

# September 12, 2023 Sparta Council Meeting Agenda and Related Documents

1. September 12, 2023 Sparta Council Meeting Agenda

Documents:

[TC\\_AGENDA - 09122023 - W.PDF](#)

2. 23-16 Ordinance Amending Chapter 11-2 "Retail Food Establishment Code"

Documents:

[23-16-FOOD TRUCK ORDINANCE.REV-09072023 - W.PDF](#)

3. 23-19 Environmental Commission Ordinance Amendment

Documents:

[23-19 ENVIRONMENTAL COMMISSION ORDINANCE AMENDMENT-F-W.PDF](#)



## SPARTA TOWNSHIP COUNCIL

### AGENDA

September 12, 2023

**PLEASE TAKE NOTICE** that action will be taken on the following items at the Regular Council meeting on Tuesday, September 12, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

#### **TIME:**

The Regular meeting is opened at 7:00 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 June 14, 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

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

#### **PROCLAMATIONS**

Turn the Town Teal



Prostate Cancer

**2. MINUTES**

Executive Meeting Minutes of April 27, 2023

Regular Meeting Minutes of May 9, 2023

**3. MANAGER'S REPORT**

**APPROVAL OF MANAGER'S REPORT**

**4. OPEN TO THE PUBLIC**

Items not on the Agenda

**5. EXPENDITURES**

September 12, 2023

**6. INTRODUCTION OF ORDINANCE**

23-16 THE TOWNSHIP OF SPARTA AMENDING CHAPTER 11-2 "RETAIL FOOD ESTABLISHMENT CODE" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA

23-19 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION", ARTICLE IX. "COMMITTEES; BOARDS; COMMISSIONS", SECTION 2-39, "ENVIRONMENTAL COMMISSION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA



**7. HEARING OF ORDINANCE**

None

**8. OPEN TO THE PUBLIC**

Resolutions

**9. RESOLUTIONS**

- 9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax
- 9-2 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to NJ Tax Court Judgment/Stipulation
- 9-3 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to Mortgage Company
- 9-4 Resolution for Award of Contract - Proposed Curb Repairs for Various Streets
- 9-5 Resolution Awarding Contract for the Project Known As "2023 Road Improvement Program – Part 2" As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$286,195.00
- 9-6 Resolution Authorizing Contract Change Order No.3 to Reduce Final Contract Amount and Payment No. 6 for White Lake Fields for Tomco Construction, Inc.
- 9-7 Resolution of the Township of Sparta Establishing a Procedure for Public Comment Before the Sparta Township Council
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – **Sparta Township Fire Department 100 Years of Service**

**10. COUNCIL LIAISON' UPDATES**

**11. UNFINISHED BUSINESS**



**12. NEW BUSINESS**

**13. OPEN TO THE PUBLIC**

**14. ADJOURNMENT**



**9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax**

**WHEREAS**, the property owner of Block 3001, Lot 63, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30;

**WHEREAS**, the Assessor approved the exemption as of the July 27, 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Sparta that the Tax Collector cancel 2023 tax balance and the first half of 2024 in addition to refunding a prorated amount paid for Q3 2023 in the amount of \$2,753.10.

**9-2 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to NJ Tax Court Judgment/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 Tax Court Judgment/Stipulation

<b>BLOCK</b>	<b>LOT</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
1001	11	14 Maria Drive	\$6,052.81 (2018)
1001	11	14 Maria Drive	\$7,839.50 (2019)

**9-3 Resolution Authorizing Tax Collector to Refund Tax Over Payment due to Mortgage Company**

**BE IT RESOLVED BY THE** Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment, mortgage company paid in error

<b>BLOCK</b>	<b>LOT</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
35005	6	20 White Birch Lane	\$1,806.42

**9-4 Resolution for Award of Contract - Proposed Curb Repairs for Various Streets**

**WHEREAS**, the Township of Sparta received bids for the **Proposed Curb Repair – Various Streets project on September 6, 2023 at 10:00AM;** and



**WHEREAS, Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840** was the lowest responsible bidder with a bid of **\$179,082.00**; and

**WHEREAS**, the Township Engineer; Cory L, Stoner, P.E. of Harold E. Pellow & Associates, Inc. has reviewed the Bid submitted and has determined that it is consistent with the Township’s bid specifications and recommends in his memorandum dated September 6, 2023 that an award be made to **Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840**; and

**WHEREAS**, the Township Finance Officer has certified that funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Township Council of the Township of Sparta, County of Sussex, State of New Jersey, hereby awards a contract for the **Proposed Curb Repair – Various Streets to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840 in the amount of \$179,082.00.**

**BE IT ALSO RESOLVED** that the Mayor and Municipal Clerk are authorized to sign the contracts for **Proposed Curb Repair – Various Streets** in the amount of \$179,082.00.

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 Riverview Paving, Inc. fails or refuses to execute the Contract/

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

**9-5 Resolution Awarding Contract for the Project Known As “2023 Road Improvement Program – Part 2” As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$286,195.00**

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract # 6 for “Road Resurfacing” to Schifano Construction Corporation.; and



**WHEREAS**, the Township of Sparta wishes to utilize Schifano Construction Corporation through its membership in the Morris County Cooperative Pricing Council to perform the required road resurfacing of certain municipal roadways including but not limited to:

Timberline Drive  
Bromley Court  
Coventry Lane  
Stratton Court

And purchase the above stated materials and services; and

**WHEREAS**, the purchasing agent recommends the utilization of this contract on the grounds that based upon a review of various proposals with staff, as well as the Township Manager, it was the determination that it offered the best performance of road resurfacing to meet the needs of the Township at the best price; and

**WHEREAS**, the Township Finance Officer has certified that funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Township Council of the Township of Sparta that Schifano Construction Corporation be awarded the contract for the “2023 Road Improvement Program – Part 2”; and

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Sparta, in the County of Sussex and State of New Jersey as follows:

1. The Township hereby confirms the authorization for the performance of road resurfacing by Schifano Construction Corporation, 1 Smalley Avenue, Middlesex, NJ 08846, pursuant to the Morris County Cooperative Pricing Council Contract # 6 for a total amount not to exceed Two Hundred Eighty-Six Thousand One Hundred Ninety-Five Dollars (\$286,195.00); and
2. The Mayor and Township Clerk, together with all officers, professionals, and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposed of this Resolution.
3. The foregoing project is subject to the certification of availability of funds by the appropriated officers of the Township.





4. This contract is subject to review and approval by the Township Attorney and Township Manager.

5. Resolution shall take effect as herein provided.

**9-6 Resolution Authorizing Contract Change Order No.3 to Reduce Final Contract Amount and Payment No. 6 for White Lake Fields for 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**, The Township of Sparta approved Change Orders 1 & 2 for additional work that was required for the project in a total amount of \$226,613.50 that adjusted the contract amount to \$2,407,784.51; and

**WHEREAS**, the final as-built quantities during construction resulted in a net decrease in the adjusted contract amount by \$7,058.00 and the Township Engineer has recommended that the final contract amount be modified by way of Change Order No. 3 to \$2,400,726.51; and

**WHEREAS**, Tomco Construction, Inc. has submitted a request for Payment No. 6 in the amount of \$261,637.96 which 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 in the amount of -\$7,058.00 is hereby approved; and

**BE IT FURTHER RESOLVED** the Interim Manager is authorized to sign the Change Order as proposed; and

**BE IT FURTHER RESOLVED** that Payment No. 6 be made in the amount of \$261,637.96 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.

**9-7 Resolution of the Township of Sparta Establishing a Procedure for Public Comment Before the Sparta Township Council**

**WHEREAS**, the Sparta Township Council provides for public comment during all of its public meetings in accordance with the First Amendment right to speak freely, without censorship or suppression, and as provided by the New Jersey Open Public Meetings Act (OPMA); and

**WHEREAS**, Chapter 2-3.7 of the Sparta Township Municipal Code provides that the order of business, agenda, conduct of meetings, procedures, and any and all matters pertaining to actions of the Council shall be determined and proscribed by Resolution of the Council; and

**WHEREAS**, the Council believes that it is in the best interest of all those wishing to address the Council to have reasonable opportunity to do so; and

**WHEREAS**, without appropriate and reasonable limitations, the rights of all public speakers may be curtailed and undermined; and

**WHEREAS**, the said limitations on public comment shall not regulate the content of the comments, but will place a reasonable limit on the allotted time for individuals to comment; and



**WHEREAS**, the Council encourages members of the public to not only utilize their opportunity for comment at public meetings, but also to use all other reasonable means for communication with the Council, including electronic and written communication.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Sparta, in the County of Sussex, and State of New Jersey, that there is hereby established a procedure for public comment before the Council whereby each speaker shall be granted no more than three (3) minutes in the aggregate, regardless of whether speaking on general issues, agenda items, or second readings of ordinances; there shall be no more than one (1) appearance during each public comment section of any public meeting of the Council; and there shall be no yielding of time by the speaker to another person.

**BE IT FURTHER RESOLVED**, that this procedure shall not apply to any persons or parties that are scheduled to make a presentation before the Council.

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.

**9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Sparta Township Fire Department 100 Years of Service**

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

**WHEREAS**, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

**WHEREAS**, the Sparta Township Council has scheduled the display of a commemorative flag on **November 3rd**; 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 will display a commemorative flag on **November 3rd, 2023**.

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.

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.

**23-16**  
**THE TOWNSHIP OF SPARTA**  
**AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE**  
**REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA**

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

**Section 1.**

Chapter 11-2.2 “Definitions” of the Revised General Ordinances of the Township of Sparta is hereby deleted in its entirety and replaced with the following:

**§ 11-2.2 Definitions.**

**CHAPTER 24**

As referred to in this chapter shall be an abbreviated term referring to Chapter 24 of the State Sanitary Code, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, and Cottage Food Operations (N.J.A.C. 8:24-1.1 et seq.).

**CHAPTER 24, SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES, AND COTTAGE FOOD OPERATIONS**

Shall mean and refer to that certain code approved by the State Department of Health (effective date November 17, 2021); for adoption by reference in accordance with law, being a code regulating retail food handling establishments, and food and beverage vending machines and providing for the inspection of such establishments and vending machines.

**Section 2.**

Chapter 11-2.3 “Adoption of Chapter XII, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines” is hereby deleted in its entirety and replaced with the following:

**§ 11-2.3 Adoption of Standards.**

Chapter 24 of the New Jersey State Sanitary Code regulating the construction, operation and maintenance of retail food establishments is hereby adopted pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of Chapter 24 is adopted by reference, and made a part hereof without the inclusion of the text herein, and three copies of Chapter 24 will remain on file with the Sparta Township Board of Health for use and examination by the public.

**Section 3.**

Chapter 11-2 “Retail Food Establishment Code” of the Revised General Ordinances of the Township of Sparta is hereby amended to add new subsection 11-10 “Mobile Food and Drink Vendors” as follows:

**§ 11-10 Mobile Food and Drink Vendors.**

**§ 11-10.1 Title.**

This section shall be known and may be cited as “Mobile Food and Drink Vendors”

**§ 11-10.2 Definitions.**

Except as otherwise modified by this Ordinance, the Definitions within Chapter 24 shall apply.

**MOBILE FOOD VENDOR**

Shall mean the operator of any mobile unit.

**MOBILE UNIT**

Shall mean any movable restaurant, truck, van or trailer in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations. Specifically excluded from the requirements of this Chapter and, for the purposes of this Chapter, shall not be considered a Mobile Food Vendor, is a vendor exclusively selling ice cream.

**§ 11-10.3 Class IV License Required; d.**

**a.** Except as may otherwise be provided for within this Ordinance, no Person shall conduct, operate or maintain a Mobile Unit within Sparta Township without first obtaining a CLASS IV license (as defined in §11-2.4(c)) (“License”) from the Sparta Township Clerk’s Office.

- (i) For events open to the public, Mobile Food Vendors must first obtain a License for each Mobile Unit to be operated at the event(s). These Licenses shall be event specific and the applicant must specify the date(s) and events.
- (ii) A retail food establishment that desires to use Mobile Unit(s) at its place of business must obtain a License for each Mobile that will be used at its business location.

Licenses may be applied for annually specifying the date(s) of operation or events, as applicable, or may be applied for individually for use on specific dates or events, as applicable. Applications must be filed with the Township Clerk’s Office at least ten (10) business days prior to the date of the use or event. Sparta Township shall maintain a list of Mobile Unit Licenses issued by the Township.

**b.** Mobile Food Vendors shall affix to the Mobile Unit a copy of the License issued by Sparta Township, County Board of Health license or approval, the certificate of registration issued by the New Jersey Division of Taxation and shall have displayed prominently on or adjacent to the doors of the mobile unit a placard or lettering with the name and address of the owner, lessee and/or lessor of the Mobile Unit. Said information shall be in letters and numbers no less than three inches in height in accordance with N.J.S.A. 39:4-46.

**§ 11-10.4 Application Process.**

**a.** All applicants or licensees attempting to apply for a License must complete an application/reapplication form prescribed by Sparta Township, pay the license fee prescribed in §11-2.7 and provide proof of the following:

1. Proof of ownership or rental of an approved Mobile Unit;
2. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile units;
3. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile food vendor operates from a motor vehicle in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
4. A satisfactory inspection report issued by the Sussex County Health Department no more than 30 days prior to a license being issued or renewed.
5. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.’
6. If the Mobile Unit will be used at a public event, the Mobile Food Vendor must have written or electronically/digitally (e-mail or online form) transmitted permission from the property owner and the event organizer If there will be two (2) or more Mobile Food Vendors at the public event, the vendor must also have written or electronically/digitally transmitted permission from the Township.

A Mobile Food Vendor seeking to obtain Township permission for a public event shall submit the request to the Township Clerk at least ten (10) business days in advance. The request for permission shall include:

- i. The date of the event.
- ii. The location of the event.
- iii. Time of the event.
- iv. Parking location for patrons of the event.
- vi. Proposed location for the Mobile Unit(s).

#### **§ 11-10.5 Mobile Food Vendor Locations**

- a. Parked on private property to serve their own guests at a private event, including events sponsored, organized and/or conducted by a business: Township License is not required.
- b. Parked on private property to serve the public for a specific public event on a specific date: Township License is required.
- c. Parked on public property for a public event on a specific date: Township License is required if there shall be two (2) or more Mobile Food Vendors at the event.
- d. Parked on public property to serve the public in general:
  - i. This will be limited to White Lake Field and Station Park.
  - ii. The designated areas of operation within those parks will be determined by the Township Manager or designee.
  - iii. The Township Manager may set a limit on the number of Mobile Food Vendors who may operate in the location at the same time.
  - iv. The Mobile Food Vendor must have a Township License specifying the date(s) that it will be operating at the location.
- e. Retail food establishments. A Retail food establishment (as defined in Chapter 24) may use a Mobile Unit at its business location, provided that it has a Township License.

#### **11-10.6 General Operational Requirements for Mobile Food Vendors.**

- a. Mobile Food Vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within 25 feet before leaving their site. Collected trash shall be properly disposed of by the Mobile Food Vendor, and must not be deposited in public trash receptacles.
- b. New or replacement Mobile Units shall be inspected before operating. No changes shall be made to approved Mobile Unit trucks, vans, pushcarts or vehicles without re- inspection by the Sussex County Health Department.
- c. No Mobile Food Vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- d. No Mobile Food Vendor shall occupy street space blocking the passage of traffic.
- e. Mobile Units shall be self-contained; no coolers to be placed on streets or sidewalks.
- f. No Mobile Food Vendor shall provide dining services inside the mobile unit or on sidewalk tables and chairs.
- g. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the mobile unit.
- h. All motorized vehicles must abide by all existing traffic and parking regulations.

- i. Mobile Units shall apply to and be inspected by the Sparta Township Fire Marshall as required by applicable ordinance, statutes, codes and regulations.
- j. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.
- k. If the Mobile Food Vendor is legally parked on a public road, the concession window must face away from the public road.
- l. If attending a public event, the time of operation is limited to the duration of the event with additional, reasonable time for setup before the event and cleanup after the event.

**Section 4. Severability**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Repealer**

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

**Section 6. Effective Date**

This Ordinance shall take effect upon passage and publication as provided 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 September 12, 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 September 26, 2023 at 7:00 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

ROXANNE LANDY, RMC  
MUNICIPAL CLERK



**AN ORDINANCE AMENDING CHAPTER 2. "ADMINISTRATION", ARTICLE IX. "COMMITTEES; BOARDS; COMMISSIONS", SECTION 2-39, "ENVIRONMENTAL COMMISSION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA**

**WHEREAS**, the Environmental Commission was established as an advisory board of the Township to provide advice, information and guidance on the protection, development and use of natural resources; and

**WHEREAS**, the Environmental Commission was established in 1978, over forty-five years ago; and

**WHEREAS**, the current work of the Commission calls for modification to its scope and operations; and

**WHEREAS**, the Sparta Township Council desires to amend Section 2-39, "Environmental Commission" of the Revised General Ordinances of the Township of Sparta as reflected within this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Sparta Township Council, County of Sussex, State of New Jersey, that Chapter 2. "Administration", Article IX. "Committees; Boards; Commissions", Section 2-39, "Environmental Commission" of the Revised General Ordinances of the Township of Sparta is amended as follows:

**Section 1:** Section 2-39.1. "Establishment; Function; Title" subpart "a" is repealed and replaced as follows:

- a. There is hereby established an Environmental Commission for the protection, development and use of natural resources. The Commission shall be known as the Environmental Commission of the Township of Sparta.

**Section 2:** Section 2-39.2. "Membership; Terms", subpart "a" is repealed and replaced as follows, and a new subpart "f" is added as follows"

- a. The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Township's Planning Board, and all of whom shall be residents of the Township of Sparta;
- f. The Commission may, in its discretion, appoint a Student Liaison member from one of the high schools serving Sparta Township. The Student Liaison shall be:
  - i. Preferably be a member of the environmental or ecology club at their high school;
  - ii. An uncompensated volunteer;
  - iii. A Sparta resident;
  - iv. A non-voting member;
  - v. 16 years of age or older;
  - vi. Appointed by the Mayor; and
  - vii. Serve for no longer than one (1) year.

The Commission's Chairperson shall determine the process for the student liaison submission and selection, along with such other applicable details.

**Section 3:** Section 2-39.3. "Vacancies; Removal", the following is added to the end of the section:  
"Cause" for removal of any member, may include, but is not limited to, excessive absences (missing more than six (6) meetings in any twelve (12) month period) from regularly scheduled meetings; ongoing lack of participation in Environmental Commission meetings, matters, activities, events, projects and/or subcommittee activities.

**Section 4:** Section 2-39.4. “Organization of Commission; Records; Meetings; Annual Report”, subpart “a” is repealed and replaced as follows:

- a. The Commission shall meet on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m., if needed, and at such other days and times as determined by the Commission and/or times and dates as requested by the Township Council.

**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 September 12, 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 September 26, 2023 at 7:00 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

ROXANNE LANDY, RMC  
MUNICIPAL CLERK