please visit our website, [www.spartanj.org](http://www.spartanj.org) under Parks & Recreation to review our current Fall Program Brochure.

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

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

### **Introduction of Ordinance**

#### **18-12 Ordinance of the Township of Sparta Amending Chapter 18 Entitled "Comprehensive Land Management Code of the Township of Sparta" to Amend the Zone Map to Add a New District to be Known as the "Planned Commercial-Economic Development (PCED District)"**

On motion by Councilman Murphy, seconded by Deputy Mayor Quinn 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: ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER 18 ENTITLED "COMPREHENSIVE LAND MANAGEMENT CODE OF THE TOWNSHIP OF SPARTA" TO AMEND THE ZONE MAP TO ADD A NEW DISTRICT TO BE KNOWN AS THE "PLANNED COMMERCIAL-ECONOMIC DEVELOPMENT (PCED DISTRICT)" 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 September 25, 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**

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

### **Resolutions:**

Councilman Murphy had a question regarding resolution **6-9 Resolution Supporting the Sparta Township Application for the New Jersey Department of Community Affairs Recreational Opportunities for Individuals with Disabilities Program**. Councilman Murphy inquired about the Assembly Bill 2187 Jakes Law. He asked Mr. Close if Jakes Law excluded municipalities. Mr. Close responded that he would look into the legislation to see if there was a provision for municipalities and that he would get back to him.

On motion by Councilwoman Whilesmith, seconded by Councilman Murphy and unanimously carried, Resolutions 6-1 through 6-9 were duly adopted.

#### **6-1 One Day ABC License – Sparta Fraternal Order of Police Lodge 26 Sparta, NJ**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Sparta Fraternal Order of Police Lodge 26 Sparta, NJ, P.O. Box 748, Sparta, NJ for a one day liquor license on September 29, 2018 from 2:00 p.m. to 6:00 p.m. to be held at 3 Sparta Junction, Sparta, NJ 07871.

#### **6-2 Catering Permit – Homestead Restaurant**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to the Homestead Restaurant, 294 North Church Road, Sparta, NJ for a catering permit on September 15<sup>th</sup> & 16<sup>th</sup>, 2018 from 10:00 a.m. to 6:00 p.m. at Camp Sacajawea, 844 White Lake Road, Sparta, NJ 07871.

#### **6-3 ABC Petition To Extend Licensed Premises – Lake Mohawk Country Club, Inc.**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission is granted to Lake Mohawk Country Club, Inc., 21 The Boardwalk, Sparta, NJ to extend the licensed premises as reflected in the Petition to Extend Licensed Premises for the German Christmas Market to be held on November 30<sup>th</sup> from 12:00 p.m. to 10:00 p.m., December 1<sup>st</sup>

from 10:00 a.m. to 10:00 p.m. and December 2<sup>nd</sup>, 2018 from 12:00 p.m. to 6:00 p.m. at Lake Mohawk Country Club, 21 The Boardwalk, Sparta, NJ.

The Township Council’s approval of Lake Mohawk Country Club, Inc.’s ABC Petition to Extend Licensed Premises is contingent upon the New Jersey Division of Alcoholic Beverage Control’s approval of Lake Mohawk Country Club, Inc.’s Petition to Extend Licensed Premises.

**6-4 ABC Renewal 2018 – 2019**

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

1918-33-002-004	Homestead Rest Inc 294 North Church Road Sparta, NJ 07871
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**6-5 ABC Person-to-Person Transfer License #1918-33-008-012 JKL Tavern, LLC to James Kwok**

WHEREAS, an application for the person-to-person transfer of alcoholic beverage license #1918-33-008-012 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 and there under as well as pertinent local ordinances and conditions consistent with Title 33, and;

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 the aforesaid Plenary Retail consumption License to James Kwok, 191 Woodport Road, Sparta, NJ is hereby approved.

**6-6 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
3038	34	Statewide Closing	52 Hillside Rd	\$2,123.00

**6-7 Refund – 2013 State Tax Judgment**

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayment, successful 2013 NJ State Tax Judgment:

BLOCK	LOT	NAME	ADDRESS	AMOUNT
12006	19	Land Holdings of Sparta	23 Wilson Dr	\$11,609.50

**6-8 Fireworks Display**

BE IT RESOLVED by the Township Council of the Township of Sparta that permission is hereby granted to Fireworks Extravaganza, Rochelle Park, NJ to hold a fireworks display at the Lake Mohawk Golf Club, on Sunday, October 7, 2018 at 7:00 p.m. Subject to all documentation and requirements of the Township being met and approved by the Fire Official.

**6-9 Resolution Supporting the Sparta Township Application for the New Jersey Department of Community Affairs Recreational Opportunities for Individuals with Disabilities Program**

WHEREAS, the Township of Sparta is striving to improve programming offered to residents with disabilities; and

WHEREAS, the Township of Sparta Recreation Department seeks to implement a bi-weekly bowling nights program to provide residents with a free opportunity to bowl and interact with non-disabled peers; and

WHEREAS, the total cost of this project is approximately \$15,556.80; and

WHEREAS, the Township of Sparta desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$12,445.44; and

WHEREAS, as required by the program, the Township of Sparta will provide matching funds of approximately \$3,111.36 (20% of the total project cost); and

NOW THEREFORE BE IT RESOLVED, the Township Council of the Township of Sparta hereby authorizes the application for this grant application and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between.

NOW THEREFORE BE IT RESOLVED, the Township Manager is authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**6-10 Resolution Authorizing the Issuance of Not Exceeding \$1,766,000 Bond Anticipation Notes of the Township of Sparta, in the County of Sussex, New Jersey**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of The Township of Sparta, in the County of Sussex, New Jersey (the "Township") entitled: "Bond ordinance providing for the improvement of the sanitary sewerage system in and by The Township of Sparta, in the County of Sussex, New Jersey, appropriating \$95,000 therefor and authorizing the issuance of \$60,000 bonds or notes of the Township for financing such appropriation", finally adopted on April 24, 2012 (#11-17) bond anticipation notes of the Township in a principal amount not exceeding \$36,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$600,000, and authorizing the issuance of \$300,000 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" (#17-07), finally adopted on July 18, 2017, bond anticipation notes of the Township in a principal amount not exceeding \$270,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,050,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey" (#18-04), finally adopted on April 24, 2018, bond anticipation notes of the Township in a principal amount not exceeding \$1,050,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township, entitled: “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” (#18-09), finally adopted on July 10, 2018, bond anticipation notes of the Township in a principal amount not exceeding \$410,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by officials and professionals of the Township relating to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

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

No council liaison reports this portion of the meeting was closed.

#### **Old Business:**

Councilman Murphy stated that there is a boulder that needs to be moved by the DPW to the VFW.

Mr. Close stated the there have been a number of projects that the Department of Public Works has been working on over the past month that need to be completed first but they will be moving the boulder. Mr. Close stated that a P.O. had been sent to the County for the Historical Marker but that he has not heard back from them yet.

**New Business:**

Deputy Mayor Quinn commented on all of the projects that were being completed within the Township by the Department of Public Works and the Parks Department. She stated that the work has been outstanding. She particularly noted the basketball court project at Station Park and stated that it was a memorial site. She stated that the park was put there as a tribute to celebrate life. She further thanked Mr. Close for all his efforts.

Mr. Close thanked Sam Rome the CFO, Eric Powell the Township Engineer, Jim Zepp the Director of the Department of Public Works, Jerry Younkers from the Parks Department for all their efforts. He stated that it was always a collective effort in accomplishing these projects.

Councilman Gibbs thanked the Elks Club for putting together the 9-11 ceremony. He stated that there had been 17 organizations that participated in the tribute. He further stated that it was a wonderful ceremony.

Councilman Murphy stated that if anyone was going to see “The Movie Under the Stars” that if they wanted to feed their family before the movie that there was going to be a Clam Bake at the VFW starting at 2:00 p.m.

**Open to the Public:**

Jennifer Derricks, 27 Mount Pleasant Road, Sparta approached Council stating that she had written a letter to them about the restriction or possible prohibition of marijuana. She stated that she wanted to make sure that there were no shops or agricultural facilities opened within the Township. She wanted to know if they were planning to move forward with this.

Deputy Mayor Quinn stated that they were gathering information to have further discussion about this issue.

Ms. Derricks stated that perhaps a zoning ordinance to prohibit and restrict in certain businesses.

**Expenditures:**

On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried expenditures in the amount of \$1,187,368.79 were approved as presented.

**Adjournment:**

No one else wished to be heard and no further business was brought up, motion was made by Deputy Mayor Quinn, seconded by Councilman Gibbs and unanimously carried to adjourn at 8:01 p.m.

Respectfully submitted,

Kate Chambers, RMC  
Municipal Clerk

