

April 25, 2023

The meeting was called to order at 6:34 p.m. by Mayor Chiariello who issued the formal statement in compliance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.

Roll call was taken and present were: Mayor Chiariello, Deputy Mayor Clark, Councilwoman Quinn, Councilman Hertzberg, Councilman Blumetti, Interim Township Manager/CFO Grant Rome, Township Attorney Tom Ryan, and Township Clerk Roxanne Landy.

Open Public Meetings Act-Executive Session:

On motion by Deputy Mayor Clark, seconded by Councilman Blumetti and unanimously carried, the following resolution was duly adopted:

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:

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel
 - b. Litigation
 - 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.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried, Council reconvened into public session at 7:25 p.m.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried, the meeting was adjourned for five minutes.

Council reconvened into public session at 7:30 p.m.

Salute to the Flag:

Mayor Chiariello led the assembly in a salute to the flag.

Proclamations:

Jerry Younkens Retirement:

Recreation Director Jeanne Montemarano read a proclamation commemorating Jerry Younkens's retirement and acknowledged his dedicated service to Sparta Township for the past 30 years.

Council extended their appreciation for his years of service to the Township.

Autism Month:

Councilwoman Quinn read a proclamation commemorating the month of April as National Autism Acceptance Month. She asked that Courtney Hyland, Jen Shauck, and Matt Beck, Superintendent of Schools, to come forward to accept the proclamation.

Alcohol Awareness:

Councilwoman Quinn asked that all members of the Sparta Municipal Alliance Committee to join her. Councilwoman Quinn read a proclamation commemorating the month of April as Alcohol Awareness Month. She stated that most of the programming that comes through the Municipal Alliance is dedicated to helping everyone make healthy life choices to avoid substance abuse.

Deputy Mayor Clark thanked Councilwoman Quinn for the work that she does and revealed that he has been sober for eighteen years and he has seen people's lives change with their decision to stop drinking and offered to help anyone making that life choice.

Minutes:

No minutes were presented for approval.

Special Presentation – Glen Lake Assessment:

Attorney Tom Ryan recused himself and left the dais at this time.

Angelo Bolcato, of Laddey, Clark, and Ryan, stated that he had assisted the Sparta Township Special Assessment commission with its task of coming up with a special assessment for the Glen Lake Beach Club's dam project. He stated that the dam was in a state of disrepair and the State DEP ordered them to take remedial action and in order to get funding for the project the Beach Club approached the DEP with a low interest loan, and in order to obtain the loan the State required the Township to serve as a co-borrower and act as a collection agency for the State. He stated that in 2016 the Township had put together an Assessment Commission who came up with an assessment with the help of an expert, but unfortunately the matter had been challenged in court and it went to the Supreme Court who determined that the process needed to start over again.

Mr. Bolcato stated that a new Commission had been formed and the expert went through a different evaluation approach and found that there are 46 properties within the community that benefit from the special assessment. He stated that the Commission had held two public hearings as well as a number of meetings available to the public. He stated that their final report had been submitted to the Council in mid February and there is a resolution on the Agenda for the Council to consider approving the Commission's report.

Mayor Chiariello opened the meeting to the public for discussion.

Victor Sucich, 209 Glen Road, addressed Council and asked why homes on the south side of Glen Road had been deleted from paying the assessment.

Mr. Bolcato stated that when the expert looked at the deeds and maps of the community, he wasn't able to tie those properties into the original community. He stated that the properties on the north side were closer to the lake as opposed to the south side of Glen Road.

Mr. Sucich stated that the people at the end of Glen Road would have a direct benefit from the dam not being compromised yet they are not included in the assessment.

Mr. Bolcato stated that the tie in was that the properties being assessed were included in the creation of the lake community.

In response to a question by Mr. Sucich, Mr. Scott Holtzhauer stated that the properties on the south side of Glen Road had no deed lineage tying them back to the original creation of the Glen Lake community.

Unidentified Speaker, 207 Glen Road, addressed Council and stated that he didn't understand why forty-six people needed to pay the special assessment. He stated that it was an undue burden on retired people and that no one had told him that he would be responsible for the assessment.

Mr. Bolcato stated that it was an issue between the home owner and the seller who should have disclosed it.

Mayor Chiariello stated that it really wasn't about risk mitigation and more about property value.

Mr. Holtzhauer stated that the DEP regulations state that if a dam is not repaired when required and there is a failure that causes downstream property damage, the DEP would have the right to assess a fee against the responsible party which would be the lake association. He stated that this is private property and if the Township spent public monies on it, it would then become public property.

Mr. Dash, 17 Ponderosa Trail, addressed Council and asked if the methodology would be stricken if it's challenged again in Court.

Mr. Bolcato stated that Courts typically look at how real estate ties into the chain of title and the history of the creation of a community and look at that as a rational basis.

Mr. Holtzhauer stated that Glen Lake is a private association that needed a cosigner to secure a loan and the municipality only agreed as long as the taxpayer's were not held responsible.

Ken Krough, 15 Glen Lake Road, addressed Council and stated that he has been a homeowner for 50 years and his deed states that he is not responsible for any ownership of Glen Lake or membership to any association. He stated that someone signed a note six years ago without knowing who was going to pay it back. He stated that he was retired and was being assessed without any explanation as to why.

Deputy Mayor Clark asked why this methodology was the best in order to comply with the statute.

Mr. Bolcato stated that it was part of the analysis that was conducted by Mr. Holtzhauer looking at the value of the properties and comparing it with and without the lake. He stated that Mr. Holtzhauer just used the land value and not the structures that are on it.

Jerry Murphy, 161 Alpine Trail, stated that there was another methodology considered in 2016 and that was to have the Township purchase the lake with open space funds and open the lake to the public.

Jen Dericks, Tap Into Sparta, addressed Council and asked if the benefit is derived from a functioning dam versus having a property that has access to the recreational use of the lake.

Mr. Holtzhauer stated that it was based on the recreational use of the lake.

She asked if Newton who owns Morris Lake has a benefit from having a functional dam on Glen Lake.

Mr. Holtzhauer stated that to the best of his knowledge Newton and the Morris Lake property was excluded from this assessment. He stated that he didn't know if it was a DEP determination or part of the original negotiation between the Town when the co-owner agreement was signed.

No one else from the public wished to be heard and this portion of the meeting was closed.

Mayor Chiariello stated that he wished to bring up Resolution 9-6, Adopting and Confirming the Special Assessment for Glen Lake Beach Club's Dam Rehabilitation Project, at this time.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried the resolution was brought up for discussion at this time.

Councilman Hertzberg asked why the resolution was on the Agenda on the same night that they are having a presentation on it.

Mayor Chiariello stated that there have been two public presentations from the Glen Lake Assessment Commission already. He stated that there is also an option to table the resolution if they so choose.

Councilwoman Quinn asked if the residents had a chance to meet with the people on the committee to discuss their concerns.

Mr. Bolcato stated that there had been letters sent to all of the property owners who were affected by this assessment. He stated that all of the meetings held by the commission had been opened to the public and there had been two public hearings held by the commission.

On motion by Councilwoman Quinn, seconded by Councilman Hertzberg and unanimously carried **Resolution 9-6 Adopting and Confirming the Special Assessment for Glen Lake Beach Club's Dam Rehabilitation Project** was tabled until the next meeting.

Attorney Tom Ryan returned to the dais at this time.

Manager's Report:

Interim Manager Grant Rome gave updates to various projects and events in Sparta Township, a copy of which is attached hereto:

REGULAR SESSION / ITEMS:

Public Works Updates:

- Last week the department installed a new cross-storm water drain on Sunset Drive in preparation for paving this year.
- Several loads of wood chips were delivered at the two local community gardens by the Van Kirk Homestead Museum location.
- Several dead ash trees have been addressed on certain Township properties and in right of ways. This will be an ongoing detail due to the emerald ash borer infestation.
- Crews have been sweeping and repairing certain residents' lawns that had been damaged by snow plows.
- The fleet division has been prepping vehicles and surplus items for this year's annual online auction.

Parks & Recreation Department:

- Spring/Summer program registration opened to residents on April 12th. Many of the toddler programs filled in a couple of days, all other programs are filling quickly. The new Youth and Adult Archery Program is well received by residents.
- May is the month we honor our Senior Citizens. The Senior volunteer recognition dinner will be held on May 17th as well as many other special events throughout the month. We are offering an AARP Safe Driving Program on May 9th and 10th and a new chess program will begin in May.
- The Trout Derby will be held on Saturday, May 6th at Station Park from 9 am to 12 pm.

- The Parks Department is working in full swing with field maintenance and spring clean ups. The planting of flowers at all Township facilities will start next week, weather dependent.

Utility Department:

- The water tap is completed at the White Lake Fields project with the pressure relief valve and meter being installed this week.

Construction Department:

- As of today, the Department has processed 594 permits (203 less than last year at this time). Collectively the Department has performed 1,716 inspections so far this year, which is a steady if not brisk pace. The Department is almost ready to go on-line to receive permit applications electronically which has been mandated by the State DCA and to be implemented by Summer 2023.

I would like to thank our hard-working staff in recognition of Administrative Professionals' Day tomorrow.

Approval of Manager's Report:

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried, the Manager's Report was approved as presented.

Police Chief's Report:

Police Chief McCarrick gave his report, a copy of which is attached hereto:

Distracted Driving Grant

The Police Department was awarded a \$7,000 Grant in regards for supplementing overtime shifts to enforce distracted driving. Officers have been enforcing violations throughout the month of April and will continue during their regular duty patrols.

To Date results for just the Distracted Grant Detail April 1, 2023 – April 25, 2023

Total number of motor vehicle stops initiated during this period is 268 stops

The total number of summonses issued were 61 summonses.

94 hours. This was broken down into 17 shifts

L.E.A.D. (Law Enforcement Against Drugs)

Sparta Police Officers continue to build relationships with the youth amongst our township. One way is teaching L.E.A.D. to 5th and 6th grade students. The L.E.A.D. program is an evidence-based program that teaches children goal setting activities and the dangers that could impede achieving those goals such as bad decision making and/or the use of illegal substances or illegal

for juvenile consumption substances. Each class receives a 40-minute class per week, for 10 weeks by an Officer who is a certified L.E.A.D. instructor.

To date for the 2022-2023 School Year our Officers have taught the following:

Pope John Middle School, 5th grade 75 students.

Helen Morgan School, 5th grade 229 students.

Sparta Middle School, 6th grade 257 students.

Total Classes for 5th grade is 150 classes

Total Classes for 6th grade is 100 classes

We taught a total of 561 students.

We have 13 LEAD certified instructors.

Traffic Study Updates

The Sparta Police Department continues to acknowledge, respond, investigate, and enforce a high volume of traffic complaints. Furthermore, we have been conducting traffic studies throughout the township on township owned roadways to analyze traffic behavior in several different categories. From that analyzed data we can structure our patrols accordingly in order to deter and enforce motor vehicle violations.

A recent traffic study of Glen Road/Milton Road resulted in the following.

Glen Road in area of Milton:

03-09-23/03-16-23

42,803 vehicles.

40 mph zone.

Average speed of 43 mph

Slowest speed of 8 mph

Fastest speed of 69 mph

The enforcement rating in this area is advised as low.

Glen Road near Bel Air:

04-12-23/04-20-23

43,276 vehicles

45 mph zone

Average speed of 47 mph

Slowest speed of 10 mph

Fastest speed of 94 mph

The enforcement rating in this area is advised as low.

Milton Road in area of Haywards:

02-01-23/02-08-23

3,316 vehicles

30 mph zone

Average speed of 30 mph

Slowest speed of 9 mph

Fastest speed of 57 mph

The enforcement rating in this area is advised as low.

There will be another study on the lower portion Glen Road in the near future.

Traffic bureau was directed to 12 traffic details on Glen and Milton Roads during the month of April

The traffic division stopped 17 vehicles for motor vehicle violations during these details.

DEA Prescription Take Back

The Sparta Police Department continues to provide the services of residents being able to drop off their unused or expired medications at the police station drop box so they can be disposed of in a responsible manner.

On April 24, 2023 the DEA picked up 307lbs of disposed medication from the Sparta Police Department. A collection from January 2023 to present

Approval of Police Chief's Report:

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried the Police Chief's report was approved as presented.

Open to the Public:

Kate Salerna addressed Council concerning a post that was made on the public page of one of the Council members regarding a certain ordinance and language that was used on a mailer that had been put directly into residents's mailboxes ahead of the meeting. She stated that she believed that it was illegal and she wanted to bring up her concerns.

Rudy Bechman, Conestoga Trail, addressed Council and stated that people who speak at the podium should show identification to prove that they live in Sparta.

Mayor Chiariello stated that people don't have to be Sparta residents in order to address the Council and speak at the meetings.

Dave Smith, Andover Road, addressed Council and stated that he had not seen any minutes from either the Planning or Zoning Boards and he believed that to be a violation. He stated that he had also not seen any minutes posted for the Environmental Commission.

In response to a question by Mr. Smith concerning the flag ordinance, Deputy Mayor Clark stated that there would be no rational basis for a lawsuit and if one was filed and the Township would have a very good argument that it was a frivolous lawsuit.

Mr. Smith asked Deputy Mayor Clark a question concerning a lawsuit that he had filed against the Township.

Deputy Mayor Clark stated that he had an understanding of the basis of that lawsuit and also the basis of any lawsuit that would be levied against the town for the flag ordinance.

Mayor Chiariello stated that the Township has a new website and it was incumbent upon all of the board secretaries to post the minutes for their respective boards and committees. He stated that they were also trying to get the agenda out before the weekend.

Mr. Dash addressed Council and stated that discussing litigation in a public forum was not appropriate. He stated that the lawsuit filed against the Township was not frivolous under NJ state rules.

No one else wished to be heard and this portion of the meeting was closed.

Expenditures:

On motion by Deputy Mayor Clark, seconded by Councilman Blumetti and unanimously carried expenditures in the amount of \$6,240,066.51 were approved as presented.

Hearing of Ordinance:

23-03 The second and final hearing of the ordinance entitled **AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SPARTA RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES** was given and held open for public discussion.

There was Council discussion concerning limiting the amount of time each speaker could speak. Attorney Ryan stated that without a formal policy having been adopted, he did not recommend limiting each speaker, but Council could set aside a certain amount of time for public discussion.

Ryan Dumfort, 47 Angelo Drive, addressed Council and was not in favor of the ordinance and stated that he had a petition with hundreds of signatures of other people who were not in favor as well. He stated that the people he had spoken to were in favor of keeping the flagpoles neutral and their opposition had nothing to do with the LGBTQ community.

Pete Litchfield, 120 Conestoga Trail, addressed Council and stated that they had let a speaker at a prior meeting slander him and call him a stalker. He stated that he comes to the meetings as a taxpayer, not as a military veteran and he had about 40 flags to give Council that he wants to see flown on the flagpole.

Tim Holovacs, 197 Springbrook Trail, addressed Council and spoke in favor of the ordinance.

Jerry Murphy, 161 Alpine Trail, addressed Council and spoke against the flag ordinance stating that it was flawed and should be withdrawn.

Sue Stone, 40 North Shore Trail addressed Council and spoke in favor of the flag ordinance and requested that the pride flag be flown in the month of June.

Pat Schultz, 203 East Shore Trail addressed Council and stated that she represented an organization uniting parents, families and allies with the LGBTQ community. She spoke in favor of adopting the ordinance.

Almir, Hamburg, addressed Council and spoke in favor of the flag ordinance and inclusivity.

Tom Eisenberg, 128 Sussex Mills Road addressed Council and spoke against the flag ordinance.

Kaitlyn Gagner, Summit Road addressed Council and spoke in favor of the flag ordinance and spoke about discrimination in the community. She stated that the Council was already engaged in government speech in numerous ways. Ms. Gagner commended the Council for creating an ordinance that is designed and whose purpose is to prevent litigation.

Deputy Mayor Clark commended everyone in the audience for being there and participating in the discussion no matter what side of the argument they were on.

Ms. Carbarto addressed Council and spoke in favor of the flag ordinance and tolerance and inclusion.

Patricia Carley, Balanced Rock Terrace addressed Council and spoke in opposition of the ordinance and felt that the Sparta community was far more tolerant and progressive than people think. She stated that the current ordinance doesn't specify a criteria for what flag is to be flown, but rather leaves it to the decision of individual Council members. She stated that the US flag was the most inclusive banner of all.

Kate Salerna addressed Council and spoke in favor of the ordinance. She also spoke about her own personal safety and how she feels threatened on a daily basis. Ms. Salerna had issues with posts that Councilman Hertzberg posted on his Facebook page and accused him of putting petitions in residents' mailboxes. She also asked to have the pride flag raised for Pride Month in June.

Deputy Mayor Clark stated that he was defending Councilman Hertzberg. He stated that Councilman Hertzberg didn't check his first amendment rights at the door when he became a councilperson and he had a right to post on his Facebook page if he is opposed or in favor of an issue. He stated also that there was no proof that Councilman Hertzberg put petitions in people's mailboxes and he asked that people not make unsupported allegations.

Eleana Dividu, 23 Cherry Tree Lane addressed Council and spoke in favor of the ordinance. She stated that the American flag didn't necessarily constitute inclusivity.

Debbie Gilmartin, 188 Alpine Trail, addressed Council and spoke against the ordinance and felt that anyone could fly a flag on their own property. She stated that deciding what flags to fly was not the job of local government.

Anna Gonzalez addressed Council and asked if she could display the Cuban flag to commemorate independence in Cuba.

Mayor Chiariello stated that under the ordinance she would be able to make that request and the Council would then put it on an Agenda and would subsequently vote as to whether or not to fly the flag.

Ms. Gonzalez stated that she celebrates privately and her point was that she didn't have to have a flag flown and the most important flag was the American flag.

Ari Beckman, Conestoga Trail addressed Council and stated that his concern was whether or not it was going to cost the taxpayers money if Council decides not to fly a flag that an organization requests.

Josh Aikens, Lafayette, addressed Council and spoke in opposition of the ordinance and was in favor of just flying the American flag and was the common thread that unites everyone.

Deputy Mayor Clark stated that if anyone had evidence that a township with a flag ordinance has had litigation against it, to let Council know and it would make their argument stronger.

Jack Jarvis, Summit Trail addressed Council and spoke in favor of the ordinance.

William Hayden, Branchville, addressed Council and spoke in opposition of the ordinance because of possible litigation concerns. He stated that the only flag that was necessary was the American flag.

Ashley Sundies, 9 Cottonwood Trail addressed Council and spoke in opposition of the ordinance and didn't think it was a good idea to allow any other additional flag to be flown. She stated that flying other flags would only cause more division.

Lindsey Paradisio, Demarest Road, addressed Council and spoke in support of the ordinance and wanted more support and inclusivity.

Jerry Murphy, 161 Alpine Trail, addressed Council and stated that all of them were elected at large and no one council person represents any specific group in the town. He stated that Council members represent everyone and it would be impossible to canvas everyone to see where they stand and as elected representatives they needed to do that. He stated that Council couldn't just arbitrarily make a decision three to two to fly any flag that they chose to and that the ordinance should be redrafted because it had some major flaws.

Debbie Gilmartin, 188 Alpine Trail addressed Council and stated that flying an autism flag did not mean inclusivity because her grandson has attended Sparta schools and was locked in a contained classroom and he was not celebrated. She stated that flying a flag makes no difference, it's the way people are treated that counts.

Sue Stone, 40 North Shore Trail, addressed Council and stated that her autistic son was doing wonderful in the Sparta school system and she urged Ms. Gilmartin to advocate for her grandson.

Oheath, Hamburg, addressed Council and stated that she was the founder and executive director of Sussex County Pride. She stated that last year volunteers for Sussex County Pride started the initiative to get a pride flag raising in Sparta and they were asking for the pride flag because things have gotten a lot worse for the LGBTQ community since the initiative was started. She stated that it would be empowering to have one of the largest towns in Sussex County recognize the LGBTQ community with a flag and thanked the Council for bringing the ordinance forward.

No one else wished to be heard and this portion of the meeting was closed.

Councilman Blumetti thanked everyone for coming out and expressing their opinions. He stated that flying the American, POW/MIA and NJ flags were not impacted by this ordinance. He stated that commemorative flags must be smaller in size than any of the three other flags and cannot be flown on the same flagpole as the American and POW/MIA flag and the Township does not purchase commemorative flags. He discussed that from a legal perspective, towns needed to establish a flag policy to be discussed during a public Council meeting with public input and a resolution would need to be adopted. He stated that the commemorative flags represent celebrations, unity, support, recognition, and acceptance and are not meant to offend, harm or be political.

Deputy Mayor Clark thanked Councilman Blumetti for addressing some of the inaccuracies that have been put forth. He stated that the ordinance does not require the Council to fly any flag upon any request. Deputy Mayor Clark also stated that the ordinance will not be divisive if people don't let it be.

Councilman Hertzberg stated that he didn't understand how Council thinks that they can speak for all of the residents and how celebrating hand picked groups won't create more division in town. He discussed that many people in the LGBTQ community don't want to be singled out, but just wanted the same rights as everyone else and didn't want or expect to be celebrated, but this Council thinks that it's their duty to use this issue as a political show.

Councilman Hertzberg went on to state that by putting up flags whether it be to support and single out one group, or support another country, the Council and Township will always be put in a position of picking one group over another. He stated that the ordinance was divisive by its nature and shouldn't be adopted. Councilman Hertzberg listed eight places in the country, and indicated that there were more, that are currently in litigation over flag ordinances so to say that there haven't been any is not true.

Councilman Hertzberg explained that by selectively choosing which flags or groups to promote and which to exclude on government property could place the Township in a legally precarious position and could lead to claims of viewpoint discrimination which is a violation of the first amendment's protection of free speech. He stated that the Supreme Court has consistently held that viewpoint discrimination is unconstitutional and that by selectively promoting certain groups or flags the Township would be engaging in viewpoint discrimination and could lead to legal challenges.

Councilwoman Quinn stated that one of the things people needed to be mindful of was not what kind of flag a person is represented by, but it's the way people are treated as human beings. She went on to state that people needed to be more tolerant of each other and more accepting of different points of view. Councilwoman Quinn stated that she was not okay with government speech and felt that less government is more.

Councilwoman Quinn stated that in 2016 it had been an honor and a privilege to implement Stigma Free. She stated that she felt there was a lot of work that could be done to expand the program. She stated that when it was originally implemented it was around mental health and substance abuse but that the program needs to be looking at where discussions, dialog and events could be held to build unity back in the community. She went on to state that she had not been afforded the opportunity to have her ideas and comments included in the ordinance. She indicated that she felt that the ordinance was government overreach and could not support it as written.

Mayor Chiariello stated that he was happy that there had been so many in attendance at the meeting and it shows that people care.

Councilman Blumetti stated that there were plenty of opportunities where Council members gave input for edits and amendments.

Councilman Hertzberg stated that every time Councilman Blumetti, Deputy Mayor Clark and Mayor Chiariello wanted to make a change to the ordinance, it was allowed, but Councilwoman Quinn had not been afforded the same opportunity. He stated that there had been no conversations prior to the meeting to get all of the ideas put together to have a coherent resolution.

Councilwoman Quinn stated that she had not been included or given the opportunity to make ideas known and none of them had been considered.

Mayor Chiariello went over the various stages of the ordinance and stated that everyone had an opportunity to comment on it and offer amendments and vote on it and any assertion that there was no opportunity to add to it is false.

Deputy Mayor Clark stated that just because Councilwoman Quinn's ideas didn't make it into an ordinance doesn't mean that she wasn't afforded an opportunity. He stated that it means that what was offered was not considered.

Councilwoman Quinn stated that a gentleman at another meeting had asked if a proclamation was government speech and she would agree but Council can do the exact same thing for everybody, but not everyone has a flag and she wanted to make sure that she took the time to respond to him.

Deputy Mayor Neill Clark made a motion to adopt, Councilman Blumetti seconded the motion and the ordinance was adopted by the following roll call vote:

Councilman Blumetti – Yes
 Councilman Hertzberg – No
 Deputy Mayor Clark - Yes

Councilwoman Quinn - No
 Mayor Chiariello - Yes

BE IT RESOLVED by the Township Council of the Township of Sparta that the following ordinance entitled: **AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SPARTA RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES** is hereby adopted on second and final reading and the Township Clerk is authorized to publish said notice and the ordinance will take effect in accordance with the law.

Open to the Public- Resolutions:

Jenny Dericks, Tap Into Sparta, asked a question regarding Resolution 9-7 Professional Services Agreement with Forty Twenty Seven LLC. Mr. Rome stated that the resolution was to update all of the Township’s GIS maps and being able to print the maps out of the system and make them available to the public.

No one else wished to be heard and this portion of the meeting was closed.

Resolutions:

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried, Resolutions 9-1 through 9=5 and 9-7 were duly adopted:

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 Authorizing the Mayor and Township Clerk to Sign the Agreement for Animal Pound/Shelter Services with Borough of Hopatcong

WHEREAS, the Township of Sparta is in need of providing animal impound services for one year commencing on May 1, 2023 and expiring on April 30, 2024; and

WHEREAS, Borough of Hopatcong has a facility and the ability to provide the animal impound services as may be required by the Township;

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

1. The Agreement for Animal Pound/Shelter Services between the Township of Sparta and the Borough of Hopatcong is approved. The terms and conditions of the Agreement (Exhibit "A") are made a part of this Resolution.

2. The Mayor and Township Clerk are authorized to sign the Agreement for Animal Pound/Shelter Services on behalf of the Township.

3. The Agreement for Animal Pound/Shelter Services has been reviewed and approved by the Township Manager and Township Attorney.

4. This Resolution shall take effect immediately.

5. 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.

9-7 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.

Council Liaison Updates:

Councilwoman Quinn thanked everyone who came out to accept their awards and it was an honor to work with the Municipal Alliance committee. She stated that a student from Sparta won the poster contest for the Sussex County Center for Prevention and Counseling Program for Alcohol Awareness Month.

Councilwoman Quinn stated that May is Mental Health Awareness Month and she made a recommendation that Council acknowledge this.

Councilwoman Quinn stated that she and Councilman Hertzberg had attended the Senior Advisory Committee and she would be speaking about the Older American Award that would be decided tonight. She stated that the committee had been discussing food insecurity issues that affects a large number of people. She stated that a subcommittee had met with different agencies within the County that provide resources to people who are experiencing food insecurities and a two page handout was in the process of being formulated to give families information about the resources available to them. She stated that the handout was going to be mailed out to the community with the next tax bill.

Councilwoman Quinn stated that the Health Committee had met and there would be updates made to the Smart 911 system and she hoped to be able to have the actual categories for the next meeting once everything has been tested.

Deputy Mayor Clark stated that he had attended the latest Lake Mohawk meeting and their budget had been passed and there will be life guards and marine patrols. He stated that they continue to work through their financing and accounting issues. Deputy Mayor Clark stated that the gatehouses at the Byram line and on West Shore Trail were slated to be demolished, but a group of concerned citizens formed a non profit that allowed Lake Mohawk to transfer the rights to those gatehouses to them and they will raise money to pay for the rehabilitation of the gate houses.

Councilman Blumetti stated that the Environmental Commission has not met since the last Council meeting but the Earth Day Community Fair had been held this past Saturday and the event was a big success. He stated that the purpose was to help people learn more about the environment, conservation and the various organizations that support Sparta residents. He gave thanks to the Environmental Commission chairwoman for her leadership, and to the other commission members, and Michele Landtau for all of their help as well. Councilman Blumetti also gave thanks to Kara Johnson, a middle school teacher, who was a vital partner in the endeavor, as well as volunteers from the Sparta High School and the middle school.

Unfinished Business:

Mayor Chiariello stated that he wanted to recommend tabling the discussion of the Economic Development Committee.

Councilwoman Quinn asked to have some productive dialog between Council members regarding the committee before the next meeting so that Council can be prepared to have a discussion rather than staring at a blank piece of paper.

Councilman Hertzberg asked if the subject could be put on the Agenda earlier because it's always at the end and it's always being pushed off because the meetings run so late.

Mayor Chiariello stated that he preferred to conduct business in public rather than outside of the public realm which is why he wanted to have a public discussion of what the committee should

look like. He suggested tabling the discussion for the next meeting and placing it earlier on the Agenda.

Councilman Blumetti stated that maybe within the next two weeks Council members could send each other bullet points of what they are thinking and what they would like to discuss.

Mayor Chiariello stated that everyone could send him their ideas and he could put together what he thought would be the most balanced version of everything and then there would be a document to mark up at the next meeting.

Councilman Hertzberg stated that he would like to see everybody's ideas altogether.

Councilwoman Quinn agreed that she wanted to see everyone's ideas.

Deputy Mayor Clark stated that he would like to hear what everyone has to say as well.

On motion by Councilman Hertzberg, seconded by Councilman Blumetti and unanimously carried, discussion on the Economic Development Committee was tabled until the next meeting.

Discussions centered on the best way forward to collaborate about an upcoming food truck ordinance.

New Business:

Senior of the Year Award:

Councilwoman Quinn stated that the Senior Advisory Committee had nominated Wendy Stamer to receive the Older American of the Year award.

Councilman Hertzberg stated that he agreed with the nomination of Wendy Stamer.

Deputy Mayor Clark stated that he was not familiar with Ms. Stamer but did respect Councilwoman Quinn's position on the Senior Advisory Committee and he trusted her judgment on the matter.

Councilman Blumetti stated that he had an issue with the process and that there were two nominees who seemed to both be deserving of the award and he found the process to be subjective and didn't know how Council could choose one over the other and recommended choosing both nominees.

Councilman Hertzberg stated that there were always more than one nominee every year, so Council would be choosing more than one every year.

Councilman Blumetti asked that without a criteria set, how can Council make an objective decision?

Councilwoman Quinn stated that Councilman Blumetti could abstain from the vote and she would get him the actual application that was filled out. She stated that the senior dinner is in May and the committee needed a decision now and it can't wait until the next meeting.

Mayor Chiariello stated that he would go with the recommendation from the seniors.

Councilman Blumetti stated that for the record he was abstaining.

Councilman Blumetti stated that he had attended the Sparta Chamber of Commerce meeting and it went really well.

Councilwoman Quinn stated that there was an opening on the Recreation Advisory Committee and she wanted to nominate Ann Lapouch for that position. She stated that Ms. Lapouch had submitted an amended application that stated that she wished to serve on the committee.

On motion by Councilwoman Quinn, seconded by Councilman Hertzberg and unanimously carried, Ann Lapouch was appointed to the Recreation Advisory Committee.

Councilwoman Quinn stated that there were three new laws that could affect people who have been laid off, it affects higher paying state jobs for those with four-year degrees, and also helping low income people who don't have the funds to pay their monthly bills.

Councilwoman Quinn wanted to make sure that all department heads were aware of the Township's trade education reimbursement procedure that has been implemented and the employee handbook needed to be updated.

Mayor Chiariello stated that he wanted to appoint Celeste Luciano to the Plan Endorsement Advisory Committee. He stated that it was a Mayoral appointment.

Mayor Chiariello stated that he was making a Mayoral appointment of Lynda Tower to the Environmental Commission as a second alternate.

Mayor Chiariello stated that every municipality in New Jersey is encouraged to form a committee called Revolution NJ 250th which is planning a celebration of the nation's 250th birthday and he wanted to partner with the historical society to find the best way to involve the town.

Mayor Chiariello stated that he needed a motion from the Council to put on the Agenda for the next meeting the flying of commemorative flags. He stated that from May 14th – 21st is Police Appreciation Week, May 21st – 27th is National EMS week and June 1st – 7th is Pride Month, June 14th is the birthday of the U.S. Army and June 19th there will be a flag celebrating Juneteenth.

Mayor Chiariello made a motion to put a resolution for those dates on the next agenda. Councilman Blumetti seconded the motion.

Councilman Blumetti stated that June 14th is flag day and questioned whether the army flag should be flown on that day.

Mayor Chiariello stated that he would reach out to the person who made the request and see if there is an alternate date available.

The motion was adopted by the following roll call vote:

Councilman Blumetti – Yes
Councilman Hertzberg – No
Deputy Mayor Clark - Yes

Councilwoman Quinn - No
Mayor Chiariello - Yes

Open to the Public:

Patricia Carley, Balanced Rock Terrace, stated that Juneteenth is on June 19th.

Mayor Chiariello stated that the celebration date is on a Monday.

Patricia Carley stated that she was in opposition of the ordinance that was approved but she found it interesting that members of the Council who approved that ordinance despite the clear lack of criteria under which they will evaluate which flags to fly were very concerned about the criteria which will be applied to voting for the senior citizen of the year and the criteria which will be applied to determine whether or not somebody can get tuition reimbursement. She stated that some Council members care about criteria for those things, but don't seem to care about criteria for citizen's constitutional rights. She stated that it was very troubling to her.

Deputy Mayor Clark stated that if she read the ordinance she would see that there are criteria in it and rules of statutory interpretation.

Dave Smith addressed Council and stated that he hopes that the flag ordinance works out for them, but it took until after Easter to get the Christmas banners down. He asked Council to pay attention to the town and not worry about the minor things.

Adjournment:

No one else wished to be heard and no further business was brought up, motion was made by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried to adjourn at 11:52 p.m.

Respectfully submitted

Roxanne Landy, RMC
Municipal Clerk