

1. Sparta Council Agenda January 24, 2023

Documents:

[TC\\_AGENDA\\_01242023.PDF](#)

[23 01- AMEND CODE ARTICLE III SECTION 2 3.2.PDF](#)

[23-02 ORDINANCE NORTH SHORE WEIGHT LIMIT .PDF](#)



## SPARTA TOWNSHIP COUNCIL

### AGENDA

January 24, 2023

**PLEASE TAKE NOTICE** that action will be taken on the following items at the Regular Council meeting on Tuesday, January 24, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

#### **TIME:**

The meeting is called to order at 6:30 p.m. The regular meeting begins at 7:30 pm.

#### **STATEMENT:**

Adequate notice of this meeting was provided to the public and the press on January 6, 2023 by delivering to the press and posting on the Township website a copy of the notice.

#### **1. ROLL CALL**

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

#### **RESOLUTION**

Open Public Meetings Act-Executive Session Motion \_S\_

#### **SALUTE TO THE FLAG**

#### **2. MINUTES**

Executive Meeting Minutes held on October 25, 2022 be approved as presented.

Executive Meeting Minutes held on December 13, 2022 be approved as presented.



Regular Meeting Minutes held on December 13, 2022 be approved as presented.

**3. MANAGER'S REPORT**

**APPROVAL OF MANAGER'S REPORT**

**4. OPEN TO THE PUBLIC**

**Items not on the Agenda**

**5. EXPENDITURES**

**6. INTRODUCTION OF ORDINANCE**

23-01 AN ORDINANCE AMENDING ARTICLE III, MEETINGS OF TOWNSHIP COUNCIL, SECTION 2-3.2, REGULAR MEETINGS OF THE MUNICIPAL CODE OF THE TOWNSHIP OF SPARTA

23-02 AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA, AMENDING SECTION 7-17, "VEHICLE OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS"

**7. HEARING OF ORDINANCE**

**None**

**8. OPEN TO THE PUBLIC**



## **Resolutions**

### **9. RESOLUTIONS**

- 9-1 Appointment of Emergency Management Coordinator
- 9-2 Profession Services Resolution – Auditor 2022
- 9-3 Quarry License to Braen Royalty LLC/Braenstone of Sparta
- 9-4 Resolution Authorizing the Execution of the Inter-local Agreement Between the Township of Sparta, County of Sussex, State of New Jersey and Sussex County Municipal Utilities Authority for a Certified Recycling Professional (CRP) to Certify the 2022 Annual Recycling Tonnage Report
- 9-5 Resolution Authorizing Contract Change Order No. 1 for White Lake Fields with Tomco Construction, Inc.

### **10. COUNCIL LIAISON' UPDATES**

### **11. OLD BUSINESS**

#### **Agenda items**

- 1. Zoning Board- 2 Alternate vacancies
- 2. Salt Shed
- 3. Economic Development
- 4. Deer Hunting

### **12. NEW BUSINESS**

### **13. OPEN TO THE PUBLIC**



**14. ADJOURNMENT**



### **9-1 Appointment of Emergency Management Coordinator**

WHEREAS, the Township Council wishes to appoint an Emergency Management Coordinator for the Township of Sparta.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that Jeffrey McCarrick be appointed as Emergency Management Coordinator for the Township of Sparta for a three-year term beginning January 1, 2023 and will expire on December 31, 2025.

### **9-2 Profession Services Resolution- Auditor 2022**

WHEREAS, N.J.S.A. 40A:11-1 et seq the “Local Public Contracts law” permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, the Township of Sparta has need for the professional services of an auditor; 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:

Thomas M. Ferry, C.P.A., R.M.A. of  
Wielkocz & Company, LLC  
100 Enterprise Drive  
Suite 301, Room 333  
Rockaway, NJ 07866

In an amount not to exceed \$41,500.00

2. Political Contribution Disclosure: This contract has been awarded to Thomas M. Ferry, C.P.A., R.M.A. of Wielkocz & Company, LLC based on the merits and abilities of Wielkocz & Company, 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 Wielkocz & Company, 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 person serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded.

3. Vendors performing work for and on behalf of Sparta Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township’s interests. Prior to becoming a vendor for the Township, all vendors are required to disclose possible conflicts so that the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, a vendor is required to promptly notify the Township Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Township.

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

### **9-3 Quarry License to Braen Royalty LLC/Braenstone of Sparta**

WHEREAS, the Township Council of the Township of Sparta has adopted an ordinance to license and regulate the operation of quarrying in the Township of Sparta and to provide for penalties for the violation thereof; and

WHEREAS, Braen Royalty LLC/Braenstone of Sparta has submitted an application for such a license to the Township Council of the Township of Sparta as required by the aforementioned ordinance; and



WHEREAS, the professional staff of the Township of Sparta has had the opportunity to review the application and report on same to the Township Council of the Township of Sparta; and

WHEREAS, Braen Royalty LLC/Braenstone of Sparta has updated the information submitted during the previous application period; and

WHEREAS, Braen Royalty LLC/Braenstone of Sparta has submitted the required proof of insurance and reclamation surety in the form of a letter of credit; and

WHEREAS, the Township Council of the Township of Sparta is satisfied that the application meets the requirement of the Township's licensing Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that a license to operate a Quarry in the Township of Sparta be and is hereby issued to Braen Royalty LLC/Braenstone of Sparta pursuant to the terms of the Township of Sparta's Quarrying Ordinance and in conformity with the application submitted by Braen Royalty LLC/Braenstone of Sparta pursuant thereto.

This resolution shall take effect immediately.

#### **9-4 Resolution Authorizing the Execution of the Inter-local Agreement Between the Township of Sparta, County of Sussex, State of New Jersey and Sussex County Municipal Utilities Authority for a Certified Recycling Professional (CRP) to Certify the 2022 Annual Recycling Tonnage Report**

Beginning 2013, each New Jersey municipality is required by the Recycling Enhancement Act (REA) to have mandatory Annual Recycling Tonnage Reports approved and "executed" by a Certified Recycling Professional (hereinafter "CRP"). Recycling Tonnage Reports will be submitted by the SCMUA via email to the New Jersey Department of Environmental Protection (NJDEP) utilizing a spreadsheet compatible with the Microsoft Excel structure provided by the Department.

THIS AGREEMENT by and between The Township of Sparta, a municipal body politic having its offices at 65 Main St., Sparta, NJ, and the Sussex County Municipal Utilities Authority (SCMUA), Sussex County, NJ, a body corporate and body politic organized and operating pursuant to NJSA 40:14B-1 et seq. having its offices located at 34 South Route 94, NJ, 07848 (hereinafter SCMUA), is dated this 24<sup>th</sup> day of January, 2023.

WHEREAS, the Township of Sparta, by ordinance, has duly enacted a recycling plan for all recyclable materials as designated by the Sussex County District Solid Waste Management Plan and amendments thereto and:





WHEREAS, the Township of Sparta is desirous of retaining CRP services of the SCMUA for certification of said Annual Recycling Tonnage Report; and

WHEREAS, the award of this contract between the SCMUA and the Township of Sparta pursuant to N.J.S.A. Section 13:1E-99.14 and pursuant to N.J.S.A. Section 40A:11-5(2) is an exception to the bidding requirements as set forth in the “Local Public Contracts Law”;

NOW, THEREFORE, in consideration of the terms, conditions, mutual benefits and covenant hereinafter set forth, the Township of Sparta and the SCMUA make this agreement.

1. The Township of Sparta shall retain the services of the SCMUA for a CRP that will be responsible for executing the mandatory annual municipal recycling tonnage report, as provided in the Sussex County District Solid Waste Management Plan, and with the State NJDEP.
2. It is understood that the responsibility for the accuracy of all tonnage and materials reported lies with the municipal representative as the designated preparer of the Recycling Tonnage Report. The Township of Sparta designates the Recycling Coordinator or designated Representative as the preparer of the report. The Municipal report preparer is responsible for report verification should the NJDEP audit the report submittal.
3. The Township of Sparta shall be responsible to retain the appropriate documentation for five years in the event of a NJDEP field review/audit.
4. The Township of Sparta reserves the right to reasonably amend the terms of this Agreement by giving thirty (30) day written notification to the SCMUA of any changes thereto. The SCMUA reserves the right to terminate this Agreement if the amendment is unacceptable to the SCMUA.
5. The Township of Sparta shall pay an annual fee of \$300 to the SCMUA for the CRP's services. The Township of Sparta agrees to pay all invoices within thirty (30) days upon finalization of the report and submittal of voucher. Notwithstanding any other provision herein. The SCMUA's liability arising out of this agreement for any reason whatsoever, whether known or unknown shall never be greater than the annual fee.
6. This agreement is effective for calendar year 2023 (2022 Recycling Tonnage Report), and may be extended for future years, in yearly increments, upon the mutual consent of both parties.
7. This agreement is the entire agreement between The Township of Sparta and the SCMUA and supersedes all previous agreements and discussions. Any amendments hereto



must be in writing and must be duly executed by both The Township of Sparta and the SCMUA to become effective.

8. This Agreement will be entirely performed within the State of New Jersey and it shall be construed in accordance with the laws thereof.

9. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, void, ultravires, or unconstitutional, the remainder of this Agreement shall continue in full force and effect.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Sussex County Municipal Utilities Authority for their records.

IN WITNESS HERETO the parties hereto have set their hands of the proper public official as of the date and year first above written.

**9-5 Resolution Authorizing Contract Change Order No.1 for White Lake Fields with Tomco Construction, Inc.**

WHEREAS, the Township of Sparta approved a contract with Tomco Construction, Inc. to construct the White Lake Fields project (the "Contract"). The approved contract cost was \$2,181,171.01; and

WHEREAS, Tomco Construction has requested a change order in the amount of \$81,562.88 for additional work was requested by the Township Engineer and as detailed in Change Order No.1 (the "Change Order"). The Township Engineer has reviewed and approved the Change Order; and

WHEREAS, Tomco Construction, Inc. has also submitted a request for Payment No. 2 attached in the amount of \$227,426.97. The Township Engineer has reviewed and approved the payment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the Change Order proposed by the Township Engineer in the amount of \$81,562.88 is hereby approved; and

BE IT FURTHER RESOLVED the Interim Manager is authorized to sign the Change Order to be added to the account covering this project in accordance with the Township's standard payment policies; and

BE IT FURTHER RESOLVED that Payment No. 2 be made in the amount of \$227,426.97 to Tomco Construction, Inc., 22 Howard Blvd., Ste. 204, Mt. Arlington, NJ



07856 upon the Chief Financial Officer certifying that sufficient funds are available.

A copy of this Resolution shall be placed on file with the Clerk of the Township. This resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.



**RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION**

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:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations
- d. Miscellaneous Legal Advice

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.

**AN ORDINANCE AMENDING ARTICLE III, MEETINGS OF TOWNSHIP COUNCIL,  
SECTION 2-3.2, REGULAR MEETINGS OF THE MUNICIPAL CODE OF THE  
TOWNSHIP OF SPARTA**

**WHEREAS**, the Sparta Township Council desires to amend Article III, Section 2-3.2 of the Township of Sparta Municipal Code; and

**WHEREAS**, the Sparta Township Council has approved a change to the time the Township Council Meetings for its Council Meetings, on the second and fourth Tuesdays of each month, from 7:00 p.m. to 7:30 p.m.

**NOW, THEREFORE, BE IT ORDAINED** by the Sparta Township Council, in the County of Sussex, State of New Jersey, that the Municipal Code of the Township of Sparta, Article III, Meetings of Township Council, Section 2-3.2, Regular Meetings, as follows:

**Section 1.** Section 2-3.2 is amended as follows:

The Council shall meet regularly in the Municipal Building or such other public building as may be determined by Resolution, on the second and fourth Tuesdays of each month at 7:30 p.m. prevailing time, except that the Council may, by Resolution, dispense with one or more of the regular meetings otherwise scheduled. When the time for any regular meeting of the Council shall fall on a holiday, the meeting shall be held at the same hour on the next succeeding day which is not a holiday.

**Section 2.** Severability. If any provision of this ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 3.** Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

**Section 4.** Effective Date. This ordinance shall take affect after final passage and publication as required by law.

**NOTICE**

**NOTICE** is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on January 24, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on February 14, 2023, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

KATHLEEN CHAMBERS, RMC  
MUNICIPAL CLERK

**AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC", OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF SPARTA, AMENDING SECTION 7-17 "VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS"**

**WHEREAS**, the Sparta Township Engineer and Police Department have in the interest of public safety, investigated the use of North Shore Trail by trucks and commercial vehicles. The Township Engineer provided his recommendation to reduce the weight limit on North Shore Trail to four (4) tons; and

**WHEREAS**, the Township of Sparta Council desires to amend the Township's existing Ordinance Chapter VII, "Traffic", Section 7-17, "Vehicles Over Designated Weight Excluded From Certain Streets" as authorized by N.J.S.A. 39:4-8.b(1) and N.J.S.A. 39:4-107(1)I; and

**WHEREAS**, the Township Engineer and the Police Chief concur with the need to amend the Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Sparta Township Council, County of Sussex, State of New Jersey, that the revised General Ordinances of the Township of Sparta are amended as follows:

**Section 1.**

Township Ordinance Section 7-17, "Vehicles Over Designated Weight Excluded From Certain Streets" is hereby amended as follows:

a. Delete:

| <u>Name of Street</u> | <u>Weight</u> | <u>Location</u> |
|-----------------------|---------------|-----------------|
| North Shore Trail     | 8 tons        | Entire length   |

b. Add:

| <u>Name of Street</u> | <u>Weight</u> | <u>Location</u> |
|-----------------------|---------------|-----------------|
| North Shore Trail     | 4 tons        | Entire length   |

**Section 2.** Signs shall be erected and maintained to post the weight limit on North Shore Trail.

**Section 3. Severability.** If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 4. Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 5. Effective Date.** This ordinance shall take effect after publication and passage according to law.

### **NOTICE**

**NOTICE** is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on January 24, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on February 14, 2023, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

KATHLEEN CHAMBERS, RMC  
MUNICIPAL CLERK