

**HARDING TOWNSHIP COMMITTEE MEETING
FEBRUARY 6, 2008
AGENDA MEETING**

TABLE OF CONTENTS

ROLL CALL	2
REVIEW OF TENTATIVE AGENDAS FOR FUTURE MEETINGS.....	2
EXECUTIVE SESSION DETERMINATION	2
ANNOUNCEMENTS/REPORTS/PRESENTATIONS	2
ORDINANCES/RESOLUTIONS	
Ordinances	
Introduction	
Ordinance 1-08 – CAP Ordinance.....	3
Ordinance 2-08 – HOST membership.....	4
Ordinance 3-08 – Minimum/Maximum Salary Ordinance.....	4
Resolutions	
Resolution TC 08-46 – Board of Adjustment Appointment.....	6
Resolution TC 08-47 – Transfer of Fund	6
Resolution TC 08-49 – Release of tree preservation escrow (Dahler)	7
Resolution TC 08-50 – Release of tree preservation escrow (Fitzgerald).....	7
Resolution TC 08-51 – Release of plan review escrow (Hanst).....	8
Resolution TC 08-52 – Release of plan review escrow (Schroeder).....	8
Resolution TC 08-53 – Release of plan review escrow (Fitzgerald).....	8
Resolution TC 08-54 – Release of grading escrow (Hanst)	8
Resolution TC 08-55 – Release of grading escrow (Blanchard)	9
Resolution TC 08-56 – Release of grading escrow (Fitzgerald)	9
Resolution TC 08-57 – Release of performance guarantee escrow (Fitzgerald).....	9
Resolution TC 08-58 – Bill List.....	10
Resolution TC 08-59 – Approval of Waiver for the New Vernon Fire Department	10
Resolution TC 08-61 – Approve Contract for Public Defender.....	12
CORRESPONDENCE.....	10
HEARING PERSONS PRESENT	10
EXECUTIVE SESSION – Resolution TC ES – 08- 60.....	11
ADJOURNMENT	13

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

Mr. Bartlett, Vice Chairman, called the regular meeting of the Harding Township Committee to order at 7:30 P.M. and announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Bartlett, Mr. Murray and Mr. Rybka
Absent – Mr. Lanzerotti, Mr. Ward
Also Present – Ms. McKane, Township Administrator, Ms. Nergaard, Township Attorney, Ms. Zimmermann, Deputy Township Clerk
Number of members of the public present: approx. 15

REVIEW OF TENTATIVE AGENDAS FOR FUTURE MEETINGS:

Ms. McKane reviewed the Tentative Agenda for future meetings.

EXECUTIVE SESSION DETERMINATION:

Executive Session would be necessary to discuss matters regarding:

- Contract Negotiation – Public Defender, Morris Township, possible Open Space purchase proposal, Chatham Township Dispatch Services and Eggert Property
- Personnel – Police

Ms. McKane added that there may be action after executive session.

ANNOUNCEMENTS/REPORTS/PRESENTATIONS

Open Space Draft Master Plan from Planning Board

Mr. Bartlett announced a Planning Board public hearing will be held on February 25, 2008 regarding the Draft Open Space Element and Map, which will be included in the Master Plan. He added that the draft plan is available on the Harding Township website, and comments are encouraged from the public.

Waterline Status on Frelinghuysen

Mr. Bartlett indicated that Rodney Frelinghuysen applied to the Planning Board for a re-subdivision of a property on James Street. He reviewed the history of the subdivision, which has expired. Mr. Bartlett stated that the subdivision has minor changes and clearly meets Planning Board criteria. He noted there is an issue with extending public water and reviewed the water service issue and history.

Mr. Murray stressed the Fire Department has a legitimate concern, and he would like to see hydrants installed.

Administrative Updates

Mr. Murray advised the Township Committee and public of the Affordable Harding Corporations (AHC) Annual Report dated February 3, 2008. He pointed out that the AHC came under budget by \$37,500. Mr. Murray added that he is pleased there have been no maintenance or tenant issues. Ms. McKane and Mr. Murray reviewed the AHC budget and operating costs.

Ms. McKane reminded the public of the Civic Association “Meet the Mayor” on February 11th.

Ms. McKane referenced a letter from the Department of Transportation regarding the detour of Route 202 that was sent to every household. Ms. McKane added that the detour is to begin in March.

Ms. McKane reported the planner at the County in charge of the proposed Great Swamp Bike Route called her concerning the Township Committee’s position. She advised the County asked to be placed on an agenda in order to address the Township Committee’s concerns. Ms. McKane stated that she requested the County send the Township a letter. Mr. Bartlett and Mr. Murray opined that the proposed bike route is not family friendly and unsafe.

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

Harding Township Library

Ms. McKane referenced the issue concerning the County's insistence that the right-of-way and sight triangle be expanded on Blue Mill Road. She added that it should not affect the trees in the area. Ms. Nergaard explained the Township requires the County's approval because it is a County road. The Township Committee, along with Ms. Nergaard, briefly reviewed the proposed right-of-way.

Mr. Bartlett moved to resolve the issue and direct the project engineer to move forward with the right-of-way as directed by the County. Mr. Rybka seconds the motion. Vote: All Ayes

ORDINANCES/RESOLUTIONS

Ordinances

Ordinance 1-08 – CAP Ordinance:

Ms. McKane reviewed the Ordinance and added that this Ordinance needs to be passed prior to the 2008 budget. She indicated that the public hearing of this Ordinance is scheduled for March 5th.

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Ordinance 1-08. Roll Call Vote: All Ayes

"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)"

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township Harding in the County of Morris finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Harding hereby determines that a 3.5% increase in the budget for said year, amounting to \$57,001.32 (including cap base adjustment for Insurance) in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of Harding hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Harding in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Township of Harding shall, in accordance with this ordinance and N.J.S.A 40A: 4-45.14, be increased by 3.5%, amounting to \$199,504.62 and that the CY2008 municipal budget for the Township of Harding be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance 2-08 – HOST membership:

Mr. Bartlett and Ms. McKane reviewed the Ordinance. Ms. McKane indicated that the public hearing of this Ordinance is scheduled for March 5th. Mr. Murray suggested Ordinance 2-08 be amended to read “Mayor or his/her designee” in Section 1.

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Ordinance 2-08 as amended. Roll Call Vote: All Ayes

“AN ORDINANCE AMENDING CHAPTER 5 (ADMINISTRATION OF GOVERNMENT) OF
THE CODE OF THE TOWNSHIP OF HARDING”

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1: Section 5-12.1B (Membership) shall be amended so as to read in its entirety as follows:

§5-12.1B Membership. The Open Space Trust Committee shall consist of a minimum of nine members as follows:

- (1) Mayor or his/her designee.
- (2) Township Administrative Officer.
- (3) One member of the Township Committee of the Township of Harding, in addition to the Mayor, appointed by the Township Committee.
- (4) One representative from each of the Planning Board, the Environmental Commission and the Shade Tree Commission, to be appointed by the Mayor.
- (5) A minimum of three citizens of the Township to be appointed by the Mayor.

SECTION 2: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This ordinance shall take effect after final passage and publication as prescribed by law.

Ordinance 3-08 – Minimum/Maximum Salary Ordinance:

Ms. McKane reviewed the Ordinance. She indicated that the public hearing of this Ordinance is scheduled for March 5th.

Alf Newlin, Civic Association Reporter, and Ms. McKane reviewed the process of how the Township determines salary ranges for employees.

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Ordinance 3-08. Roll Call Vote: All Ayes

“AN ORDINANCE FIXING SALARY RANGES OF CERTAIN EMPLOYEES OF THE TOWNSHIP OF
 HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY”

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE
 COUNTY OF MORRIS AND STATE OF NEW JERSEY, THAT:

1. The annual salary ranges effective January 1, 2008, shall be as hereinafter specified:

SALARY RANGES AND HOURLY RATES

POSITION	MINIMUM	MAXIMUM
Township Committee Chairman		\$ 1,200.00
Township Committee Members		\$ 600.00
Township Administrator	\$ 95,000.00	\$ 150,000.00
Secretary to the Administrator (P/T)	\$ 20,000.00	\$ 45,000.00
Receptionist (P/T)	\$ 10,000.00	\$ 35,000.00
Township Clerk / Registrar (P/T)	\$ 10,000.00	\$ 25,000.00
Deputy Township Clerk / Deputy Registrar (P/T)	\$ 20,000.00	\$ 45,000.00
Chief Finance Officer (P/T)	\$ 20,000.00	\$ 45,000.00
Acting Chief Financial Officer (P/T)	\$ 15,000.00	\$ 40,000.00
Chief Financial Officer (Hourly)	\$ 35.00	\$ 65.00
Treasurer (P/T)	\$ 6,500.00	\$ 25,000.00
Treasurer (Hourly)	\$ 25.00	\$ 50.00
Deputy Treasurer	\$ 35,000.00	\$ 60,000.00
Senior Bookkeeper	\$ 30,000.00	\$ 50,000.00
Finance / Tax Manager (Hourly)	\$ 25.00	\$ 50.00
Finance / Tax Clerk (Hourly)	\$ 20.00	\$ 45.00
Payroll/Benefits Coordinator	\$ 3,000.00	\$ 6,000.00
Tax Assessor (P/T)	\$ 10,000.00	\$ 35,000.00
Tax Assessor (Hourly)	\$ 25.00	\$ 50.00
Tax Collector (P/T)	\$ 10,000.00	\$ 30,000.00
Tax Collector (Hourly)	\$ 25.00	\$ 50.00
Municipal Court Judge (P/T)	\$ 20,000.00	\$ 45,000.00
Municipal Court Judge (Per Session in excess of 48 sessions per year)	\$ 150.00	\$ 300.00
Court Administrator	\$ 40,000.00	\$ 65,000.00
Deputy Court Administrator	\$ 30,000.00	\$ 50,000.00
Call Out Rate for Court Administrator and Deputy	\$ 50.00	\$ 100.00
Court Attendant (Hourly)	\$ 15.00	\$ 35.00
Prosecutor (P/T)	\$ 20,000.00	\$ 45,000.00
Prosecutor (Per Hour in excess of 48 sessions per year)	\$ 150.00	\$ 200.00
Planning Board Administrator/Secretary (P/T)	\$ 20,000.00	\$ 45,000.00
Zoning Board Administrator/Secretary (P/T)	\$ 20,000.00	\$ 45,000.00
Zoning Officer (P/T)	\$ 6,500.00	\$ 25,000.00
Zoning Officer (Hourly)	\$ 25.00	\$ 50.00
Construction Official/Building Subcode/Inspector	\$ 85,000.00	\$ 115,000.00
Construction Official (Hourly)	\$ 35.00	\$ 65.00
Subcode Officials (P/T)	\$ 6,500.00	\$ 25,000.00
Subcode Officials (Hourly)	\$ 20.00	\$ 45.00
Construction Code Inspector (Hourly)	\$ 20.00	\$ 45.00
Construction Office Assistant/Secretary	\$ 30,000.00	\$ 50,000.00
Construction Office Clerk (Hourly)	\$ 15.00	\$ 35.00
Police Chief	\$ 90,000.00	\$ 150,000.00
Police Lieutenant	\$ 85,000.00	\$ 115,000.00
Police Secretary	\$ 30,000.00	\$ 50,000.00

MINUTES HARDING TOWNSHIP COMMITTEE
 AGENDA MEETING – February 6, 2008

POSITION	MINIMUM	MAXIMUM
Public Works Superintendent	\$ 85,000.00	\$ 115,000.00
Public Works Foreman	\$ 50,000.00	\$ 75,000.00
Public Works Mechanic	\$ 40,000.00	\$ 65,000.00
Public Works Laborer/Driver/Equipment Operator	\$ 40,000.00	\$ 65,000.00
Public Works Laborer/Driver	\$ 30,000.00	\$ 40,000.00
Public Works Probationary Laborer	\$ 25,000.00	\$ 30,000.00
Public Works Laborer (Hourly)	\$ 8.50	\$ 25.00
Pumping Station Operator (Stipend)	\$ 5,000.00	\$ 7,500.00
Clerk (Hourly)	\$ 8.50	\$ 25.00
Administrative Assistant/Secretary (Hourly)	\$ 15.00	\$ 35.00

Health Department – Set By Board of Health
 Health Administrator
 Senior Environmental Specialist
 Administrative Assistant P/T
 Clerical Support

The actual annual salary shall be set by Resolution of the governing body; such salary shall be paid in accordance with Township policy.

- This ordinance shall take effect after final passage and publication as prescribed by law.

Resolutions

Resolution TC 08-46 – Board of Adjustment Appointment:

Mr. Bartlett reviewed the resolution. A motion was made by Mr. Murray and seconded by Mr. Rybka to introduce the resolution.

Michael Meade, resident of Millbrook Road, asked how the Township Committee determined who serves on municipal committees. Mr. Bartlett reviewed the process of determining members of municipal committees.

There being no further discussion, the roll was called. The Resolution TC 08-46 was approved by a vote of all ayes

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY that the following appointments as members of the Harding Township Board of Adjustment commencing January 1, 2008 were made:

Wendy Montgomery - 4 year term expiring
 December 31, 2011

Resolution TC 08-47 – Transfer of Funds:

Ms. McKane reviewed the resolution. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the resolution.

There being no further discussion, the roll was called. The Resolution TC 08-47 was approved by a vote of all ayes.

WHEREAS, there appears to be insufficient funds in certain accounts listed below to meet the demands thereon for the balance of the Current Year,

WHEREAS, there appears to be a surplus in certain accounts listed below over and above the demand deemed to be necessary for the balance of the Current Year,

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of R.S 40A:4-58, part of the surplus in the accounts listed below be and the same are hereby transferred to the accounts listed below to meet the current demands, and

BE IT FURTHER RESOLVED that the Treasurer be is hereby authorized and directed to make the following transfers:

FROM:		TO:	
Municipal Clerk OE	\$ 4,500.00	Municipal Clerk S&W	\$4,500.00

Consent Agenda

The Township Committee agreed to move the following resolutions to a Consent Agenda: TC 08-49, TC 08-50, TC 08-51, TC 08-52, TC 08-53, TC 08-54, TC 08-55, TC 08-56 and TC 08-57. A motion was made by Mr. Murray and seconded by Mr. Bartlett to approve the Consent Agenda. Mr. Bartlett briefly reviewed the resolutions.

There being no further discussion, the roll was called. The Consent Agenda was approved by a vote of all ayes.

Resolution TC 08-49 – Release of tree preservation escrow (Dahler):

WHEREAS, Don Dahler requests the release of a tree preservation escrow in the amount of \$1,200.00 (original total) with the Township of Harding regarding installation of plant material within conservation easement for 14 Lees Hill Road; and

WHEREAS, pursuant to a memo from the Tree Conservation Officer dated December 21, 2007 has certified the completion of the installation of plant material and has recommend the release of 100% of the tree preservation escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release the said tree preservation escrow in the amount of \$1,200.00 as due per N.J.S.A. 40:55D-53.1 to Don Dahler.

Resolution TC 08-50 – Release of tree preservation escrow (Fitzgerald):

WHEREAS, Timothy J. Fitzgerald requests the release of a tree preservation escrow in the amount of \$500.00 (original total) with the Township of Harding regarding installation of plant material within conservation easement for 53 Primrose Trail; and

WHEREAS, pursuant to a memo from the Tree Conservation Officer dated December 10, 2007 has certified the completion of the installation of plant material and has recommend the release of 100% of the tree preservation escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release the said tree preservation escrow in the amount of \$500.00 as due per N.J.S.A. 40:55D-53.1 to Timothy J. Fitzgerald.

Resolution TC 08-51 – Release of plan review escrow (Hanst):

WHEREAS, John H. Hanst requests the return of a plan review escrow in the amount of \$262.83 with the Township of Harding regarding a Planning Board application for Block 56 Lot 6, 78 Meyersville Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this technical review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said planning review escrow in the amount of \$262.83 as due per N.J.S.A. 40:55D-53.1 to John H. Hanst.

Resolution TC 08-52 – Release of plan review escrow (Schroeder):

WHEREAS, W. Anita Schroeder requests the return of a plan review escrow in the amount of \$160.00 with the Township of Harding regarding a Planning Board application for Block 21 Lot 15.02, 1 Lees Hill Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this technical review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said planning review escrow in the amount of \$160.00 as due per N.J.S.A. 40:55D-53.1 to W. Anita Schroeder.

Resolution TC 08-53 – Release of plan review escrow (Fitzgerald):

WHEREAS, Timothy J. Fitzgerald requests the return of a plan review escrow in the amount of \$545.00 with the Township of Harding regarding a Planning Board application for Block 40 Lot 1, 53 Primrose Trail; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this technical review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said planning review escrow in the amount of \$545.00 as due per N.J.S.A. 40:55D-53.1 to Timothy J. Fitzgerald.

Resolution TC 08-54 – Release of grading escrow (Hanst):

WHEREAS, John H. Hanst requests the return of a grading escrow in the amount of \$596.70 with the Township of Harding regarding grading for Block: 56 Lot: 6, 78 Meyersville Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that the construction work has been completed and have recommended the release of the grading escrow;

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said grading escrow in the amount of \$596.70 as due per N.J.S.A. 40:55D-53.1 to John H. Hanst.

Resolution TC 08-55 – Release of grading escrow (Blanchard):

WHEREAS, William I. Blanchard requests the return of a grading escrow in the amount of \$4,216.10 with the Township of Harding regarding grading for Block: 49 Lot: 12.01, 47 Glen Alpin Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that the construction work has been completed and have recommended the release of the grading escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said grading escrow in the amount of \$4,216.10 as due per N.J.S.A. 40:55D-53.1 to William I. Blanchard.

Resolution TC 08-56 – Release of grading escrow (Fitzgerald):

WHEREAS, Timothy J. Fitzgerald requests the return of a grading escrow in the amount of \$757.20 with the Township of Harding regarding grading for Block: 40 Lot: 1, 53 Primrose Trail; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that the construction work has been completed and have recommended the release of the grading escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said grading escrow in the amount of \$757.20 as due per N.J.S.A. 40:55D-53.1 to Timothy J. Fitzgerald.

Resolution TC 08-57 – Release of performance guarantee escrow (Fitzgerald):

WHEREAS, Timothy J. Fitzgerald requests the release of the performance guarantee escrow in the amount of \$3,000.00 with the Township of Harding regarding work that has been completed at Block 40, Lot 1, 53 Primrose Trail; and

WHEREAS, the Township Engineer, Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this performance guarantee escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release said performance guarantee escrow in the amount of \$3,000.00 as due per N.J.S.A. 40:55D-53.1 to Timothy J. Fitzgerald

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

Resolution TC 08-58 – Bill List:

Mr. Bartlett reviewed the resolution. A motion was made by Mr. Murray and seconded by Mr. Rybka to introduce the resolution.

There being no discussion, the roll was called. The Resolution TC-08-58 was approved by a vote of all ayes

RESOLVED, that the itemized claims listed on the attached Bill List, dated February 6, 2008 is hereby approved for payment.

Resolution TC 08-59 – Approval of Waiver for the New Vernon Fire Department:

Ms. McKane reviewed the resolution and noted approval has been granted to move forward with this resolution from the Township Engineer. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the resolution.

There being no further discussion, the roll was called. The resolution was approved.

Vote: Ayes – Mr. Murray, Mr. Bartlett

Abstain – Mr. Rybka

WHEREAS, Section 105-208 of the Code of the Township of Harding requires that roof drain drywells be provided for newly constructed roof area; and

WHEREAS, the New Vernon Volunteer Fire Department has requested a waiver from this requirement for the construction of a barn on their property known as Block 15, Lot 1 by letter dated January 30, 2008 from Slate Engineering Associates; and

WHEREAS, the Township Engineer has commented on this waiver request by memorandum dated January 31, 2008 and recommended the granting of this waiver.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY that the above stated roof drain drywell requirement be waived for the construction of a barn for the New Vernon Volunteer Fire Department for the property known as Block 15, Lot 1 in Harding Township.

Vincent DaSilva, resident of Jenks Road, questioned the reasoning of the resolution. Mr. Murray supplied him with a copy of the resolution.

CORRESPONDENCE

Ms. McKane briefly reviewed items of correspondence. She indicated that the Morris County Agriculture Board has requested a liaison. Ms. McKane noted the Board would like a member from the Township Committee to serve. Mr. Bartlett responded that he believes Mr. Lanzerotti would be interested in being the liaison. Ms. McKane stated that a resolution would be on the next agenda for action.

HEARING PERSONS PRESENT

Norbert Gambuzza, resident of Sand Spring Road, John Williams, resident of Blackwell Avenue, Peter McGratty, resident of Blackwell Avenue, Chris Pappas, resident of Blackwell Avenue, Kevin Dietsch, resident of Blackwell Avenue and Barbara Brennan, resident of Sand Spring Road, expressed their opposition to the proposed Morris Township athletic fields. They indicated the following:

- Over 17 children under the age of 7 years old reside on Blackwell Avenue, and this field will be a nuisance and safety concern to the residents and children
- Fields will increase traffic, safety issues and noise
- Residents prefer houses on property rather than athletic fields
- Unsure of the real benefit to Harding Township

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

- Once fields are in place Harding Township will not have control of property
- Nuisance of lighting and time of operation
- Harding Township officials should hold Harding Township benefits above regional benefits

The Township Committee reviewed the history of the fields proposed by Morris Township and the proposed agreement terms, which limitations would include seating, lighting and use. Mr. Bartlett indicated that he believes this to be a good use of the land. He reviewed the option of annexation. Mr. Rybka added that no formal decisions have been made by the Township Committee. Mr. Murray encouraged the public to put their opinions in writing and forward them to the Township Committee.

Mr. Murray indicated that a letter of agreement could be drafted and brought before the Township Committee for approval; and if approved, would give Morris Township the consent to move forward with the closing of the property. Mr. Murray stressed that even though Morris Township has a deadline, Harding Township will not be driven by their schedule. The Township Committee thanked the public for their input and indicated that there will be further discussion on this topic.

Resolution TC-08-60:

A motion was made by Mr. Murray and seconded by Mr. Rybka to introduce the executive session resolution. The Resolution TC-ES-08-60 was approved by a vote of all ayes.

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS AND STATE OF NEW JERSEY on this 6th day of February, 2008 as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The subject matters to be discussed are as follows:
 - Litigation -- Specify
 - Personnel Matter – Police
 - Contract Negotiation –Property Acquisition (Eggert), Public Defender, Chatham Dispatch Services and Morris Township
 - Attorney-Client Privilege -- Specify
 - Collective Bargaining Agreement -- Specify
 - Other – as authorized by N.J.S.A. 10:4-12 -- Specify
3. Minutes reflecting the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, shall be promptly available to the public when the matters discussed are resolved, to the extent that making such matters public shall not be inconsistent with section N.J.S.A. 10:4-12.
4. The Township Committee may come back into open session and take further action.

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

5. This Resolution shall take effect immediately.

A motion was made by Mr. Murray and seconded by Mr. Rybka to reopen the meeting to the public. Vote: All Ayes

Resolution TC-08-61 – Appointment of Professional Service Provider:

Ms. McKane reviewed the resolution and the proposal received by the Township Public Defender. Ms. Nergaard amended the resolution to read, “authorizes a contract with D’Alessandro, Jacovino & Gerson (Edward G. D’Alessandro, Jr., Esq. Principal Public Defender) for services as public defender at the base rate of \$7,500 per annum and \$325 for each subsequent monthly session” The Township Committee agreed on the amendment. A motion was made by Mr. Murray and seconded by Mr. Rybka to introduce the amended resolution.

There being no further discussion, the roll was called. The Resolution TC-ES-08-61 was approved by a vote of all ayes

WHEREAS, the Township of Harding has a need to award a contract for the services of a Public Defender; and

WHEREAS, the Township is permitted to acquire such services through a “non-fair and open” process (as defined by N.J.S.A. 19:44A-20.7), meaning that the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Harding, and not by a “fair and open” process (as defined by N.J.S.A. 19:44A-20.7) such as awarding to the lowest bidder; and

WHEREAS, the cost of this contract is not anticipated to exceed \$17,500, as certified in writing by the appropriate Township official and is therefore exempt from the requirements of N.J.S.A. 44A:20.7 et. seq.; and

WHEREAS, D’Alessandro, Jacovino & Gerson has completed and submitted the required Business Entity Disclosure Certification; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2008 budget for this contract;

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Harding authorizes a contract with D’Alessandro, Jacovino & Gerson (Edward G. D’Alessandro, Jr., Esq. principal public defender) for services as public defender at the base rate of \$7,500 per annum and \$325 for each subsequent monthly session; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this contract will be published as required by law within ten days of the passage of this Resolution.

Mr. Murray pointed out an item of correspondence received from the Borough of Madison reviewing shared services. Mr. Bartlett suggested that Ms. McKane contact Madison and arrange a meeting. Mr. Bartlett asked Ms. McKane to contact Mr. Lanzerotti. Mr. Bartlett and Mr. Rybka volunteered to join the meeting if needed.

MINUTES HARDING TOWNSHIP COMMITTEE
AGENDA MEETING – February 6, 2008

ADJOURNMENT:

There being no further business, a motion was made and seconded to adjourn the meeting at 10:00 p.m. Vote: All Ayes

Respectfully Submitted,

Christine Zimmermann
Harding Township Deputy Clerk