

**HARDING TOWNSHIP COMMITTEE MEETING
MARCH 19, 2008
REGULAR MEETING**

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MINUTES HARDING TOWNSHIP COMMITTEE
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Mr. Lanzerotti, Chairman, called the regular meeting of the Harding Township Committee to order at 7:34 P.M. and announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Lanzerotti, Mr. Bartlett, Mr. Murray, Mr. Rybka and Mr. Ward
Absent – None
Also Present – Ms. McKane, Township Administrator, Ms. Nergaard, Township Attorney, Ms. Zimmermann, Deputy Township Clerk
Number of members of the public present: approx. 25

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 – Combe Fill South, Open Space Acquisition and Eggert
- Personnel – Police, Retirement
- Litigation – Tax Appeals

Ms. McKane noted that action may be taken upon returning to open session.

MINUTES:

A motion was made by Mr. Rybka and seconded by Mr. Ward to introduce the minutes of January 17, 2008 Special Meeting, February 6, 2008 Agenda Meeting, February 19, 2008 Special Meeting and February 29, 2008 Special Meeting. There being no further discussion, the minutes were approved by a vote of all ayes. In addition, members abstained from voting on meetings which they did not attend.

ORDINANCES/RESOLUTIONS

Ordinances

Ordinance 4-08 – Amending Chapter 145 entitled “Recycling”:

Ms. Nergaard summarized both Ordinance 4-08 and Ordinance 5-08. She indicated that a public hearing for both Ordinances is scheduled for April 16th.

Mr. Lanzerotti questioned the impact fiscally and managerially. Ms. McKane stated that she anticipates an impact on the Department of Public Works. The Committee along with Ms. Nergaard reviewed the Ordinances and state regulations. Mr. Lanzerotti suggested that the Township correlate the percentage of recycling in Harding Township. Isobel Olcott, member of the Planning Board, questioned how this would impact the Harding Township Planning Board. Ms. Nergaard stated that Ordinance 5-08 would be forwarded to the Planning Board for review.

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Ordinance 4-08. Roll Call Vote: All Ayes

SECTION 1: Chapter 145 of the Code of the Township of Harding is hereby amended in its entirety to read as follows:

§145-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

COMMINGLED- A combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

DESIGNATED RECYCLABLE MATERIALS- Those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

Aluminum Cans - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

Glass Bottles and Jars - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

Plastic Bottles (coded 1 and 2) - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



Steel (Tin) Cans - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

Newspaper - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

Corrugated Cardboard - Shipping containers made with kraft paper linerboard and corrugated medium.

Mixed Paper - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

Leaves - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

Grass Clippings - Vegetative material generated when grass (lawns) are cut.

Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote

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controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Whole Tires* - Tires that are whole, not chipped into small pieces.

*Tires are allowed to be recycled and/or incinerated for energy recovery.;

MULTIFAMILY DWELLING- Any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

MUNICIPAL RECYCLING COORDINATOR- The person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

MUNICIPAL SOLID WASTE All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township which is not bulky waste or construction and demolition debris;

RECYCLABLE MATERIAL- Those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

SOURCE-SEPARATED RECYCLABLE MATERIALS- Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

SOURCE SEPARATION- The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

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§145-2 Source Separation; Exemption from Source Separation Requirements

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township, to separate designated recyclable materials from all solid waste. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Disposal of Designated Recyclable Materials shall be separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises as follows:

1. Aluminum cans, steel (tin) cans, glass containers, glass bottles and jars, HDPE plastics, PETE plastics shall be emptied, rinsed and disposed of as specified by the Township.
2. Used newspapers shall be secured in bundles no larger than 12 inches high and shall not be placed in plastic bags. The used newspapers shall be disposed of as specified by the Township.
3. Corrugated cardboard shall be flattened and disposed of as specified by the Township.
4. Mixed paper, paperboard/clipboard, and magazines, shall be disposed of as specified by the Township.

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5. All other designated materials as listed as Designated Recyclable Materials in §145-1 shall be disposed of as specified by the Township.
 6. Yard waste shall not be disposed of with the regular solid waste and shall not be disposed of at any solid waste facility. It shall either be composted on the site of the residential establishment or disposed of at a yard waste compost facility.
- B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose, and provide the following information:
1. the name of the commercial or institutional entity;
 2. the street address location and lot and block designation;
 3. the name, official title and phone number of the person making application on behalf of the commercial or institutional entity;
 4. the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and
 5. a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

§145-3 Acceptance of the Municipal Solid Waste Recycling Goal

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Township accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.

§145-4 Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by Municipal Recycling Coordinator or the Director of Public Works. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

§145-5 Non-Residential Establishment Compliance Requirements

- A. Institutional Establishment Compliance. Institutional establishments shall source separate Designated Recyclable Materials. Designated Recyclable Materials may be deposited at the recycling center during hours of operation. Otherwise the institution shall be responsible for establishing recycling programs for collection, transportation and marketing of Designated Recyclable Materials.
- B. Commercial Establishment Compliance. Commercial establishments shall source separate all designated materials for recycling. Designated Recyclable Materials, excluding office paper, may be deposited at the recycling center during hours of operation. Otherwise, each establishment shall be responsible for establishing recycling programs for collection, transportation and marketing of Designated Recyclable Materials.
- C. All commercial, institutional or multifamily dwellings which are not serviced by municipal recycling collection systems must submit recycling documentation on a semiannual basis to the Municipal Recycling

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Coordinator on forms prescribed by the Township, documenting the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. Due dates for report periods are as follows:

Reporting Period	Due Date
January 1 to June 30	July 15
July 1 to December 31	January 15

- D. All of the aforementioned provisions may, from time to time, be modified by the Municipal Recycling Coordinator to the extent that procedures are developed for establishments to have their recyclables recycled, or new requirements are imposed by county or state agencies having appropriate jurisdiction.

§145-6 Alternate methods of disposal

Any person who is an owner, lessee or occupant may donate or sell used recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. No person, partnership or corporation shall appropriate recyclable material placed for collection as designated by the Township of Harding unless they have received the expressed permission from the Township of Harding to remove such material.

§145-7 Ownership of materials following placement for collection.

From the time of placement at the designated area, the recyclable materials shall be the property of Harding Township or its designated agents, and revenues collected from the sale of recyclable materials, if any, shall be the property of Harding Township or its designated agents.

§145-8 Multi-generator building recycling responsibilities.

In the case of multi-generator buildings, including apartment buildings, hotels, office buildings and commercial establishments, the building management as well as the individual generators shall be responsible for compliance with the requirements of this chapter.

§145-9 Enforcement agent designated

The Municipal Recycling Coordinator or members of the Police and Public Works Department are hereby authorized and directed to enforce all provisions of this chapter. Enforcement officers shall have the right to inspect garbage set out for disposal in order to determine whether recyclable materials are included.

§145-10 Unlawful acts

- A. It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source separate designated materials for recycling is a violation of this chapter.
- B. It shall be unlawful for solid waste collectors to collect solid waste that contains visible signs of designated recyclable materials. It shall be the responsibility of the resident whose solid waste was not removed because it contained recyclables, to properly segregate the uncollected waste for proper recycling. Allowing such unseparated refuse to accumulate will be considered a violation of this chapter.

§145-11 Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000.

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.

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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 5-08 – Amending Chapter 145 entitled “Recycling”:

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Ordinance 5-08. Roll Call Vote: All Ayes

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: Chapter 105 of the Code of the Township of Harding entitled “Land Use and Development” is hereby amended as follows;

1. Article II entitled “Definitions and Interpretation” is hereby amended by adding the following definitions to §105-5 entitled “Definitions”:

MULTIFAMILY HOUSING -- a building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other or a group of such buildings.

RECYCLING AREA -- an area allocated for the collection and storage of source-separated recyclable materials.

2. §105-100 in Article XVI entitled “Design Standards for Site Plans” entitled “Renewable energy sources and solid waste recycling requirements” is hereby amended in its entirety as follows:

A. Renewable energy resources. The Board may, in its discretion, require that buildings or structures use renewable energy sources.

B. Solid waste and recycling requirements.

(1) Any application for site plan approval for the construction of multifamily dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional or industrial development shall include provisions on the site for the storage and disposition of solid waste and source-separated recyclable materials. The application shall contain, at a minimum, the following:

(a) A detailed analysis of the estimated composition and amounts of solid waste and recyclables generated at the proposed development; and

(b) One or more locations shown on the site plan that provide for the convenient storage and disposition of recyclable materials and solid waste by all owners, tenants and occupants. Any such area shall comply with all setback limitations and no such area shall be located in front of a principal building. Any recycling and/or solid waste storage area shall be provided on an impervious surface and be screened from view by enclosing it within a building, or by a solid fence and/or landscaping, as approved by the Board. It shall be of sufficient size, convenient location and contain other attributes including signage and lighting as may be proposed by the Applicant after consultation with the Municipal Recycling Coordinator and the Township Engineer.

(c) The location of recycling areas shall be convenient for the disposition of source-separated recycling materials and may be near, but clearly distinct from a refuse dumpster.

(d) Recycling/solid waste areas shall be adequately lit and shall be safely and easily accessible to owners and tenants, collection personnel, motor vehicles, and collection vehicles without interference from parked cars or other obstacles.

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- (e) Recycling areas and any bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions that might render the collected materials unmarketable. Any bins or containers used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- (f) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein. All proposed signs shall be shown on the plans and approved by the Board.
- (g) Landscaping and/or fencing shall be shown on the plans and be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

C. Contract with a hauling company for source separation of recyclables as condition of issuance of certificate of occupancy. In instances where the Township does not provide collection service, prior to the issuance of a certificate of occupancy, the owner of any new multifamily housing or commercial, institutional or industrial development shall supply a copy of an executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials.

3. Article XV entitled “Design Standards for Subdivisions” is hereby amended to revise §105-77 entitled “Requirements applicable to all subdivisions” by adding a new subsection L as follows:

L. Recycling and solid waste requirements for new developments of multifamily residential units or commercial, institutional, government or industrial properties. Any application for subdivision approval for the construction of multifamily dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional or industrial development shall include a recycling plan that satisfies the requirements set forth in §105-100.

4.. Checklist A contained in §105-43 for Site Plan and Subdivision Applications shall be amended by revising requirement 49 to read as follows:

49. Proposed features such as outdoor storage areas, outdoor mechanical equipment, solid waste and recycling areas, service areas, utility buildings and structures and fences or walls, including all building or structure dimensions.

Requirement 49 shall be applicable to applications for a minor site plan, minor subdivision, preliminary major subdivision, preliminary site plan and final site plan.

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.

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Resolutions

Resolution TC 08-76 – Bill List:

Mr. Lanzerotti reviewed the resolution. A motion was made by Mr. Murray and seconded by Mr. Ward to introduce the resolution.

There being no discussion, the roll was called. The Resolution TC 08-76 was approved by a vote of all ayes

BE IT RESOLVED, that the itemized claims listed on the attached Bill List, dated March 19, 2008, is hereby approved for payment.

Consent Agenda

The Township Committee agreed to move the following resolutions to a Consent Agenda: TC 08-77, TC 08-78, TC 08-79, TC 08-80, TC 08-81 and TC 08-82. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the Consent Agenda resolutions. Mr. Lanzerotti briefly reviewed the resolutions. Roll Call Vote: All Ayes

Resolution TC 08-77 – Release of grading escrow (Carey):

WHEREAS, Thomas H. Carey requests the return of a grading escrow in the amount of \$414.50 with the Township of Harding regarding grading for Block: 5 Lot: 6, 587 Van Beuren 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 \$414.50 as due per N.J.S.A. 40:55D-53.1 to Thomas H. Carey.

Resolution TC 08-78 – Release of grading escrow (Sand Spring Road Associates):

WHEREAS, Sand Spring Road Associates requests the return of a grading escrow in the amount of \$2,160.00 with the Township of Harding regarding grading for Block: 51 Lot: 7.01, 121 Lee's Hill 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 \$2,160.00 as due per N.J.S.A. 40:55D-53.1 to Sand Spring Road Associates.

Resolution TC 08-79 – Release of engineering escrow (Sand Spring Road Associates):

WHEREAS, Sand Spring Road Associates requests the return of an engineering escrow in the amount of \$2,385.85 with the Township of Harding pertaining to Block 51 Lot 7.01, 121 Lee's 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 engineering escrow in the amount of \$2,385.85 as due per N.J.S.A. 40:55D-53.1 to Sand Spring Road Associates.

Resolution TC 08-80 – Release of engineering escrow (Morris Animal Inn):

WHEREAS, Morris Animal Inn requests the return of an engineering escrow in the amount of \$6,624.81 with the Township of Harding pertaining to Block 23 Lots 8 and 12, 120 Sand Spring 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 engineering escrow in the amount of \$6,624.81 as due per N.J.S.A. 40:55D-53.1 to Morris Animal Inn.

Resolution TC 08-81 – Release of plan review escrow (Morris Animal Inn):

WHEREAS, Morris Animal Inn requests the return of a plan review escrow in the amount of \$312.06 with the Township of Harding regarding a Planning Board application for Block 23, Lots 8 and 12, 120 Sand Spring 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 plan 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 plan review escrow in the amount of \$312.06 as due per N.J.S.A. 40:55D-53.1 to Morris Animal Inn.

Resolution TC 08-82 – Release of performance bond escrow (Morris Animal Inn):

WHEREAS, Morris Animal Inn requests the release of the performance guarantee escrow in the amount of \$14,811.70 with the Township of Harding regarding work that has been completed at Block 23, Lots 8 and 12, 120 Sand Spring Road; 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 \$14,811.70 as due per N.J.S.A. 40:55D-53.1 to Morris Animal Inn.

Resolution TC 08-84 – Authorize Directed Donation and Installation of Trees at Margett’s Field:

Ms. McKane reviewed the resolution. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the resolution. Mr. Ward pointed out the location of the trees.

Loren Pfeiffer, resident of Red Gate Road, asked the reason for the tree installation. Ms. McKane reviewed the location of the trees and added that it will be provided for screening. Mare Olson, resident of Meyersville Road and President of the Bridle Path Association, indicated that there are bridle paths on Margett’s field, and she hopes that the trees will not interfere with the paths. Ms. McKane stated that she is sure Friends of Trees is aware of the paths, and she will make certain that the trees will not interrupt the paths.

There being no discussion, the roll was called. Resolution TC 08-84 was approved by a vote of all ayes.

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WHEREAS, the Harding Township Friends of Trees, Inc are a non-profit organization in Harding Township;
and

WHEREAS, the Harding Township Friends of Trees, Inc has generously offered to donate six Norway Spruce trees and installation along the back side edge of Margett's Field at no cost to the Township which is pursuant to the N.J.S.A. 40A:11-13:1 as a directed donation;

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 Township Committee has determined that it is in the best interests of the Township and its residents to accept the generous directed donation and the Harding Township Friends of Trees are hereby authorized to donate and install six Norway Spruce trees along the back side of Margett's field.

Resolution TC 08-83 – Authorize Hillside Fields Development Agreement and Stormwater Maintenance Agreement:

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

There being no discussion, the roll was called. Resolution TC 08-83 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 attached Developer's Agreement between the Township and Hillside Fields, LLC is hereby approved, and the Mayor and Township Clerk are hereby authorized and directed to execute and deliver said Developer's Agreement on behalf of the Township.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING that the Stormwater Facility Maintenance Agreement between the Township and Pinefield Lane Homeowners Association is hereby approved, and the Mayor and Township Clerk are hereby authorized and directed to execute and deliver said Stormwater Facility Maintenance Agreement on behalf of the Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to sign and deliver the documents on behalf of the Township.

ANNOUNCEMENTS/REPORTS/PRESENTATIONS

Morris Township Recreation Complex

Mr. Lanzerotti reviewed the history of the proposed project and indicated that he has received approximately twenty letters from Harding Township residents in response to a mailing received from Harding Township resident Barbara Brennan. He added that Morris Township would like to have an open session meeting with Harding Township. The Committee reviewed dates for the meeting. The Committee agreed that the meeting would be on May 19th or 20th. Mr. Lanzerotti suggested that the school be contacted in order to hold the meeting there. Mr. Bartlett reiterated that Harding Township does not own the property, and it is owned privately. Isobel Olcott, Planning Board member, indicated that there is a Planning Board meeting on May 19th. Ms. Olcott added that she is unsure of the parameters of the proposal because the project has changed since it was before the Planning Board. She recommended that Harding Township receive the latest parameters of the project. Mr. Lanzerotti reminded that the public to contact the Committee with additional questions and the Committee will set up a date for a public meeting.

2008 Budget

Mr. Murray indicated that the Finance Subcommittee has been working on the 2008 budget for several weeks. He reviewed the bottom line summary and tax increase for Harding Township residents. He stated that the 2007 tax increase was 6.1%. He reviewed ways to increase revenue and reduce expenses. He also reviewed significant expense increases and significant offsets for expenses. Mr. Murray stated that he is proud of what Harding Township has accomplished in order to control taxes. He estimated the municipal tax increase for 2008 would be approximately 3.75%.

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Mr. Bartlett noted the Committee has had great success with bond issues, which will save the Township money for many years. Mr. Ward stated that moving forward he thinks the Township should look everywhere and keep all options open in order to keep the budget down.

Lincoln Norton, resident of Hartley Farms Road, commented that he finds it difficult not discussing the baseline. Mr. Murray responded that it is very difficult to explain line by line at a group setting, and added that a more explanatory discussion will take place at the introduction of the budget. He added the full budget will be available for the public to review.

Jack Olcott, resident of Sand Spring Road, asked if the Township will have benchmarking data in terms with other municipalities. He added that he would also like to know the cost per citizen. Mr. Murray indicated that that information will not be ready until mid year and Harding Township has one of the lowest tax rates in New Jersey. Ms. Olcott, Ms. McKane and Mr. Murray briefly reviewed the costs and bonding of the municipal parking lot.

Christopher Yates, resident of Baileys Mill Road, questioned why 2009 and 2010 would be more difficult for the township. Mr. Murray stated that COAH would be a major factor. Mr. Ward added that pension costs will also continue to rise. Mr. Yates, Ms. Nergaard and Mr. Bartlett review COAH obligation and developer fees.

Diane Hinds, resident of Woodland Road, questioned the Department of Public Works (DPW) trucks and whether the Township has considered alternate fuels for DPW trucks. Ms. McKane reviewed the timeline for DPW equipment.

Open Space Tax

Mr. Lanzerotti commented on the Harding Township Open Space (HOST) Tax and the discussion on whether to lower the tax percentage this year. He reviewed the history of referendums which imposed the tax. He indicated the current tax is \$.045 on every \$100.00, which was the equal to the County Open Space Tax in 2007. He pointed out that Harding Township has received more money from the County than Harding Township has put in.

Mr. Murray reviewed the history of the HOST, which he stressed was approved by overwhelming support from the voters. Mr. Murray added that the voters agreed that there are many important elements and opportunities available to Harding Township in terms of open space purchases.

Mr. Ward pointed out the referendum passed in the past, but last year the State Open Space Referendum was defeated in both Harding Township and Morris County. Mr. Ward stressed that New Jersey has the highest real estate taxes in the United States, and he feels strongly that the Township review every option in order to keep expenses down. Mr. Ward commented that he is all for open space, but questioned what portion of the 13,000 acres in Harding Township are developed and how much of the 13,000 acres are available without constraints. He opined that he has seen land preserved at great expense, and does not like to spend funds on land that is already preserved by nature. Mr. Ward stated that he is happy that the municipal tax increase will be approximately 3.75%, but that does not include the school and county taxes.

Mr. Lanzerotti introduced a letter of recommendation from the HOST committee. Loren Pfeiffer, Chair of the HOST, reviewed the letter and indicated that he encourages the public to write HOST if they have any projects that would be of interest to the Township. He provided an overview of HOST's costs and debt. Mr. Pfeiffer stressed that HOST requires a budget in order to make recommendations to the Township on future projects, and HOST hopes to announce a very promising project by the end of the year. Mr. Pfeiffer asserted that it is a good time for HOST to seek out projects because of the current real estate market; and it is not the time to cut the HOST budget – it is the time to buy. Mr. Murray added that in the past there was a “hit list” of properties that were of interest to HOST.

Mr. Ward questioned whether the Township has ever attempted to purchase land, put constraints on it and then put it back on the market to sell it? He pointed out this strategy would put property back on the tax rolls. Mr. Pfeiffer indicated that to his knowledge this has not been done in Harding Township, but it is a good thought.

Ms. Olson questioned who owns the land when it is purchased? Mr. Pfeiffer indicated that it differs with each situation because each project is unique. Isobel Olcott, Vice Chair of the HOST, stated that she believes the reduction of the County Open Space Tax is due to the Highlands Regional Master Plan proposed regulations, which will

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preserve land. She asked the Township Committee to think of the environment. Ms. Olcott commented that she has resided in Harding Township since 1974, and the Township has done well. She recommends not lowering the Harding Township Open Space Tax. Ms. Olcott added that it would send a sign to the County and State that Harding Township is not dedicated to open space. She remarked that she would like to see Harding Township maintain its rural character.

Michael Meade, resident of Millbrook Road, questioned the expenses of HOST and what is paid for the Glen Alpin debt. Mr. Pfeiffer and Mr. Meade briefly reviewed HOST expenses. Ms. Olcott explained that the HOST makes recommendations to the Township Committee, and does not act with funds without their consent. The Committee along with Ms. McKane review the 10% put aside for historic preservation.

Mr. Norton stated that Harding Township has high real estate values because of open space in the Township, and we will only hurt ourselves if we lower the tax percentage. Mr. Norton added that he would rather high real estate value and high taxes because of open space, and recommended that the open space tax stay as it is. Mr. Lanzerotti commented that he is happy to see so many residents coming forward, and it is the Committee's duty to include its citizens.

Chris Allyn, resident of Lake Trail West and Chair of the Environmental Commission, questioned when the decision on the open space tax will be made. Mr. Murray indicated that he intends to make a motion tonight to not change the open space tax. Mr. Allyn commented that he would be uncomfortable not agreeing with HOST's recommendation to keep the tax as is.

Nicolas Platt, member of the Harding Land Trust, suggested that Harding Township stay the course regarding open space, because open space is what the Township is all about. He commented that Harding Township is a miracle and could never happen again.

Tina Bologna, Executive Director of Harding Land Trust (HLT), noted that she speaks for the 325 members of the Harding Land Trust who are committed to open space in Harding Township. She added that she hopes the Committee would give HLT members a chance to voice their opinion before there is any decision on decreasing the tax. Ms. Bologna briefly reviewed the relationship between open space and real estate values. She encouraged the Committee not to vote to decrease the open space tax.

Julia Somers, resident of Spring Valley Road, explained that HOST is Harding Township. She pointed out that we are currently in a depressed real estate market, and we should take advantage of it. Ms. Somers stated that HOST pays for itself, which has been proven over and over again; and she believes that if we maintain the high ratio of open space, it will only be good for Harding. She recommended investigating the option of buying, putting restrictions on a property and then selling it. Ms. Somers added that no land is safe until it is bought and disagrees with Mr. Ward's position.

Ms. Olson pointed out that you do not find bridle paths all over New Jersey, but they are here in Harding Township; and that is what is unique about this Township. She stated that she is not in favor of decreasing the HOST rate. Mary Prendergast, resident of Van Beuren Road, stated that she does not want to see the Township lose open space; and cutting the tax would reduce the opportunity for HOST to take advantage of valuable properties. She reviewed the importance of keeping large parcels together.

Mr. Ward reiterated that he is not against open space and indicated that open space is not the only reason people want to live in Harding Township. He stressed that Harding Township has wonderful schools and a great tax structure, and all the aspects of the Township are important.

Mr. Rybka stated that obviously open space is critical and so are lower taxes. He suggested that the Committee not vote on the issue tonight. He indicated that he would like to get a handle on how much is needed and the potential opportunities before HOST. Mr. Lanzerotti added that we could ask HOST to supply the data.

Mr. Bartlett noted that there is HOST debt; and even if there were no valuable properties to seek, the debt needs to be paid down out of the open space tax. He agreed that it is not a good year to lower the tax and feels strongly that the Township should keep the Open Space Tax as it is. Mr. Murray reviewed the options before the Committee, and

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added that he believes Harding Township residents are intelligent and declined to give the State more funds toward open space because of fear that they would fall deeper in debt.

Mr. Murray motioned not to reduce the Harding Township Open Space Tax and agree with the recommendation of the Harding Township Open Space Committee, Mr. Bartlett seconded the motion.

Mr. Ward stated that he does not think the Township should vote on this issue tonight and believes it should be brought to the voters by referendum. Mr. Murray pointed out that the budget will be introduced at the next meeting, and there is not enough time.

Mr. Ward motioned to table Mr. Murray's motion, to not reduce the Harding Township Open Space Tax. Mr. Rybka seconded the motion to table. Roll Call Vote to table Mr. Murray's motion:

Ayes: Mr. Rybka and Mr. Ward

Nays: Mr. Bartlett, Mr. Murray and Mr. Lanzerotti

Motion to table was defeated

Mr. Murray motioned to not reduce the Harding Township Open Space Tax and Mr. Rybka seconded the motion.

Roll Call Vote on not reducing the Harding Township Open Space Tax:

Ayes: Mr. Bartlett, Mr. Murray, Mr. Rybka and Mr. Lanzerotti

Nays: Mr. Ward

Motion approved and the Harding Township Open Space tax will remain at \$.045.

Great Swamp Bike Route

Ms. McKane reviewed the history of the situation with the Great Swamp Bike Route. She pointed out the County is asking for the Township to participate in the cost which would be \$6,400. The Committee was opposed to the route due to safety reasons. Mr. Rybka prepared another response for the County. Mr. Rybka reviewed the letter and the obvious safety issues and added that he is concerned about promoting this route as family friendly. Mr. Murray suggested the letter be sent. Ms. Olcott agreed with both Mr. Rybka and Mr. Murray questioned the County's rights on municipal roads. Mr. Bartlett agreed that the letter should be sent and thanked him for his work. He added that if this letter does not deter the County from using these roads as a bike route, perhaps the Township should propose an alternate route. The Committee agreed to send the letter.

Wildlife Management Committee

Mr. Murray recommended appointing Robert Shields, resident of Birch Lane, to the Wildlife Management Committee. He added that both he and Karl Meister, Wildlife Committee Chair, endorse the appointment. The Committee agreed that Ms. Shields be appointed to the Wildlife Management Committee.

CORRESPONDENCE

Ms. McKane briefly reviewed items of correspondence. She noted an item of correspondence indicating that Harding Township will receive \$5,500 for a Clean Communities Grant.

Mr. Ward briefly updated the Committee regarding the property located on Van Buren Road pertaining to demolition of a structure with wetlands on the property. He stated that the property owner received clearance from the state. Mr. Ward also questioned a tree removal application. Ms. McKane stated that she would need to review the file in order to comment on the issue.

DEPARTMENT REPORTS

Mr. Lanzerotti briefly reviewed the department reports.

HEARING PERSONS PRESENT

None

Resolution TC-08-85:

A motion was made by Mr. Ward and seconded by Mr. Murray to introduce the executive session resolution. The Resolution TC-ES-08-85 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 20th 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 – Combe Fill South, Tax Appeal
 - Personnel Matter – Police, Retirement
 - Contract Negotiation –Open Space Acquisition, Eggert
 - 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.
5. This Resolution shall take effect immediately.

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

Resolution TC-08-86 – Authorize Award of Contract for Professional Legal Services (Coffey & Associates):

Ms. McKane reviewed the resolution. A motion was made by Mr. Bartlett and seconded by Mr. Rybka to introduce the resolution. There being no further discussion, the roll was called. Resolution TC 08-86 was approved by a vote of all ayes

WHEREAS, the Township of Harding has a need to award a contract for professional legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A 19:44A-20.5; and

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WHEREAS, the practice of law is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A 40A:11-5 et. seq.; and

WHEREAS, Coffey & Associates, 465 South Street, Morristown, NJ 07960, has submitted a proposal dated March 17, 2008 indicating they will provide legal services in connection with the Combe Fill South Landfill litigation in an amount not to exceed \$5,000; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, an official notice of this action shall be published in accordance with the law;

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY that the Township Administrator is authorized to arrange to have Coffey & Associates provide legal services for Combe Fill South in an amount not to exceed \$5,000.00.

ADJOURNMENT:

There being no further business, a motion was made and seconded to adjourn the meeting at 10:30 p.m. Vote: All Ayes

Respectfully Submitted,

Christine Zimmermann
Harding Township Deputy Clerk