

March 14, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. March 14, 2023 Council Agenda

Documents:

[TC_AGENDA-03142023.PDF](#)

1.1. 23-03 - Flag Ordinance.Revised

Documents:

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



SPARTA TOWNSHIP COUNCIL

AGENDA

March 14, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on **Tuesday, March 14, 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

PROCLAMATIONS

Women's History Month

First Female Mayor – Nancy Starnes

First Female Officer – Sue Parkes



2. MINUTES

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

Regular Meeting Minutes held on January 24, 2023 be approved as presented.

Regular Meeting Minutes held on February 14, 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

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

7. HEARING OF ORDINANCE

None

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS



- 9-1 – Resolution for Tax Overpayments due to NJ Court Stipulation
- 9-2 Resolution for Participant’s LEAP Implementation Grant
- 9-3 One-Day ABC Social Affairs Permit – Shepherd of the Hills Lutheran Church
- 9-4 Resolution Authorizing Contract Payment No. 3 for White Lake Fields with Tomco Construction, Inc.
- 9-5 Resolution Authorizing the Township Council to Continue to Use the Sourcewell Cooperative
- 9-6 Resolution of the Township of Sparta Authorizing the Live Broadcasting of Audio and Video of Township Council Meetings

10. COUNCIL LIAISON’ UPDATES

11. UNFINISHED BUSINESS

Agenda items

- 1. Economic Development Committee
- 2. Zoning Board

12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 – Resolution for Tax Overpayments due to NJ Court Stipulation

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to NJ State Court Stipulation

BLOCK	LOT	ADDRESS	AMOUNT	YEAR
10001	23	15 Fox Run	\$5,868.40	2020
10001	23	15 Fox Run	\$5,778.65	2021
10001	23	15 Fox Run	\$5,871.85	2022

9-2 Resolution for Participant’s LEAP Implementation Grant

WHEREAS, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Borough of Hopatcong, Borough of Stanhope, Borough of Netcong, Borough of Mount Arlington, Borough of Wharton, Township of Byram, Township of Sparta, and Township of Andover propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and



WHEREAS, the purpose of this shared services agreement is to implement shared services for Animal Control and Shelter, which will benefit the residents of all participating local units; and

WHEREAS, the Borough of Hopatcong has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Sparta, that the Township of Sparta does hereby join with Borough of Hopatcong in applying for a LEAP Implementation Grant in the amount of \$200,000.00 to support implementation of this shared service.

9-3 One-Day ABC Social Affairs Permit – Shepherd of the Hills Lutheran Church

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Shepherd of the Hills Lutheran Church, 246 Woodport Road, Sparta, NJ for a social affairs permit to be held on March 26, 2023, from 4:00 p.m. to 7:00 p.m. at 246 Woodport Road, Sparta, NJ.

9-4 Resolution Authorizing Contract Payment No. 3 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"; and

WHEREAS, Tomco Construction, Inc. has submitted a request for Payment No. 3 in the amount of \$12,596.16 and the Township Engineer has reviewed and approved the payment.

NOW, THEREFORE BE IT RESOLVED that Payment No. 3 be made in the



amount of \$12,596.16 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.

9-5 Resolution Authorizing the Township Council to Continue to Use the Sourcewell Cooperative

WHEREAS, the Township of Sparta is a member of Sourcewell Cooperative under Member ID#28192 and desires to continue its membership for the year 2023; and

WHEREAS, the Township of Sparta has been approved as a member of Sourcewell Cooperative and has been issued Member ID#28192; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Sparta that the Township shall continue to participate in the Sourcewell Cooperative and the Mayor is authorized to execute the cooperative purchasing through Sourcewell Cooperative, upon the review and approval of such documents to the Township Mayor and Township Attorney.



9-6 Resolution of the Township of Sparta Authorizing the Live Broadcasting of Audio and Video of Township Council Meetings

WHEREAS, the Sparta Township Council has received interest from the public in having the Township Council meeting broadcast live; and

WHEREAS, the Sparta Township desires to provide greater public access to its meetings, including the use of audio and video technology to broadcast and/or stream the public portions of its meetings; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township shall provide one-directional live audio and/or video broadcasting of the public portions of their meetings using the Township's video streaming equipment.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

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 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 conforms to the provisions of Sections 2 and 3 below.
- (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 an expression of the Township Council's official sentiments which shall constitute government speech. See *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)). 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) Commemorative flags shall be displayed for a period of time that is reasonable and customary for the subject this is to be commemorated.
- (f) 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.
- (g) 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)
- (h) 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. The following flags are considered commemorative flags for purposes of this ordinance and may be displayed pursuant to the policies and procedures identified herein as an expression of Sparta Township's official sentiments:

- (a) Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States.
- (b) Flags of Sister Cities: The flags of official Sister Cities of Sparta may be displayed in conjunction with an event involving the Sister City.
- (c) Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of Sparta Town Council.
- (d) Flags of Sports Teams: The flag of a Sparta Township sports team may be displayed in commemoration of a significant achievement.
- (e) Flags Consistent with Sparta Township's Mission and Priorities: Flags may be displayed that identify with a specific historical event, cause, nation or group of people that Town Council choses to honor or commemorate consistent with Sparta Township's mission and priorities.

SECTION 3. The following are not allowed as commemorative flags and will not be considered by Town Council:

- (a) Flags of a particular religious movement or creed to avoid the appearance of Sparta Township government endorsing religion or a particular religious movement or creed;
- (b) Flags of a political party to avoid the appearance of City government endorsing a political party; and

- (c) Flags advocating a certain outcome in an election.

SECTION 4. Flag Policy

A. Purpose

1. In addition to the procedures contained within other sections of the Ordinance, the Township of Sparta hereby establishes the following guidelines regarding the display of commemorative flags on Township-owned or Township-maintained facilities.
2. The Township Council shall only consider a request to display a commemorative flag if a majority of the Township Council members agree to place the issue on the agenda for a regular or special Township Council meeting. Further procedural requirements are outlined in Subsection B.
3. At a noticed and agendized Township Council meeting, a majority of Council members would need to adopt a Resolution in order to authorize the flying of the commemorative flag.
4. Commemorative flags must be temporarily donated for the Township's use and be clean, without holes and tears, and be made of an all-weather fabric. The Township will not be responsible for the condition of the commemorative flag once flown and may dispose of any such flag not picked up within thirty (30) days after it has been flown. Flags cannot be larger than 4 ft. x 6 ft. The Township will not purchase the commemorative flags.
5. All commemorative flags must be smaller in size than the American Flag and the New Jersey State flag that is displayed at the Municipal Building. A commemorative flag shall not be flown on the same flag pole as the flag of the United States or the P.O.W./M.I.A. flag. A commemorative flag may be flown underneath the New Jersey State flag on the same flag pole.

When the flag of the United States is at half-mast, the commemorative flag will also be flown at half-mast.

B. Procedure

1. An individual or group who would like to request a commemorative flag to be approved by the Township Council should make the request to the Township Manager. The Township Manager shall distribute requests made by the public to all members of the Township Council. All requests will then be placed on an agenda for a regular or special Township Council meeting and the request will be considered by the Township Council pursuant to Section A, and this Ordinance.
2. The Township Council will only display commemorative flags that it approves as its own government speech.

3. Flags will be flown according to the U.S. Flag Code.

SECTION 5. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. 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 7. 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 March 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, March 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