

April 25, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. April 25, 2023 Council Sparta Council Agenda

Documents:

[TC_AGENDA - 04-25-2023 - W.PDF](#)

1.1. 23-03 Sparta Flag Ordinance

Documents:

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



SPARTA TOWNSHIP COUNCIL

AGENDA

April 25, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, April 25, 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 pm. The Regular Meeting begins at 7:30 pm. All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

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

Jerry Younkens Retirement

Autism Proclamation

Alcohol Awareness

2. MINUTES

None

SPECIAL PRESENTATION

Glen Lake Assessment

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

None

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 – Resolution for Tax Collector Refunds

9-2 Resolution of the Township Council of the Township of Sparta Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website.

9-3 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement Between the Fraternal Order of Police (FOP) Spartan Lodge #26 (Officers Association) and The Township of Sparta

9-4 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement Between the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) and the Township of Sparta

9-5 One-Day ABC Social Affairs Permit – Shepherd of the Hills Lutheran Church

9-6 Resolution Adopting and Confirming the Special Assessment for Glen Lake Beach Club's Dam Rehabilitation Project

9-7 Resolution of the Township of Sparta Approving Professional Services Agreement with Forty Twenty Seven LLC



10. COUNCIL LIAISON' UPDATES

11. UNFINISHED BUSINESS

Agenda items

1. Economic Development

12. NEW BUSINESS

1. Senior of the Year

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution for Tax Refunds

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payments on now exempt property

BLOCK	LOT	AMOUNT	YEAR
4018	11	\$3,739.96	2022 – QT 4
4018	11	\$3,680.55	2023 – QT 1

9-2 Resolution of the Township Council of the Township of Sparta Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website.

WHEREAS, the Township of Sparta has determined that the property described as: Surplus Personal Property and is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Sparta intends to utilize the online auction services of GovDeals located at <http://GovDeals.com>; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta in the County of Sussex, State of New Jersey, that the Township of Sparta is hereby authorized to sell the surplus personal property as indicated on an online auction website entitled <http://usgovbid.com>; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals and the Township of Sparta are available at <http://GovDeals.com> and in the Township Clerk's office.



2018	Ford	Explorer 4 x 4	1FM5K8AR3JGB93504
2015	Ford	Explorer 4 x 4	1FM5K8AR4 FGC51739
2006	Ford	F-350 Utility Body	1FDWF3150 6EA59691
2005	Jeep	Liberty 4X4	1J4GL48K6 5W677233
2002	Wachs Trav-L-Vac 3	VALVE VACUUM	1E9PT09182C297021
	Christmas Banners	120 units	Various / size: 16 x 45
	Water Fountains	Halsey Taylor	(4) 36 inch cast iron pedestal drinking fountains
	Drive Belts		V Belts and Serpentine from various models 2010 and older
	The Gates Rubber Co	Belt Rack System	20 feet long
	Auto/ truck Filters		Various Filters
2013	Donaldson	DPF	Regeneration Station

9-3 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement Between the Fraternal Order of Police (FOP) Spartan Lodge #26 (Officers Association) and The Township of Sparta

WHEREAS, Sparta Township has negotiated a Collective Bargaining Agreement (“CBA”) with the Fraternal Order of Police (F.O.P.) Spartan Lodge #26 (Officers Association) for the period January 1, 2022 through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Collective Bargaining Agreement between the Township of Sparta and Fraternal Order of Police (F.O.P.) Spartan Lodge #26 (Officers Association) for the period January 1, 2022 through December 31, 2025 is hereby approved and the Mayor is authorized to execute the Collective Bargaining Agreement on behalf of the Township of Sparta; and

BE IT FURTHER RESOLVED that 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.

9-4 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement Between the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) and the Township of Sparta



WHEREAS, Sparta Township has negotiated a Collective Bargaining Agreement (“CBA”) with the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) for the period January 1, 2022 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Collective Bargaining Agreement between the Township of Sparta and the Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) for the period January 1, 2022 through December 31, 2024 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Collective Bargaining Agreement on behalf of the Township of Sparta; and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should Superior Officers Association of the Fraternal Order of Police, Spartan Lodge #26A (SOA/FOP) fail to approve this Collective Bargaining Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED that 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.

9-5 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 May 20, 2023, from 6:00 p.m. to 8:00 p.m. at 246 Woodport Road, Sparta, NJ.



9-6 Resolution Adopting and Confirming the Special Assessment for Glen Lake Beach Club's Dam Rehabilitation Project

WHEREAS, the Township of Sparta serves as the co-borrower for Glen Lake Beach Club, Inc.'s Dam Rehabilitation Project. The Dam Rehabilitation Project was necessary in order for Glen Lake Beach Club to undertake repairs mandated by the State of New Jersey Department of Environmental Protection's Dam Safety and Flood Control Section; and

WHEREAS, upon completion of the Dam Rehabilitation Project the Township of Sparta's Assessment Commission was tasked with determining the special assessment for the Glen Lake Dam Rehabilitation Project; and

WHEREAS, the Assessment Commission submitted its report to the Township Council on February 21, 2023; and

WHEREAS, all improvements were completed and the total amount of the Special Assessment is Nine Hundred Thirty-Six Thousand Three Hundred Sixty-Two Dollars and Five Cents (\$936,362.05); and

WHEREAS, the Township of Sparta will not contribute to the repayment of any part of the costs of the Glen Lake Dam Rehabilitation Project or the Special Assessment.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Sparta Council, Township of Sparta, County of Sussex, State of New Jersey, as follows

1. The Sparta Township Council hereby adopts and confirms the Special Assessment report, including the recommendations in the report and Scott Holzhauser, CTA, SCGREA, dated February 16, 2023.
2. The Assessment Commission's report is now final and conclusive in accordance with N.J.S.A. 40:56-30. The total amount of the Special Assessment is Nine Hundred Thirty-Six Thousand Three Hundred Sixty-Two Dollars and Five Cents (\$936,362.05).
3. The Special Assessment assessed against each impacted property shall constitute a first and paramount lien as provided for under N.J.S.A. 40:56-33 and N.J.S.A. 58:4-12d(1).



4. The Special Assessment shall be paid in annual installments over the remaining repayment term of the loan. Bills for the assessment will be sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
5. The rate of interest for any delinquency that is past due 30 days in accordance with N.J.S.A. 40:56-35, shall be determined as provided for in N.J.S.A. 54:4-67 at the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00.
6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.
7. A copy of this Resolution as well as the report shall be placed on file with the Clerk of the Township.
8. All appropriate Township of Sparta officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

9-5 Resolution of the Township of Sparta Approving Professional Services Agreement with Forty Twenty Seven LLC

WHEREAS, the Township of Sparta desires to enter into a Professional Services Agreement for GIS mapping and related services and has received a proposal from David Manhardt, AICP, Forty Twenty Seven, LLC in the amount of \$125 per hour not to exceed \$7,500; and

WHEREAS, the Township desires to approve the Professional Services Agreement with David Manhardt, AICP, Forty Twenty Seven, LLC for GIS mapping and related services with a project completion date on or before December 31, 2023; and

WHEREAS, the approval of this contract is made in compliance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and



NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the proposal for GIS mapping and related services submitted David Manhardt, AICP, Forty Twenty Seven, LLC, at the rate of \$125 per hour and not to exceed \$7,500 as reflected in the attached Professional Services Agreement is hereby approved subject to the review of the final document by the Township Manager and Township Attorney. The Township Chief Financial Officer has confirmed that the Township has sufficient funds available for the contract; and

BE IT FURTHER RESOLVED the Mayor and Township Clerk are authorized to sign the Professional Services Agreement with David Manhardt, AICP, Forty Twenty Seven, LLC, on behalf of the Township; and

A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald to the extent required by law.

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

This resolution shall take effect immediately. However, it shall be void and of no effect in the event that David Manhardt, AICP, Forty Twenty Seven, LLC, fails to sign the Professional Services agreement.

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; 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. 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 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 the Sparta Township Council's official sentiments:

- (a) Flags of 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 the Sparta Township 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 the Township Council chooses 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 the Township Council:

- (a) Flags of a particular religious movement or creed, so as to avoid the appearance of the Sparta Township Council endorsing religion or a particular religious movement or creed;
- (b) Flags of a political party to avoid the appearance of the Sparta Township Council 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, the New Jersey State flag and the P.O.W./M.I.A. flag that is displayed. 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.
6. No commemorative flag or flags may be flown at a Township location having only one flagpole.
7. When the flag of the United States is at half-mast, the commemorative flag will also be flown at half-mast.

B. Procedure

1. Only a Sparta resident or an organization domiciled in Sparta Township may make a request of the Township Council to display a commemorative flag. The Sparta resident or organization who would like to request a commemorative flag to be approved by the Township Council must make a written or electronically mailed request to the Township Manager. The Township Manager shall distribute requests 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 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

PLEASE TAKE NOTICE that the above was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Sparta held at the Municipal Building, 65 Main Street, Sparta, New Jersey on April 11, 2023 at 7:30 pm and will be considered for second reading and final passage at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey on April 25, 2023 7:30 p.m. at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning said Ordinance.

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

ROXANNE LANDY, 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, New Jersey held on April 11, 2023. The same came up for second reading and final passage at a meeting of the Township Council of the Township of Sparta held on April 25, 2023 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, New Jersey and after all persons present were given an opportunity to be heard concerning said Ordinance, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK