

September 25, 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, Township Attorney Thomas Ryan, and Assistant Clerk Roxanne Landy.

Salute to the Flag:

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

Proclamations

Mayor Hertzberg read the proclamation "Tie a Ribbon for the Cure" declaring October as breast cancer awareness month. Ms. Sonja O'Connell, representative from the Junior Woman's Club, was present to accept the proclamation.

Minutes:

On motion by Deputy Mayor Quinn seconded by Councilman Gibbs and unanimously carried, the regular minutes of the meeting held on August 28, 2018 were approved as presented.

On motion by Councilwoman Whilesmith, seconded by Councilman Gibbs and carried, the executive minutes of the meeting held on August 28, 2018 were approved as presented. Councilman Murphy abstained.

Open to the Public:

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

Manager's Report:

2018 Tax Sale

Mr. Close informed Council that the annual tax sale had been held on Wednesday, September 12th in the Council Chambers. He stated that there were 24 items included on the final list for the sale. He stated that outside lien holders purchased 18 liens and the Township took the remaining six. He stated that a total of \$117,000 had been collected in premiums. Mr. Close commended the Tax Collector, Dianne O'Connor, and her office staff for doing an excellent job conducting this sale.

Bond Anticipation Note Sale (BANS)

Mr. Close informed Council that the Township had held a Bond Anticipation Note Sale last Thursday. He stated that Oppenheimer & Co. ranked No. 1 with an NIC of 2.4524%, TD Bank ranked No. 2, and Lakeland Bank ranked No. 3. He stated that they were the only 3 bids received with regard to this Note Sale. Mr. Close commended Sam Rome, CFO, Tom Ferry, Auditor, Bob Beinfeld, Bond Counsel, and Anthony Inverso, Financial Advisor for all their efforts with this \$1,766,000 Bond Anticipation Note for 2018. He further stated that the Township had a great financial team and that was another example of their collective effort.

Station Park Improvements

Basketball Courts

Mr. Close informed Council that the community was now enjoying the basketball court. He stated that picnic tables, recycling containers and trash receptacles had been added. He stated that weather permitting by the end of the month, the courts should be complete with the installation of lighting and fencing. He further stated that both entrance signs to the Park have been upgraded and improved as well. Mr. Close commended the Parks Department for all their

work in keeping all Township facilities looking their best for the residents and guests to the community.

Fields 5 & 6

Mr. Close informed Council that the Public Works and Parks Departments would be paving the gravel driveway leading to the shed near Fields 5 & 6, and that he hoped to have this project completed by the end of October.

Parking and Information Signs

Mr. Close stated that the Township Engineer was working with an Eagle Scout along with Mr. Kelly at Signs, Etc. to post and/or improve various informational signs within the Park.

Town Hall Column Lighting

Mr. Close stated that he had hoped that everyone noticed the lighting project on their way into Town Hall. He stated that the lights were a nice addition and he commended Michael Dempsey, IT Director, for his work on this project. He further stated that they were aesthetically pleasing and would allow acknowledgement of various holidays and recognitions and at the same time provide increased lighting on the front walkway for safety.

Tie a Ribbon Campaign

Mr. Close thanked the Junior Women's Club for working with Susan G. Komen North Jersey Affiliate for taking the time to tie pink ribbons on the trees and lamp posts around the Township for display during the month of October which is National Breast Cancer Awareness Month. He stated that the Township approved this request for them to be placed up effective October 1st to October 31st. Mr. Close further stated that the Proclamation and Ribbons would serve to help draw attention to this health issue.

Sparta Police Department

Mr. Close stated that the Sparta Police Department had been contacted by the Sparta Library to use their location to host a venue for having "Coffee with a Cop." He stated that they were hoping that they would have many visitors go to the Library to meet some of the local officers to ask them questions about law enforcement and to share with them some of the great things the Police Department were doing in Sparta. He further stated that Cloveberry would be donating their coffee for this event.

Grants

Mr. Close informed Council that there were two separate resolutions on the agenda for their approval for the submission of 2019 NJ DOT Municipal Aid grant applications and execution of grant agreements for both Green and East Mountain Road Improvement Projects. He stated that there was also a resolution authorizing the Sustainable Jersey Grant Application to provide for the purchase and installation of three dual electric vehicle charging stations for Town Hall, Station Park and the Library. He further stated that there were other grants that the Township was working with the Grant Consultants for the following: GameTime Playground, Assistance to Firefighters, a Library Construction, and a NJ Department of Health Hepatitis Inoculation Fund.

County Construction Notice

Mr. Close updated Council on the project that the County had been working on which was replacing the retaining wall at the intersection of County Route 620 (Glen Road) & Walnut Roads. He stated that they started on September 4th and that it was almost completed.

Added Assessments

Mr. Close informed Council that the Tax Assessor, Joseph Ferraris, had reported that the added assessments would be completed by the end of the week. He stated that he should have a total list of where the Township will be for the 2019 tax rolls by next month.

Krogh's Annual Turkey Trot 5K & 1 Mile Fun Run

Mr. Close informed Council that the Township had met with the Sparta Education Foundation to discuss the upcoming Annual Turkey Trot to be held on Thanksgiving morning to discuss the logistics of the event. He further stated that if anyone was interested in participating in the event to visit <http://kroghsturkeytrot.com/register-now.htm>

Township Attorneys

Mr. Close informed Council that the Township Attorney, Thomas N. Ryan, was the recipient of the NJBIZ Icon Awards which honors business leaders over a "certain age" who have helped and continue to help grow and encourage New Jersey's economic development and business community. He further stated that he was one of the 29 award recipients from across the State and one of only six attorneys who had been honored on August 23rd at the Palace at Somerset Park. Mr. Close commended Mr. Ryan for the outstanding contributions he's made in the industry and to the communities and that the Township was honored to have him continue to serve as the Township Attorney for Sparta.

Upcoming Events

Mr. Close updated Council on the following upcoming events.

Flu Vaccine and Pneumococcal Vaccines – The Sussex County Division of Health, Office of Public Nursing, has scheduled several locations for clinics, including **Saturday, October 13, 2018, from 9 am to Noon** at the Sparta Senior Center, 40 Trapasso Drive. For more information please go to www.sussex.nj.us.

Trunk or Treat & Munchkin March Costume Parade– **Sunday, October 28th, 5:30 p.m.** between the Sparta Library Parking Lot and Memorial Field, sponsored by the Recreation Advisory Committee. Please go to www.spartanj.org, under Parks & Recreation under Special Events for full details.

Introduction of Ordinance

18-13 Bond Ordinance Providing for the Improvement of Demarest Road Phase II And Green Road by the Township of Sparta, in the County of Sussex, New Jersey, Appropriating \$335,000 Therefore and Authorizing the Issuance of \$199,500 Bonds or Notes of the Township for Financing such Appropriation

On motion by Councilman Gibbs, seconded by Councilman Murphy 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: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF DEMAREST ROAD PHASE II AND GREEN ROAD BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$335,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION: 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 October 9, 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.

18-14 An Ordinance Accepting Easements From CC Holdings LLC and Approving Mortgage Subordinations

On motion by Councilman Gibbs, seconded by Councilman Murphy 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 ACCEPTING EASEMENTS FROM CC HOLDINGS LLC AND APPROVING MORTGAGE SUBORDINATIONS: 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 October 9, 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.

18-15 An Ordinance Amending Chapter XVIII, the Comprehensive Land Management Ordinances of the Township of Sparta, to Include Within Section 18-4.5h a New Subsection Prohibiting Marijuana Within All Zones

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

BE IT RESOLVED by the Township Council of the Township of Sparta that the following ordinance entitled: AN ORDINANCE AMENDING CHAPTER XVIII, THE COMPREHENSIVE LAND MANAGEMENT ORDINANCES OF THE TOWNSHIP OF SPARTA, TO INCLUDE WITHIN SECTION 18-4.5h A NEW SUBSECTION PROHIBITING MARIJUANA WITHIN ALL ZONES: 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 October 9, 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.

Hearing 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)”

The second and final hearing of the 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)” was given and held open for public discussion.

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

On motion by Councilman Gibbs, seconded by Councilman Murphy 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 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 Deputy Mayor Quinn, seconded by Councilwoman Whilesmith and unanimously carried, Resolutions 7-1 through 7-10 were duly adopted.

7-1 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
3001	2	Huntington Mort	133 Seneca Lake Rd	\$4,461.99

7-2 Resolution to Escheat Premiums to the Township of Sparta

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector shall be authorized to escheat the Premium from the following property to the Township of Sparta:

BLOCK	LOT	NAME	ADDRESS	AMOUNT
32003	8	Scheck, Michael	33 Brook Dr	\$3,600.00

7-3 Refund – 2018 State Tax Judgment

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax overpayment due to the successful 2018 County Board Judgment:

BLOCK	LOT	NAME	ADDRESS	AMOUNT
10001	63	Sureshababu, Kurra	1 Hyde Park Place	\$6,646.42

7-4 Water Overpayment Refund

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following water payment made in error:

ACCT	NAME	ADDRESS	AMOUNT
35002-0	Deck Remodelers	43 Theater Center	\$198.51

7-5 Resolution Authorizing the Tax Collector to Apply Prepaid Tax Credits

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector be allowed, with written consent from the property owner, to apply excess taxes paid between July 17, 2018 to December 31, 2018, to future taxes, pursuant to P.L. 2018.C.8.

7-6 Resolution approving the submission of a 2019 New Jersey Department of Transportation – Municipal Aid Grant Application and Execution of a Grant Agreement for the Green Road Improvements Project.

WHEREAS, the Township of Sparta is requesting funding from the New Jersey Department of Transportation through the 2019 Municipal Aid Program for the completion of the Green Road Improvements Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Sparta, in the County of Sussex, State of New Jersey formally approves this grant application.

BE IT FURTHER RESOLVED, that the Township Manager is hereby authorized to submit an electronic grant application identified as MA-2019-Green Road Improvements Project-00205 on behalf of the Township of Sparta to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that the Mayor, Township Manager and/or Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Sparta and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

7-7 Resolution Approving the Submission of a 2019 New Jersey Department of Transportation – Municipal Aid Grant Application and Execution of a Grant Agreement for the East Mountain Road Improvements Project

WHEREAS, the Township of Sparta is requesting funding from the New Jersey Department of Transportation through the 2019 Municipal Aid Program for the completion of the East Mountain Road Improvements Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Sparta, in the County of Sussex, State of New Jersey formally approves this grant application.

BE IT FURTHER RESOLVED, that the Township Manager is hereby authorized to submit an electronic grant application identified as MA-2019-East Mountain Road Improvements Proj-00206 on behalf of the Township of Sparta to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that the Mayor, Township Manager and/or Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Sparta and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

7-8 Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Sparta strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Sparta is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Gardiner Environmental Fund Small Grants Program funding cycle due October 31, 2018.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Sparta has determined that the Township of Sparta should apply for the aforementioned Grant for the purchase and installation of electric vehicle charging stations at various public facilities.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Sparta, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

7-9 Resolution Opposing the Legalization of Recreational Marijuana by the State of New Jersey

WHEREAS, the Township Council of the Township of Sparta, County of Sussex, New Jersey is strongly committed to the health, well-being, and safety of its citizens and youth; and

WHEREAS, the Township Council of the Township of Sparta is aware that there is legislation being considered in the New Jersey State Legislature that would legalize the use of recreational marijuana; and

WHEREAS, it has been purported that legalization of marijuana may provide substantial revenue to the State of New Jersey through taxes that would be established within the legislation, however, this revenue does not take into consideration the social costs of widespread marijuana use. According to the Rocky Mountain High Intensity Drug Trafficking Area report of November 2017, examples include increased emergency room visits, hospitalizations and treatment for addiction; loss of productivity in the workplace; lower educational achievement; increased unemployment rates, increased accidental injuries; higher crime rates; and

WHEREAS, medical marijuana is generally carefully controlled for the amount of delta-9-tetrahydrocannabinol, generally referred to as "THC". Recreational marijuana, on the other hand, is specifically designed to have as much "THC" as possible; and

WHEREAS, "THC" is known to impair physical function in the user including reaction time while operating a vehicle and the user's ability to perceive danger; and

WHEREAS, New Jersey utilizes drug recognition experts ("DRE") to determine whether someone is under the influence of a drug, including marijuana, when operating a motor vehicle and there is no current objective standard for operating under the influence of drugs like marijuana as compared to standards established for driving while intoxicated (.08%); and

WHEREAS, marijuana has been genetically modified to increase the potency of the principal psychoactive substance, tetrahydrocannabinol (THC), bringing the THC level from below 10 percent, which the marijuana of the 60's, 70's and 80's contained, to 25 percent and higher, with some derivatives containing up to 98 percent THC (according to Rocky Mountain HIDTA); and

WHEREAS, according to the Lancet Psychiatry Journal, studies have shown that THC potency above 25 percent has been linked to significant increases in psychotic episodes and addiction among users; and

WHEREAS, production and marketing of marijuana concentrates, in places where recreational use has been legalized, commonly have THC levels above 90 percent and are sold in waxes, oils, and edible products in the form of cookies, brownies, candy, gummy bears, and lollipops that are indistinguishable from products that do not contain THC; and

WHEREAS, based on the evidence-based studies, research has established a causal link to significant societal costs associated with marijuana use.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Sparta opposes ANY effort by the New Jersey Legislature to legalize marijuana for Recreational Use; and

NOW, BE IT FURTHER RESOLVED that the Clerk of the Township Council shall forward a certified true copy of this Resolution to the Governor of the State of New Jersey, Lieutenant Governor of the State of New Jersey, all County Boards of Chosen Freeholders, and the Mayor and Council of all towns within the County of Sussex.

7-10 Resolution to Amend the 2018 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 Township Council of the Township of Sparta, County of Sussex, State of New Jersey that the following amendment to the adopted capital budget section of Capital be made.

(See Attached)

Council Liaison Reports:

Deputy Mayor Quinn gave an update on the Planning Board meeting that she attended. She stated that there were three applications for new businesses in town, and that one business would be at the Prices Lane and Demarest Road location. She stated that the company was moving from Rockaway and has already been approved. She stated that there were two other applications but the board had only been able to hear one.

Deputy Mayor Quinn reminded everyone that there had been a sub-committee meeting discussing the initiatives, "Quality of Life," and Ergonomics. She stated that there would be further discussion on these subjects now that the summer was over and everyone was back.

Councilwoman Whilesmith stated that the Senior Advisory Board met and that she as well as Mayor Hertzberg were present at the meeting. She stated that they had fielded many questions the seniors had about what was going on in the community. She further stated that there was a lot of positive feedback.

Councilman Gibbs mentioned that CP Engineering and Braen Stone would be sponsoring the, "Trunk or Treat" once again. He stated that they would be also securing another location in the event of rain. He further stated that in addition, the third annual "Fall Celebration of Families," sponsored by the Kiwanis would be held October 14, 2018 from 12:00 pm to 4:00 pm at Station Park.

Old Business:

Deputy Mayor Quinn stated that she attended a meeting about Sussex County Community College which was held at Sussex County Vo-Tech. She stated that if anyone had any questions about what transpired at that meeting to please contact her.

Councilman Murphy thanked Mr. Close for sharing the memorandum on, "Jake's Law." Councilman Murphy highlighted the law on page 6, which stated, " If the park commission jointly enters into an agreement with a municipality pursuant to RS 40: 12-9 for the construction and maintenance of a completely inclusive playground for purposes of the prioritization of an application submitted by a County pursuant to this subsection a completely inclusive playground constructed and maintained pursuant to such an agreement shall be operated and maintained by the County in which it is located." Councilman Murphy stated that the law further stipulates that any agreement entered into in accordance in this section of the law shall not be subject to the requirements and provisions of the local public contracts law.

Mayor Hertzberg thanked Councilman Murphy for bringing this to the forefront of conversation. He stated that he and Mr. Close had discussed a previous project spearheaded by Drew Breeze and his wife for a park that included a place for children with disabilities. He stated that this would enable children with disabilities to play alongside children without disabilities rather than being segregated. He stated that he and Mr. Close had discussed this and the possibility of creating one in Sparta.

Councilman Murphy stated that the County does not have any facilities at all. He stated that the only control they have is the green in Newton Town Square. Councilman Murphy stated that he felt that this was a perfect opportunity for Municipal government and County government to partner into something of this nature.

Deputy Mayor Quinn wanted to know if there was any variance that could be worked out with the restrictions of the Highlands that would enable this type of playground to come to fruition. She stated that if that could be done that it would be a game changer for the Township.

Councilman Murphy stated that he felt that if an area was already designated as a playground and there was room that there should be no issue.

Mayor Hertzberg stated that there would be further discussion on this matter.

Councilman Gibbs shared information related to the subject of special needs children. He stated that in coordination with the Sparta Elks that the “Top Soccer” program would begin on Saturday, and that approximately 30 special needs children have signed up for the program. He further stated that “Top Soccer” program would be held at The Fieldhouse on Saturday from 12:00 to 1:00 pm.

New Business:

Deputy Mayor Quinn stated that she had been attending the Health meetings. She stated that there were now links on the Sparta Library web page to various health events in the area. Deputy Mayor Quinn emphasized that there were quite a few programs that offer assistance for special needs children. She further stated that the programs would benefit many families in the Sparta area as well as in the County.

Councilman Murphy stated that on October 2, 2018 there was a Professional Development Program in Tinton Falls. He stated that the program would cover labor negotiations, interest arbitration and chapter 78. He further stated that he would like to attend this program and wanted to know if anyone else was interested in attending.

Open to the Public:

Dan Chiariello, 15 Cambridge Drive, wanted to thank Council for bringing up the disabilities park. Mr. Chiariello stated that he had participated in the State and National disabilities caucuses for the last couple of years and felt that there was much that could be reported on the subject. Mr. Chiariello stated that he felt inclusivity was the key point because people with disabilities are lumped into monogamous communities. He further stated that it hinders the disabled from developing social skills to interact with anyone else. He stated that immersing the two groups together would be beneficial for both. Mr. Chiariello further stated that if Sparta could create that type of environment, it would be quite a milestone for the Town to achieve.

Councilman Murphy stated on the heels of Attorney Ryan receiving his award, that at the League of Municipalities meeting on November 13, 2018, there would be a session called, “Lifelong learning, you are never too old to get better”. Councilman Murphy stated that they all were invited to attend.

Expenditures:

On motion by Councilman Murphy, seconded by Councilman Gibbs and unanimously carried expenditures in the amount of \$6,153,345.87 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 Murphy and unanimously carried to adjourn at 8:00 p.m.

Respectfully submitted,

Roxanne Landy
Assistant Municipal Clerk

