

**February 28, 2023**  
**Sparta Council Meeting Agenda**  
**and**  
**Related Documents**

1. February 28, 2023 Council Meeting Agenda

Documents:

[TC\\_AGENDA02-28-23.PDF](#)

2. 23-03 Flag Ordinance

Documents:

[23-03 FLAG ORDINANCE.PDF](#)

3. 23-04 Ordinance Private Roads

Documents:

[23-04 ORDINANCE PRIVATE ROADS.PDF](#)



## **SPARTA TOWNSHIP COUNCIL**

### **AGENDA**

**February 28, 2023**

**PLEASE TAKE NOTICE** that action will be taken on the following items at the Regular Council meeting on Tuesday, February 28, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

#### **TIME:**

The meeting is called to order at 7:00 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**

Reorganization Meeting Minutes held on January 5, 2023 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**

23-04 BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A SALT SHED IN AND BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,090,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

**7. HEARING OF ORDINANCE**

23-03 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SPARTA RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES

**8. OPEN TO THE PUBLIC**

Resolutions

**9. RESOLUTIONS**

9-1 Tax Department - Water Utility Overpayments

9-2 Resolution for Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle FY2024



- 9-3 Resolution Approving the Lease Agreement for the Operation of a Summer Day Camp at Camp Sacajawea
- 9-4 One-Day ABC Social Affairs Permit – Our Lady of the Lake
- 9-5 Resolution to Amend the General Capital Budget Section

**10. COUNCIL LIAISON' UPDATES**

**11. UNFINISHED BUSINESS**

**Agenda items**

- 1. Zoning Board- 2 Alternate vacancies
- 2. Economic Development Committee

**12. NEW BUSINESS**

**13. OPEN TO THE PUBLIC**

**14. ADJOURNMENT**



**9-1 Tax Department - Water Utility Overpayments**

**BE IT RESOLVED BY THE** Township Council of the Township of Sparta that the Tax Collector refunds the following Water Utility over payments:

<b>ACCT#</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
101384	28 Village Lane	\$247.47
102248	16 Main St Unit C10	\$254.05

**9-2 Resolution for Governor’s Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle FY2024**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Sparta, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Sparta, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a revised strategic plan for the Sparta Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$ 6,341.00
Cash Match	\$ 1,585.25



In-Kind \$ 4,755.75

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

### **9-3 Resolution Approving the Lease Agreement for the Operation of a Summer Day Camp at Camp Sacajawea**

**WHEREAS**, the Township of Sparta is currently leasing Camp Sacajawea located in the Township of Sparta, County of Sussex, State of New Jersey for the operation of a day camp beginning on May 1, 2023 up to and including August 14, 2023, Mondays through Fridays, between the hours of 8:00 a.m. and 5:30 p.m.; and

**WHEREAS**, the Sparta Township Council desires to approve the lease agreement between Sparta Township and Camp Sacajawea LLC in the amount of \$13,500.00. .

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey that the Mayor and Township Manager are authorized to execute the lease agreement on behalf of the Township of Sparta.

This resolution shall take effect immediately.

### **9-4 One-Day ABC Social Affairs Permit – Our Lady of the Lake**

**BE IT RESOLVED** by the Township Council of the Township of Sparta that permission be granted to Our Lady of the Lake, 294 Sparta Avenue, Sparta, NJ for a social affairs permit to be held on March 25, 2023, from 6:00 p.m. to 10:00 p.m. at 294 Sparta Avenue, Sparta, NJ.

### **9-5 Resolution to Amend the General Capital Budget Section**

**WHEREAS**, the local General Capital Budget for 2022 was adopted on the 14<sup>th</sup> day of June 2022; and



**WHEREAS**, it is desired to amend said adopted General 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 attached amendment to the adopted General Capital Budget section be made.

**(See Attached)**



**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 THE CODE OF THE  
TOWNSHIP OF SPARTA RESPECTING  
THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES**

**WHEREAS**, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

**WHEREAS**, the Township Council maintains flagpoles on various public building and within public parks and playgrounds within the Township of Sparta; and

**WHEREAS**, the Township Council wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Sparta, Sussex County, New Jersey, as follows:

**SECTION 1.** The Code of the Township of Sparta is hereby amended to read in full as follows:

**Display of flags.**

- (a) In addition to the Flag of the United States, the Township of Sparta may display such additional flags on Township owned flagpoles on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.
- (b) The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (4 U.S.C.S. §§ 1-10).
- (c) The Township's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles are to be used exclusively by the Township, where the Council may display a commemorative flag as a form of government expression. The Township will not display a commemorative flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.
- (d) No person shall display or place upon any flagpole owned by the Township of Sparta any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Sparta and without the express written permission of the Township of Sparta.
- (e) Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials and other similar structures donated as a remembrance, shall not be deemed locations for flying expressive flags via resolution.
- (f) In addition to the Flag of the United States and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Township of Sparta as a form of expression of government speech, in the manner set forth above:
  - 1) Flag of the State of New Jersey
  - 2) P.O.W./M.I.A (Prisoner of War/Missing in Action)) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902)

- (g) Nothing contained herein is intended to abridge the right of the citizens of the Township of Sparta to petition or request the Township Council to authorize an expression of government speech.

**SECTION 2.** Policy – The attached “Flag Flying Policy” is hereby approved and adopted as the official policy of the Township and shall remain operative and in effect until such time as the Council takes further action to amend or revise said policy.

**SECTION 3.** Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.** Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

**SECTION 5.** Effective Date - This ordinance shall take effect twenty (20) days following 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 February 14, 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, February 28, 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

**NOTICE**

**NOTICE** is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on February 14, 2023. The same came up for final passage and adoption at a regularly scheduled meeting of the Township Council of the Township of Sparta, held on February 28, 2023 at 7:30 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

KATHLEEN CHAMBERS, RMC  
MUNICIPAL CLERK

**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"**

**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 22-14 is hereby repealed and rescinded.

**Section 2.** 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

**Section 3.** All roads existing on private property within the Lake Mohawk Country Club Community that are subject to Subtitle 1 of the Title 39 of the New Jersey Statutes are exclusively governed by Sparta Ordinance § 7-37.4, which shall include a weight limit of 4 tons for the entire length of North Shore Trail.

**Section 4.** Signs shall be erected and maintained to post the four (4) ton weight limit on North Shore Trail.

**Section 5. 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 6. 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 7. 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 February 14, 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 28, 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**