

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 Salt Shed Bond Ordinance

Documents:

[23-04 SALT SHED BOND ORDINANCE.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:

ACCT#	ADDRESS	AMOUNT
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 14th 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

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.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Sparta, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$2,200,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$110,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes..

Section 2. For the financing of said improvement or purpose (including, for purposes of applicable United States Treasury regulations, reimbursing expenditures hereafter made for said improvement or purpose) and to meet the part of said \$2,200,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,090,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$2,090,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the construction of a salt shed at the Department of Public Works facility in and by the Township, including all structures, equipment, landscaping, studies, designs, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,090,000.

(c) The estimated cost of said purpose is \$2,200,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$110,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,090,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer 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. The Chief Financial Officer shall determine all

matters in connection with the notes issued pursuant to this bond ordinance, 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 plus accrued interest from their dates to the dates of delivery thereof. 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 pursuant to this bond ordinance 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.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Sparta, in the County of Sussex, New Jersey, on February 28, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Township on March 14, 2023 at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	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
Purpose(s):	Construction of a salt shed at the Department of Public Works facility in and by the Township.
Appropriation:	\$2,200,000
Bonds/Notes Authorized:	\$2,090,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$200,000
Useful Life:	15 years

/s/ Kathleen Chambers

Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.