

May 9, 2023

The meeting was called to order at 7:30 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.

Salute to the Flag:

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

Proclamations:

Senior of the Year – Wendy Stamer:

Councilman Hertzberg read a proclamation for Wendy Stamer who had been selected as the 2023 Senior of the Year. Councilman Hertzberg listed Ms. Stamer's many accomplishments over the years and extended the Council's sincere gratitude and appreciation for her service to Sussex County and Sparta and for exemplifying the vital role that senior citizens play within the community.

Ms. Stamer thanked Council for the proclamation and stated that she was very honored to receive it.

Mental Health Awareness:

Councilwoman Quinn read a proclamation supporting Mental Health Awareness and proclaimed the month of May as Mental Health Awareness Month and called upon all citizens, government agencies, organizations, health care providers, and research institutions to raise mental health awareness and continue to help people live long and healthy lives.

Councilwoman Quinn introduced social workers and psychologists who work in the Sparta school system and presented them with the proclamation. She stated that they had never stopped supporting the students even during the pandemic and thanked them for all of the work that they do.

They thanked Council for the honor and stated that the work that they do is very gratifying and necessary.

Minutes:

On motion by Deputy Mayor Clark, seconded by Councilwoman Quinn and carried the executive meeting minutes held on January 24, 2023 were approved as presented. Councilman Blumetti and Councilman Hertzberg abstained.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried the executive meeting minutes held on February 28, 2023 were approved as presented.

On motion by Deputy Mayor Clark, seconded by Councilman Blumetti and unanimously carried the executive meeting minutes held on March 27, 2023 were approved as presented.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried the executive meeting minutes held on March 28, 2023 were approved as presented.

Manager's Report:

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

Public Works Updates:

- The Township's Free Paper Shred Event is this Saturday, May 13th from 9 am to Noon here in the lower parking lot at Town Hall. This event has been well advertised using the Township's web resources, visual message boards as well as the Sparta Independent. We anticipate a good turnout.
- Yesterday, May 8th, the Township Surplus Auction started online through GovDeals, Inc., with the last day for bidding on May 15th. Additional information is available on the Township Website.
- Road crews continue to sweep Township roads to keep road basins open and clear for storm water drainage.
- The Township will be receiving \$750 from the 2022 Safety Incentive Program from the Township's insurance fund. The award is based on all Township Departments using good safety practices by participating in safety training, attending quarterly meetings with the Risk Manager and other professionals, as well as providing inspection reports, which ultimately keeps employee injuries as minimal as possible. I would like to thank Jim Zepp and Christine Smith for their work in managing the Township's Safety Program.

Parks & Recreation Department:

- The Parks Department is continually working on field maintenance, spring clean ups and flower planting, as well as keeping busy with pavilion rentals, tournaments for all sports, and other special events. The Department is transitioning after the retirement of Jerry Younkers and all staff are doing a great job.
- The Annual Trout Derby was held at Station Park on May 6th and there were approximately 125 participants in attendance.
- As a reminder, the 2023 Senior Volunteer Appreciation Dinner will be held on May 17th where the Sparta's Outstanding Older American will be announced. Registrations continue for all Senior programs with the senior pool exercise class almost at full capacity.
- Summer Program registrations continue to fill up.
- Preparations for Day Camp at Camp Sacajawea are being finalized. We continue to interview for a few more Counselor positions as well as training the staff for the season.

Utility Department:

- White Lake Fields water lines are fully installed and ready to go.

Public Library:

- The library's door counts and circulation has been higher month to month from last year each month of 2023. Statistics are not always the best indicators of all the services the library provides the community however, these statistics are the longest recorded numbers that the library keeps and provides a trend line on a broad picture of library usage.
- Programs in April include the continuation of our Pope John robotics' club workshop; retirement roadblocks; the ABCs of depression; delete the clutter with Jamie Novak, de-stress; detox & rejuvenation; playing with essential oils; and veteran benefits and long-term care.
- Dave attended two Tech Fest programs in April that are sponsored by Library Link New Jersey. These events have a long history and are a great way to see how libraries are incorporating technology with library service.

Finance Department:

The Tax Assessor has advised that for the year 2023, a total of 10 County Tax Board appeals have been filed as well as two cases being filed directly with the New Jersey Tax Court, but no hearing dates have been scheduled.

Lastly, I am appointing Jim Zepp as the Deputy Township Manager. If anything comes up during my absence during the week of May 13th please contact him.

Police Chief McCarrick gave his report, a copy of which is attached hereto:**May is Bicycle Safety Month.**

With the warm weather the Police Department has observed many bicyclists on our roadways. We ask the motorist to please be aware and share the road. We also ask the bicyclists to remember to also follow the laws of the roadways when riding their bike. Some safety information can be found on our department's social media pages.

Additionally, you may see Sparta Police Officer's riding around on Bicycle Patrols. You will see these officers around town in the busy pedestrian areas such as the police and our parks. We currently have (3) Certified Bicycle Officers with an additional (4) Officers being trained in May and June.

Automated License Plate Reader (ALPR) Awarded Grant

The Police Department was awarded a \$68,000 Grant to be used towards the purchase of automated license plate readers. The police department applied for this grant to have this enhanced technology simple to solve crime.

Having stationary ALPRs installed along key, high-priority roadways in Sparta Township will assist the STPD in reducing violent crime and motor vehicle thefts that occur in our jurisdiction. These ALPRs will also help the Detective Bureau in solving crimes such as burglaries, shoplifting, and other crimes where individuals are utilizing a motor vehicle to flee from the scene. We currently have many gaps in our ALPR footprint, as we do not have any ALPRs within Sparta Township and there are none present in any of the surrounding jurisdictions within Sussex County. As such, this makes it very difficult to identify vehicles used in the commission of a crime.

The goal of this project is to reduce criminal activity, promote public safety, and enhance quality of life for all Sparta and New Jersey residents.

Special Olympics Torch Run

This year marks the 40th Anniversary of the Special Olympic Torch Run. Every year, law enforcement officers in New Jersey exchange their uniforms for running gear as they carry the "Flame of Hope" throughout the Garden State into the Special Olympics New Jersey Summer Games Opening Ceremony.

Eventually the flame, after traveling many miles, makes its way to The College of New Jersey to light the cauldron to give the official start of the Summer Games.

Sparta Police Department has been participating in this event for many years. Officers, along with high school students, Township Employees, and Sparta's very own Unified Sports Athletes participated. This year we would like to make it even more special and ask anyone from our great township of Sparta to come out and support this great cause by running with us.

Details will be posted on our social media shortly. More information on the torch run can be found at www.sonj.org

Deputy Mayor Clark brought up some privacy concerns regarding the automatic license plate reader. He asked that people's privacy rights not be infringed upon in the Township's efforts to keep people safe.

Chief McCarrick stated that privacy rights were a concern but it would be regulated by the Attorney General's guidelines which were clear cut. He stated that all of the officers had been trained on the use of the reader and when and how to search. He stated that all of the searches would be reviewed on an annual basis in accordance with the Attorney General's guidelines and the County Prosecutor's office.

Councilman Blumetti stated that there was misinformation that the readers would be picking up everyone's license plate.

Chief McCarrick stated that a car license plate was viewable to the public and the reader would capture it. He stated that there is criteria regarding when a search can be conducted.

Approval of Manger and Police Chief's Reports:

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

Open to the Public:

Jeffrey Rameriz, Sparta, addressed Council concerning the license plate readers and privacy concerns. He asked if the Police department would have the license plate numbers of all of the residents living in town.

Chief McCarrick stated that the Police department can search the information collected, however they are required to follow specific criteria for that purpose.

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

Economic Development Committee Discussion:

Councilman Hertzberg stated that more than twenty employees have left key positions within the Township and there was nobody left to do the work.

Mayor Chiariello stated that personnel issues were not in the purview of the Council.

Councilman Hertzberg stated that the Planning, Zoning and Construction offices were necessary components to economic development and that many potential projects have already pulled out of town. He indicated that everyone with historical knowledge on the statutory boards had been replaced and went on to express his concerns about the long term effects on the Township and economic development. He stated that Council was setting a precedent that they didn't want businesses in town.

Councilwoman Quinn stated that the reason why the municipal taxes have remained flat is related to rebates. She stated that the Township needed to be respectful of every business. She stated that she had submitted a proposed vision statement for the EDC, but she agreed that the EDC needed infrastructure in order to be effective. She added that businesses are not coming to Sparta at the rate they were and that should be alarming and that the EDC had been vital during the pandemic in keeping businesses open and running.

Councilwoman Quinn stated that shared areas of focus should include supporting and enhancing the business community, balancing economic development and environmental sustainability, and attract and support the appropriate balance of business with vision and research. Councilwoman Quinn said that they also need to research and review existing open and/or available space and make recommendations around potential development and/or areas that need restriction. She also recommended that the committee serve as a catalyst for generating new ideas among businesses, and act as an advisory board.

Councilwoman Quinn suggested that Council have separate working meetings apart from regular Council meetings because the meetings run long and it's very hard for people to be able to follow along and absorb all of the information. She stated that by having working meetings, it would allow Council members to be prepared with documentation that has already been a collaborative effort at the regular meetings and could then be introduced to the public.

Councilman Blumetti stated that personnel matters are not under the purview of the Council. He stated that the tone of the Council meetings affect culture. He stated that employees have left to retire or to pursue other career opportunities that are not attributed to culture issues. He stated that the Planning Board was not backed up and the site plan waiver subcommittee has had a lot of business. He stated that the Environmental Commission was also having regular meetings.

Councilman Blumetti stated that he felt that bringing in new people to sit on the statutory boards provided fresh perspectives and was not a bad thing.

Councilman Blumetti stated that his view of the EDC committee was more than just economic development, but would include supporting and enhancing the business community and the way that the residents engage with and support the local businesses. He stated that he thought that changing the name of the committee to small business or business development committee might be more appropriate and he felt that the purpose of the committee would be to attract and support the appropriate balance of business in the township while maintaining Sparta's unique character, quality of life, and natural resources. He stated that there were many other reasons why the taxes have remained flat and it was not just because of retables. He further stated that the Committee's charter must align with the Township's master plan.

Councilman Blumetti went on to state that he wanted to see the Committee pay extra attention to small businesses, especially those in the town center. He stated that the committee would act as an advisory committee to the Township Council with a very close relationship to the Planning Board. He stated that in his opinion, there should be a Planning Board member serving on the committee and that the committee should work closely with both the local and county Chamber of Commerce. He reiterated what the chief functions of the committee should be as a Two-way communication channel with the business community. Councilman Blumetti added that it should help fill vacant store fronts, collaborate with property owners and realtors, help retain and support local businesses with marketing, preserve an economic balance within the Township, and support and encourage sustainability practices as well as green business certification.

Councilman Blumetti stated that the committee should be comprised of Council members, Planning Board members, local business representatives with varying industry prospective, residents and staff.

Deputy Mayor Clark stated that he needed to address Councilman Hertzberg's comments. He said that he disagreed with the characterization that Sparta was falling apart and he was not aware of what businesses have left town due to the recent change in administration. He stated that Sparta would remain an attractive place for businesses to be and for people to move to. He stated that he had not seen any evidence that employees are leaving because they don't like the new administration and added that personnel was the responsibility of the Township Manager.

Deputy Mayor Clark stated further that he agreed with one of Councilwoman Quinn's recommendations regarding the proper balancing between economic development and environmental sustainability. He stated that he also liked what Councilman Hertzberg suggested on the composition of the committee, but also felt that an everyday citizen needed to be included on the committee as well.

Deputy Mayor Clark stated that he would like to keep the committee's name as the Economic Development Committee because there's other ways to drive economic growth other than the business itself. He stated that the committee could figure out ways to make Sparta more walkable and connect the Plaza to the town center. He also mentioned the rail to trails in Sparta that is currently being unused.

Deputy Mayor Clark said that with regard to the Planning Board, every zone is based on certain uses within the zone and he thought it would be helpful if the Economic Development

Committee would assist the Planning Board to change some of the uses that are allowable in the zone because that would attract a lucrative business that also would not have all of the external environmental costs etc. He stated that road infrastructure would also have to be taken into consideration. He stated that by Council taking its time to work through all of the issues, Sparta will benefit in the long run.

Mayor Chiariello stated that the Economic Development Committee as it was originally crafted in 2006 was not following the objectives that had been laid out. He stated that the EDC had been structured as an advisory board to the Planning Board and he hadn't seen any evidence that the Planning Board had required that advice. Councilman Chiariello stated that he wanted to focus on the businesses already in town and do everything to help those businesses. He stated that he saw the committee filling an organic need such as making sure that the Township has the right policies and ordinances in place to help businesses grow.

Councilman Chiariello suggested that they rename the committee to Business Development Committee. He stated that he would also partner with the chamber of commerce to have overlapping memberships. He stated that he wanted to change the time of the meetings to be more conducive to public participation and would like to see at least one member of the Chamber of Commerce on the committee, Planning Board member, a number of current business owners, and at least two non-business owners, and two Council liaisons. He stated that the previous Committee had met early in the morning behind locked doors.

Councilman Hertzberg stated that the business owners who had served on the Economic Development Committee had chosen the early morning start time so that they could attend the meeting and then get back to their businesses. Councilman Hertzberg stated that there had been a lot of time spent streamlining the process in Town Hall that businesses had to go through and business owners had said that it had made a difference and now with the mass exodus of employees, that process was gone.

Councilwoman Quinn stated that with regard to the early morning start time, the Sussex Chamber, as well as the Sparta Chamber, both meet at 8 and 8:30 a.m. as well because that's what the businesses need. She stated that the EDC had met in the conference room of the police department and for the last two years in the Council chambers, not behind locked doors.

Councilwoman Quinn stated that she felt that there needed to be a basic understanding of the business culture, things that have happened in the past before everyone tries to recreate something that they are not familiar with. She stated also that the committee needed to be comprised of businesses of all sizes and not limit its scope to just small business. She stated that the Planning Board in the past had worked to change the zoning for the seven properties that are adjacent to town hall in order to create a walkable town square. She stated that the Planning Board had also been looking at boardwalk systems. She stated that time needs to be taken to get more acclimated to what is going on and be informed before the Council creates something that is not conducive to what the Council wants.

Councilman Blumetti stated that he didn't feel that the Council members were that far apart on what the EDC should be.

Councilman Hertzberg stated that unless the problems within Town Hall are fixed nothing can be accomplished to bring a business in. He stated that the committee needed to have a good cross section of business people in town, both professionals and business owners, being able to have open and honest discussions in order to advise Council.

Councilman Blumetti stated that it would not be an issue as long as it's representative of the community.

Councilwoman Quinn stated that the committee should not be micromanaged by the Council. She stated that the framework and guidelines should be provided, and then the committee should be able to function on its own.

Mayor Chiariello stated that he would compile what Council discussed into three, four, or five points to broadly define the scope and the composition of the committee. He stated that he didn't want to get too detailed, but wanted it to be clear enough to set the proper guidance. He stated

that a resolution would be crafted to form the committee and would be introduced at a future Council meeting.

Expenditures:

In response to a question by Councilman Blumetti concerning consulting fees, Mr. Rome stated that Mr. Buzak's firm was representing the Township in the matter of the Main Street/County Bridge.

On motion by Deputy Mayor Clark, seconded by Councilman Blumetti and unanimously carried expenditures in the amount of \$6,216,542.34 were approved as presented.

Hearing of Ordinance:

23-10 The second and final hearing of the ordinance entitled **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** was given and held open for public discussion.

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

In response to a question by Deputy Mayor Clark, Mr. Rome stated that the Division of Local Government establishes what the percentage of CAP can be each year and the ordinance allows the Township to go to the maximum amount if it was needed. He stated that the Town had never used it, or exceeded it, but in order to have it in the event it was ever needed, an ordinance needed to be in place.

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

Councilman Blumetti – Yes
Councilman Hertzberg – Yes
Deputy Mayor Clark - Yes

Councilwoman Quinn - Yes
Mayor Chiariello - Yes

BE IT RESOLVED by the Township Council of the Township of Sparta that the following ordinance entitled: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** 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.

Mayor Chiariello asked for a five minute recess at this time.

Council reconvened into public session at 9:10 p.m.

Open to the Public – Resolutions:

Jenny Dericks, TapInto Sparta, addressed Council and stated that Resolutions 9-6 and 9-7 were not on the publically posted Agenda. She stated that she thought that Council was going to discuss the display of certain flags first before being placed on an Agenda for approval.

Mayor Chiariello stated that it had been discussed at the last meeting and announced that the resolutions would be on the Agenda for this meeting.

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

Resolutions:

On motion by Deputy Mayor Clark, seconded by Councilman Blumetti and unanimously carried, Resolution 9-1, Authorizing the Cancellation of Township Tax Sale Certificates was duly adopted.

9-1 Resolution Authorizing the Cancellation of Township Tax Sale Certificates

WHEREAS, certificates of sale were issued to the Township of Sparta for delinquent taxes on various blocks and lots at the 2020 tax sale held by the Township, and,

WHEREAS, Block 35007, Lot 16 was redeemed, the certificate on this property is paid in full for amount of the delinquency to the Township.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk of the Township of Sparta are hereby authorized to endorse the following Certificate of Sale for cancellation:

<u>Certificate #</u>	<u>Block/Lot</u>
19-00060	35007 / 16

In response to a question by Councilwoman Quinn concerning the adoption of the 2023 Municipal Budget, Mr. Rome stated that there needed to be a public hearing on the budget because it had been advertised for this meeting. Mr. Rome further stated that it will not be able to be adopted right now because it is still under review in Trenton and there may be some suggestions to amend it.

Mr. Rome stated that the budget is proposed at a total amount of \$29,630,203.53. He stated that the amount that would be raised in taxation would be \$17,657,673.26 which was a decrease on the amount to be raised in taxes of \$127,000 or negative .72% from last year's amount. He stated that the amount that funds the local library is designated by the State and \$1,307,171.76 is in the budget for that. He stated that it represented an increase of \$139,000 from last year.

Mr. Rome stated that the municipal tax is 16.5% of the total budget. He stated that open space is .32% , the municipal library is .122% , the County portion is 17.56% and the school portion is 64.41% of the total tax dollar.

On motion by Mayor Chiariello, seconded by Councilman Blumetti and unanimously carried, **Resolution 9-2, Adoption of the Municipal Budget – Title Only** was tabled.

Councilwoman Quinn thanked Judge Parker for all of her work in chairing the Special Assessment Committee. She stated that she wanted everyone to understand the role that the Township took from this and the lessons learned from it. She stated that dams in private communities are the responsibility of the residents in that community. She stated that the Township had gotten involved because the State required that the Township sign with the homeowners association to act as a collection agency. Councilwoman Quinn went on to explain what transpired after the Township lost a Court appeal.

Mayor Chiariello stated that it was his understanding that the homeowners association was given the choice to abandon the lake and let it go to a meadow or repair the dam. He stated that the homeowners association voted to have the dam repaired.

Deputy Mayor Clark stated that he had looked into other alternatives besides the assessment and he understood the financial difficulties. He stated that no alternate approach other than the special assessment was feasible.

Councilwoman Quinn stated that it was her understanding that once the resolution is adopted, a specific letter for each property will go out stating what the actual balance is that will be due.

Mayor Chiariello opened the meeting for public comment:

Victor Sucich, 209 Glen Road addressed Council and stated that it was his understanding that if the dam breached, all forty-two homeowners would be responsible to repair it. He stated that

more money would be needed in the future for maintenance of the dam. He stated that he had never been approached to be a member of the homeowner's association and has no documentation that his property was ever a part of the association.

Deputy Mayor Clark stated that a deed lineage had been done by the assessor to figure out which homes are affected.

Joseph Grano, 211 Glen Road addressed Council and stated that most of the people have purchased their homes in more recent times and that none of these issues were mentioned to anyone who purchased their home. He stated that it seemed ludicrous to apply this assessment to new homeowners who had no prior knowledge of this before their home was purchased. Mr. Grano asked who determined that a larger number of homes is now responsible to bear the cost of repairing the dam.

Tom Ryan, Township Attorney, stated that the formula that had been used previously, went to the NJ State Supreme Court that had included other homes. He stated that the Supreme Court was not satisfied with the analysis that had been done and remanded it back to the Township. He stated that the Assessment Commission had an appraiser that evaluated all of the homes and did the research with regard to deeds and made a determination and recommendation to the Assessment Commission who had conducted two public hearings. He stated that the Assessment Commission, based upon the expert's analysis, issued their report and a hearing had been conducted on the report at the last Council meeting.

Mr. Grano stated that many of the homes that had been removed are those that were downstream from the lake itself. He stated that the lake had no direct influence on his and others properties who are included in the assessment.

Councilwoman Quinn stated that the HOA had indicated that they wanted to keep the lake and fix the dam and the State required the Township to be the collection agency.

Mr. Grano stated that he had no knowledge of an HOA.

Deputy Mayor Clark stated that he would recommend that Mr. Grano explore the fact that he had never been told at the time of the purchase of his home that he would belong to an HOA.

Bob Gasper, 53 Glen Lake Road, addressed Council and stated that there is no HOA. He stated that it's a lake association and membership is not mandatory. He stated that there was a signed letter indicating that they wanted the dam to be repaired and some of the people who signed the letter are not now being assessed.

Kathy Ebbinkhuysen, Scudders Road, addressed Council and stated that the resolution lists the Township as a co-borrower, but later mentions that there is no liability. She indicated that she was worried that the taxpayers would be held liable for repairs to the dam.

Mayor Chiariello stated that the Township only levies the assessment, collects the funds and pays it to the State. He stated that the taxpayers who are not a member of the homeowner's association will not be liable for that expense.

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

Deputy Mayor Clark made a motion to adopt Resolution 9-3. Councilman Blumetti seconded and the motion passed by the following roll call vote:

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

Councilwoman Quinn - Yes
Mayor Chiariello - Yes

9-3 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 Holzhauer, 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. However, in the event that a property subject to the special assessment is sold or title transferred prior to the assessment being paid in full, the remaining balance of the special assessment shall be paid at the time the closing of title or transfer occurs. 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.

On motion by Councilwoman Quinn, seconded by Deputy Mayor Clark and unanimously carried Resolution 9-4 was duly adopted:

9-4 Resolution -DMHAS Youth Leadership Grant -Form 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Township Council of the Township of Sparta, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Sparta, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the Sparta Municipal Alliance for Grant Term Two, 9/1/23 – 9/30/25, in the total amount of:

DMHAS Grant Funding \$3,245.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

In response to a question by Deputy Mayor Clark regarding Resolution 9-5, Mr. Rome stated that the resolution is for an existing payment on an ongoing project.

On motion by Councilman Blumetti, seconded by Councilman Hertzberg and unanimously carried, Resolution 9-5 was duly adopted.

9-5 Resolution Authorizing Contract Payment No. 4 for White Lake Fields with Tomco Construction, Inc.

WHEREAS, the Township of Sparta approved a contract with Tomco Construction, Inc. to construct the White Lake Fields project the "Contract"; and

WHEREAS, Tomco Construction, Inc. has submitted a request for Payment No. 4 in the amount of \$713,867.85 and the Township Engineer has reviewed and approved the payment.

NOW, THEREFORE BE IT RESOLVED that Payment No. 4 be made in the amount of \$713,867.85 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.

In response to a question by Councilwoman Quinn as to who requested the commemorative flags in Resolutions 9-6 and 9-7, Mayor Chiariello stated that he had received a request from a citizen and for Resolution 9-7 he had made the request personally. Councilwoman Quinn asked if there would be a proclamation for these events.

Mayor Chiariello stated that he wanted to create a process for when a flag goes up, someone would have to raise it at a certain time and then if anyone wanted to be attendance they could.

Councilman Blumetti made a motion to adopt Resolution 9-6. Deputy Mayor Clark seconded and the motion passed by the following roll call vote:

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

Councilwoman Quinn - No
Mayor Chiariello - Yes

9-6 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles During Law Enforcement Appreciation Week

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 during Law Enforcement Appreciation Week; 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 during Law Enforcement Appreciation Week (May 15-21, 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.

Councilman Blumetti made a motion to adopt Resolution 9-7. Deputy Mayor Clark seconded and the motion passed by the following roll call vote:

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

Councilwoman Quinn - No
Mayor Chiariello - Yes

9-7 Resolution Authorizing the Displaying of Commemorative Flag for National EMS Week on Township Owned Flagpoles

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on 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 during National EMS Week; 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 during May 21-27, 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.

In response to a question by Councilman Blumetti concerning Resolution 9-8, Mr. Ryan stated that the previous resolution that had been adopted became void and ineffective upon the fact that the agreement had not been executed by the other party. He stated that the same individual would be working on this project but through a new entity.

On motion by Councilman Blumetti, seconded by Deputy Mayor Clark and unanimously carried, Resolution 9-8 was duly adopted:

9-8 Resolution of the Township of Sparta Approving the Professional Services Agreement with J. Caldwell & Associates, 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 J. Caldwell & Associates, LLC in the amount of \$145 per hour not to exceed \$8,500; and

WHEREAS, the Township desires to approve the Professional Services Agreement with J. Caldwell & Associates, 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 by J. Caldwell & Associates, LLC at the rate of \$145 per hour and not to exceed \$8,500 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 J. Caldwell & Associates, 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 J. Caldwell & Associates, LLC fails to sign the Professional Services.

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.

Councilman Blumetti made a motion to adopt Resolution 9-9. Mayor Chiariello seconded and the motion passed by the following roll call vote:

Councilman Blumetti – Yes
Councilman Hertzberg – Yes
Deputy Mayor Clark - Yes

Councilwoman Quinn -Yes
Mayor Chiariello - Yes

9-9 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement the Merchandise Drivers Local 641, International Brotherhood of Teamsters and the Township of Sparta (Dispatchers)

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the Merchandise Drivers Local 641, International Brotherhood of Teamsters (Dispatchers) for the term of January 1, 2022 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the Merchandise Drivers Local 641, International Brotherhood of Teamsters 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 Agreement on behalf of the Township of Sparta; and

BE IT FURTHER RESOLVED that Resolution No. 22-181 adopted by the Sparta Township Council on December 13, 2022 approving a Memorandum of Understanding between the Township and Local 641, and that Memorandum of Understanding, is hereby rescinded, made void and of no effect.

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the Merchandise Drivers Local 641, International Brotherhood of Teamsters fail to approve this 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.

Councilman Blumetti stated that he felt that for Resolutions 9-10 and 9-11 a more thorough analysis should have been conducted and presented to Council about the current conditions and about the long term financial impact. He stated that to be a responsible leader and the caretaker of the tax dollars he stated that there should have been an opportunity to read it in advance. He stated that he did not plan to approve the resolutions because he had not read the agreements.

Deputy Mayor Clark made a motion to adopt Resolution 9-10. Mayor Chiariello seconded and the motion passed by the following roll call vote:

Councilman Blumetti – Abstain

Councilwoman Quinn - Yes

Councilman Hertzberg – Yes

Mayor Chiariello - Yes

Deputy Mayor Clark - Yes

9-10 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) and the Township of Sparta

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the AFSCME New Jersey Council 62 and its affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) for the period January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO New Jersey (Supervisors) for the period January 1, 2023 through December 31, 2026 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Agreement on behalf of the Township of Sparta, and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO, New Jersey (Supervisors) fail to approve this Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED 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 if for any reason to be held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.

Councilwoman Quinn stated that she would normally agree with Councilman Blumetti about not approving something that she hasn't read, but the budget was in front of them and she didn't see any issue with it.

Councilman Blumetti stated that just the fact that the budget could fit it in, doesn't mean that down the road that money won't be available for other projects.

Councilwoman Quinn stated that it's in line with the other contracts.

Deputy Mayor Clark made a motion to adopt Resolution 9-11. Councilwoman Quinn seconded and the motion passed by the following roll call vote:

Councilman Blumetti – Abstain	Councilwoman Quinn - Yes
Councilman Hertzberg – Yes	Mayor Chiariello - Yes
Deputy Mayor Clark - Yes	

9-11 Resolution of the Township of Sparta Approving the Collective Bargaining Agreement between AFSCME New Jersey Council 62 and its Affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Rank and File) and the Township of Sparta

WHEREAS, the Sparta Township Council has negotiated a Collective Bargaining Agreement (“Agreement”) with the AFSCME New Jersey Council 62 and its affiliated Local 2294, American Federation of State, County and Municipal Employees, AFL-CIO, New Jersey (Rank & File) for the period January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council that the Agreement between the Township of Sparta and the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of State, County and Municipal Employees, AFL-CIO New Jersey (Rank & File) for the period January 1, 2023 through December 31, 2026 is hereby approved and the Mayor, after final approval of the Interim Township Manager and Township Attorney, is authorized to execute the Agreement on behalf of the Township of Sparta, and

BE IT FURTHER RESOLVED that this Resolution shall be null and void should the AFSCME New Jersey Council 63 and its Affiliated Local 2294, American Federal of

State, County and Municipal Employees, AFL-CIO, New Jersey (Rank & File) fail to approve this Agreement and have it executed by a duly authorized representative.

BE IT FURTHER RESOLVED 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 if for any reason to be held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.

Resolution 9-12, 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

Police Chief McCarrick stated that the Superior Officer's Association received a draft of the Collective Bargaining Agreement and there were still some things that needed to be negotiated.

Mr. Ryan stated that he had no objection to tabling the resolution.

In response to a question by Councilman Blumetti, Mr. Rome stated that the original contract had an MOU on December 13, 2022. Mr. Rome stated that he preferred to deal with a contract instead of an MOU.

In response to a question by Councilman Blumetti as to who was involved in the initial negotiations, Mr. Rome stated that it was the previous Interim Township Manager, Mayor and another Council person.

Chief McCarrick stated that he had been involved as well as Lieutenant Carbery.

Deputy Mayor Clark stated that there needed to be coordination between the MOU and the collective bargaining agreement and there seems to be some question as to whether the agreement actually reflects the MOU that the parties previously agreed to.

Mr. Ryan stated that the CBA needed to reflect the terms that were agreed to and approved under the MOU.

In response to a question by Councilman Blumetti as to who was involved in the negotiations, Chief McCarrick stated that it was himself, Interim Manager Spidaletto, Mr. Rome, and Lieutenant Carbery.

Councilman Hertzberg made a motion to table Resolution 9-12, **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.** Councilwoman Quinn seconded the motion and it passed by the following roll call vote:

Councilman Blumetti – Yes
Councilman Hertzberg – Yes
Deputy Mayor Clark - Yes

Councilwoman Quinn - Yes
Mayor Chiariello - Yes

Council Liaison Updates:

Councilman Blumetti stated that the Environmental Commission was waiting to hear back on two small grant proposals. He stated that the Commission was working on a draft resolution concerning great waters NJ initiative protecting northwest Jersey's drinking water, recreational value, agricultural value and the environmental value.

Councilman Blumetti stated that he had attended the Trout Derby and thanked the Parks and Recreation Department and their staff for hosting the event. He also thanked all of the volunteers who were at the event to help out.

Councilman Blumetti stated that the Historical Society is running a Veterans Salute event for veterans and their families. He stated it would be held at the Van Kirk museum property, June 10th and 11th.

Councilwoman Quinn stated that she wanted to congratulate Wendy Stamer on being named Senior of the Year.

Councilwoman Quinn stated that she had met with members of the Sparta Food Pantry and there was information on food insecurity that would be included with the upcoming tax bill.

Councilwoman Quinn stated that she wanted to acknowledge that Bob Nicholson, Sr. will be turning 95 years of age. She went on to list some of his many accomplishments over the years for the Township.

Councilwoman Quinn indicated that the Memorial Day parade was coming up and the Salute 07871 committee would be working with the VFW.

Councilwoman Quinn stated that every resident and business owner is encouraged to sign up on the RAVE notification system. She stated that people would be able to select what notifications they wished to receive.

Mayor Chiariello stated that the Cultural Affairs Committee has completed the lineup for the summer concert series.

Mayor Chiariello stated that the Library Board of Trustees meets tomorrow.

Unfinished Business:

There being no unfinished business, this portion of the meeting was closed.

New Business:

On motion by Mayor Chiariello, seconded by Councilman Hertzberg and unanimously carried discussion of the food truck ordinance was tabled.

Councilwoman Quinn stated that the Recreation Director was being installed as an officer with the NJRPA.

Councilwoman Quinn stated that she wanted to commend the Fire Department and EMS for the work that they did on April 27th when they responded to a roll-over accident on Glen Road.

Councilman Hertzberg stated that he had met with a local farmer who had informed him that they had cut a few trees down on their own property and the State had come in and fined them. He stated that the farmer had also been forced to turn over a portion of their land to the State as a conservation easement. He stated that the State had also told the farmer that they had to start spraying pesticides even though it was an all organic farm. He stated that farmers needed to be protected from having their land ruined.

Deputy Mayor Clark stated that he would like to hear some possible solutions for the farm owners.

Deputy Mayor Clark stated that he had filed a motion to withdraw from litigation that had been filed against the Town regarding development. He stated that on March 10th, the Appellate Court rejected an opposition that had been filed to his motion to withdraw and the withdrawal motion was granted. He stated further that the Appellate Court had denied a motion to dismiss the appeal filed by the applicant, a majority of which was dedicated to a supposed conflict.

Mayor Chiariello stated that he had taken part in the elected official training course.

Mayor Chiariello stated that he wanted to discuss briefly moving the meeting start time back to 7 p.m. from 7:30 p.m. There was Council consensus for that proposal and a resolution would be provided for the next meeting.

Mayor Chiariello stated that he wanted to come up with a process for the raising of the commemorative flags.

Councilman Blumetti stated that he was concerned about the concept of a ceremony versus just raising a flag so there would be no legal issues.

Councilman Hertzberg stated that he felt it was a bad idea and would put more of a burden on the employees.

Deputy Mayor Clark stated that he didn't think that the presence of a ceremony changes the legal issue which is whether the Township has effective control over it.

Councilwoman Quinn stated that she wanted to congratulate the Sparta High School unified team on their Special Olympics performance and they have earned a spot in States.

Councilwoman Quinn stated that she wanted to make sure that the Council meetings were a place where everybody can come to speak regardless of their opinions. She stated that there should be no personal attacks on people and turning people away because they are afraid and uncomfortable.

Deputy Mayor Clark stated that for future collective bargaining contracts he would like to know what the cost to the Township would be and what the projected impact on the budget would be so that Council could have some idea about the financial impact.

Councilwoman Quinn offered to organize information regarding food trucks should Council want to move forward in that direction.

Open to the Public:

Tom Eisenberg, 128 Sawmill Road, addressed Council and stated that he was in favor of honoring every group. He stated that he thought that Councilman Hertzberg and Councilwoman Quinn should be involved with the EDC committee.

Pete Litchfield, 120 Conestoga Trail, addressed Council concerning the military flags. He stated that it was tradition that they be flown at sunrise and come down at sunset. He stated also that every Thursday at 6 a.m. the International Builder's Association meets at the VFW.

Kate Salerna, addressed Council concerning an alleged pattern of impropriety, disrespect, and unprofessionalism from Councilman Hertzberg. She also addressed her support of the flag ordinance.

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

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 11:08 p.m.

Respectfully submitted

Roxanne Landy, RMC
Municipal Clerk