

HARDING TOWNSHIP COMMITTEE

APRIL 2, 2008

AGENDA MEETING

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Mr. Lanzerotti, 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. Lanzerotti, Mr. Bartlett, Mr. Murray, Mr. Rybka and Mr. Ward
Absent – none
Also Present – Ms. McKane, Township Administrator, Ms. Nergaard, Township Attorney, and Himanshu Shah, Township Certified Financial Officer
Number of members of the public present: approx. 20

REVIEW OF TENTATIVE AGENDAS FOR FUTURE MEETINGS:

Ms. McKane reviewed the Tentative Agenda for future meetings. She indicated that the Employee Personnel Manual has been distributed and will be on the next agenda for approval. She added that a Special Meeting is scheduled for May 20th regarding the Morris Township proposed sports complex. The meeting will be held at the Harding Township School at 7:00 P.M.

EXECUTIVE SESSION DETERMINATION

Executive Session would be necessary to discuss matters regarding:

- Contract Negotiation – Possible Open Space acquisition
Eggert
Library
- Personnel – Police

ORDINANCES/RESOLUTIONS

Resolutions

Resolution TC 08-87 – Lieutenant Promotion:

Mr. Rybka reviewed the resolution which promotes Sergeant Nunn to Lieutenant. A motion was made by Mr. Rybka and seconded by Mr. Murray to introduce the resolution.

There being no further discussion, the roll was called. The Resolution TC 08-87 was approved by a roll call vote of all ayes.

WHEREAS, Sergeant Daniel Nunn has successfully completed all phases of the Lieutenant Promotion Process,

WHEREAS, Chief Gaffney, Administrator Gail McKane and Police Liaison, Township Committeeman Rybka, recommend Sergeant Nunn be promoted to Lieutenant.

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY that Sergeant Daniel Nunn is hereby promoted to Lieutenant effective April 1, 2008, at an annual salary of \$103,000.00, prorated for the balance of 2008. This promotion shall be subject to Township of Harding and Police Policies and Procedures.

Chairman Lanzerotti swears in Lieutenant Nunn.

Resolution TC 08-90 – Authorize Interlocal Services Agreement with Morris County for Radio Dispatching Services

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

Mr. Ward questioned bata testing. Ms. McKane indicated that all the appropriate testing has been completed and the township is anticipates the switch over to occur on April 28th. Mr. Lanzerotti stated that there has been a lot of effort over several years from all parties involved to get this project accomplished.

Steve Balog, resident of Van Beuren Road, questioned the agreement. Ms. McKane and Mr. Lanzerotti reviewed the terms and services that will be provided. Mr. Murray commented that the township no longer needs to consider constructing a communications tower and we will be retiring that appropriation. Mr. Lanzerotti agreed.

Barbara Brennan, resident of Sand Spring Road questioned the hours of service. Mr. Lanzerotti stated that it covers all hours. Mr. Rybka generally described the services that are to be provided under the contract.

There being no further discussion, the roll was called. The Resolution TC 08-90 was approved by a roll call vote of all ayes.

WHEREAS, the Harding Township Committee finds it to be in the best interest of the Township to enter into an interlocal services agreement for radio dispatching services for the Harding Township Police Department, Harding Township Department of Public Works, New Vernon Volunteer Fire Department and First Aid Squad with the County of Morris; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:8A-1, et seq allows municipalities to award contracts for interlocal services without advertising for bids; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, that the interlocal services agreement with the County of Morris for radio dispatching services is hereby approved. The Mayor and Township Clerk are authorized and directed to execute an interlocal services agreement, as attached hereto.

BE IT FURTHER RESOLVED that the term of this agreement begins May 1, 2008 and concludes on December 31, 2008.

Mr. Lanzerotti thanked the Fire Company, First Aid Squad, Police Department and administration. Mr. Murray thanked Mr. Rybka for his hard work in facilitating the implementation by working with the Fire Department.

Resolution TC 08-91 – Partial Bill List

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

Mr. Bartlett questioned whether the amounts indicated for Bond Counsel were the total for the recent bond sale. Mr. Shah stated that there were other related expenses, but yes, the cost was for bond counsel.

There being no discussion, the roll was called. Resolution TC 08-91 was approved by a vote of all ayes.

RESOLVED, that the itemized claims listed on the attached Bill List, dated April 2, 2008 is hereby approved for payment.

Resolution TC 08-89 – Amending Temporary Budget

Ms. McKane reviewed the resolution and indicated that the township is increasing two line items. A motion was made by Mr. Murray and seconded by Mr. Rybka to introduce the referenced resolution.

There being no further discussion, the roll was called. The Resolution TC 08-89 was approved by a roll call vote of all ayes

WHEREAS, N.J.S.A. 40A:4-20 provides for a Temporary Emergency Budget Appropriation which may provide an appropriation in excess of the amount authorized by the Temporary Budget and which must be adopted by a two thirds vote of the Governing Body after the thirty first day of a new fiscal year; and

WHEREAS, the Township of Harding wishes to pass an amendment to the March 5, 2008 Temporary budget;

THEREFORE BE IT RESOLVED THAT the Township of Harding hereby approves an amendment to the CY 2008 Temporary Budget as authorized by N.J.S.A. 40A:4-20 for the Municipal Current fund adding the amount of \$49,799 making the total Municipal Fund appropriation \$2,526,976 per the attached detail.

Mr. Shah briefly reviewed the temporary budget and regulations of the budget.

Resolution TC 08-88 – Introduction of 2008 Budget

Ms. McKane reviewed the resolution and stated that the public hearing of the budget will be held on May 7, 2008. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the resolution.

Mr. Murray provided an overview presentation of the 2008 budget. He added that a detail form of the budget is available at no cost to the public until May 7th and a copy of his summary is also available for the public. He added that the township does not have the official breakdown of taxes from other entities at this time. He reviewed the 2007 budget breakdown. He stated that the committee anticipates the 2008 school taxes to decrease, the county tax will rise slightly and the county open space will decrease. He stated that it will be a favorable tax year for our citizens because many taxes will be decreasing. He presented the 2008 municipal portion of the budget. He reviewed expenses and revenues. He pointed out that the tax rate increase for the municipal portion of the budget is \$.004 which is a 1.63% increase. Mr. Murray added that the increase will be lower than the prior two years and it was very critical to the finance committee to keep costs down.

Peter Saulnier, Civic Association Reporter, asked where the revenue comes from. Mr. Murray indicated that a majority of the revenue comes from taxes. Mr. Shah commented on tax revenue. Mr. Lanzerotti stated that from 2005-2007 the total increase in taxes was 11.7% (includes the total tax rate). Mr. Murray stated that he believes this year to be lowest increase since he has been on the Township Committee. Mr. Lanzerotti commented that the township has increased revenue by good handling of our income.

Mr. Murray examined the major drivers of expenses (appropriations) for this year; pension, affordable housing, loss of \$50,000 in state aid, capital improvement increase of \$50,000, insurance increase of \$48,000 and emergency dispatch costs which will only be added this year because of the transfer to the county. He reviewed projected 2009 expenses.

Mr. Murray reviewed the expense offsets, such as staffing reductions. Mr. Saulnier, Steve Balog, resident of Van Beuren Road, Mr. Shah, Ms. McKane and Mr. Murray reviewed municipal revenues, offset expenses and the tax increase. Mr. Murray reviewed departmental expenses, reserves, pension, social security, debt service, miscellaneous, capital improvement and utility costs. Mr. Saulnier questioned the amount of staff expenses in the budget. Mr. Shah reviewed pension costs and budget surplus. Mr. Lanzerotti added the township is responsible for

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paying the school and the county and if the township did not have surplus the township would be responsible regardless if the township was paid through taxes or not. Mr. Ward and Mr. Shah reviewed township surplus.

Ms. Brennan questioned insurance costs. Ms. McKane reviewed the increase in insurance costs and added that our liability insurance and prescription went up a great deal. Mr. Bartlett indicated that the New Vernon Fire Department pays all their own costs and Mr. Murray pointed out that it is a wonderful thing for the whole community. Mr. Balog asked if pension and benefits were allocated by department. Mr. Murray indicated that it was not and reviewed non staff expenses that can be allocated to the departments. He reviewed debt service costs; total debt service budget for 2008 is \$835,500 and none of which is new debt. The committee reviewed the history of township debt. Mr. Ward and Mr. Shah commented on the recent bond sale. Mr. Balog questioned the difference between a capital item and consumable item. Mr. Murray and Mr. Lanzerotti reviewed examples. Mr. Murray added that the township sets an amount each year toward capital expenses.

Mr. Murray pointed out that the township has a very aggressive budget. He reviewed shared services and staffing reductions and added that the township will continue to examine shared services opportunities. To manage the debt more efficiently the township has gone to long term financing which is more cost effective. Mr. Murray added the township will continue to do capital project planning. Mr. Lanzerotti stated that the parking lot is a capital project that will be done in pieces because of cost and will not be bonded. Mr. Balog questioned how expenses are analyzed. Mr. Murray indicated that expenses are reviewed monthly. Mr. Lanzerotti reminded the public that the public hearing for the budget will be held on May 7, 2008 at 7:30 P.M.

There being no further discussion, the roll was called. The Resolution TC 08-88 was introduced by a roll call vote of all ayes.

Mr. Murray thanked Mr. Shah, Mr. Swisher and Ms. Kinkenwitz for their hard work.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2008;

BE IT FURTHER RESOLVED, that said Budget be published in the Observer-Tribune in the issue of April 16, 2008

The Governing Body of the Township of Harding does hereby approve the following as the Budget for the year 2008:

Notice is hereby given that the Budget and Tax Resolution TC 08-88 was approved by the Township Committee of the Township of Harding, County of Morris, on April 2, 2008

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 7, 2008, at 7:30 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2008 may be presented by taxpayers or other interested persons.

ANNOUNCEMENTS/REPORTS/PRESENTATIONS

Updates from the Chair

Mr. Lanzerotti stated that he has spoken with County Freeholders in regards to the Great Swamp Bike Loop and they indicated that they had not seen our letters. Ms. McKane has forwarded our correspondence to the appropriate freeholders for their review.

Mr. Lanzerotti stated that Morris County Freeholders have drafted a letter commenting on the issues pertaining to COAH and its effect on towns like Harding. They have asked county mayors to sign and endorse the letter and

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Harding Township has agreed to sign the letter. Thirty eight out of the thirty nine municipalities have signed the letter (Morristown is the exception).

Mr. Lanzerotti addressed the issue of the abolishment of the Department of Agriculture. He indicated that some residents have suggested that the township might want to pass a resolution opposing this. Mr. Lanzerotti referenced a letter received from Dick Walter, resident of Pleasantville Road. He added that normally the township does not endorse outside resolutions that are not related to Harding Township. He read the draft resolution that opposes the abolishment of the Department of Agriculture. Mr. Ward pointed out that it did not make sense for New Jersey to be called the “Garden State” and not have a Department of Agriculture. He expressed support of the resolution.

Mr. Lanzerotti asked if the township would be setting precedent if the committee began passing resolutions of this nature. Mr. Murray agreed with Mr. Ward and indicated that we are all trying so hard to preserve farmland in New Jersey and it hits the heart of what we are trying to do here in Harding Township. Mr. Rybka embraces the Township Committee’s policy on not passing resolutions of this type which simply comment on the actions of other governmental bodies. He stated that he would not vote in favor of it. Mr. Bartlett added that he does not think the passing of a resolution like this would do any good and could possibly draw negative attention to Harding Township from Trenton.

Roberta Shields, resident of Birch Lane, indicated that if this resolution passes than there will be tons of other resolutions that will come before the committee for consideration.

Mr. Saulnier added that this is a proposal to shrink the size of government and commented that he is in favor of smaller government. He stated that he would have a problem passing a resolution opposing smaller government and asked how the township could comment on the Department of Agriculture and not comment on other departments. Mr. Murray disagreed with Mr. Saulnier and indicated that the township needs to send a message to Trenton to look at what is important and eliminating support for agriculture is not a high priority. Mr. Saulnier suggested that perhaps we could be recorded to say not to abolish departments that are core and central to our communities and state and to start examining other areas. Mr. Murray agreed that the township should be constructive. Mr. Lanzerotti suggested not passing this resolution tonight. Mr. Balog concurred that the passing of this resolution is a slippery slope. Mr. Lanzerotti recommended that this resolution be copied for the committee for further consideration.

Morris Township Proposed Recreation Field

Mr. Lanzerotti reminded the public that there is a tentative meeting scheduled for May 20th at the Harding Township School at 7:00 P.M. for public discussion. He added that he has received several e-mails and letters pertaining to the field and the committee has also received an update from Ms. Brennan regarding the petition that is on the preserveharding.com website. There are currently approximately 107 signatures opposing the recreation field. Mr. Lanzerotti indicated that the township received a formal petition for annexation of the property to Morris Township; the petition was introduced and signed by the current property owners, SK Properties. The petition went to Morris Township and they forwarded the petition to Harding Township. After review and a discussion with our attorney, the petition is incomplete. Mr. Lanzerotti pointed out that the petition has to have an oath from the Harding Township Tax Assessor attached to it setting forth the assessed value of the real estate property. Mr. Lanzerotti and Ms. Nergaard reviewed the legality of the petition. Ms. Nergaard pointed out that she spoke with the Morris Township Attorney and part of the reason for the petition is because of the contractual obligation between Morris Township and the property owners. The Harding Township Tax Assessor is currently on vacation and Ms. McKane indicated that she will return the petition to the property owners so it may be completed.

Mr. Bartlett asked that the petition be resubmitted after May 20th. Ms. Nergaard reviewed Morris Township’s concerns and annexation requirements. Mr. Ward stated he was confused over the contract price between Morris Township and the current property owners (SK Properties). He expressed concern over the divergence of values of the appraisals. Mr. Bartlett suggested that the township go back to Morris Township and SK Properties and convey to them that it is premature to send us this petition before the May 20th Special Meeting because it does not make

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sense to act on this petition before the special meeting. Ms. Nergaard indicated that she spoke with Morris Township regarding this issue.

Ms. Brennan questioned what the planning board is supposed to do with the petition before it is returned to the township committee. Mr. Lanzerotti stated that the planning board must within 45 days indicate the impact of annexation. Ms. Nergaard reviewed possible impacts to Harding Township. Mr. Ward and Mr. Bartlett reviewed the property. Mr. Murray added that at this time we do not have a complete petition and it is up to them to forward us a completed petition. Mr. Bartlett added that it may be in our best interest to contact them and indicate that no decisions will be made until after the May 20th Special Meeting.

Kevin Dietsch, resident of Blackwell Avenue, questioned the process of annexation and Ms. Nergaard reviewed the process.

Christopher Yates, resident of Baileys Mill Road, questioned if there is any burden that must be met in order to have your land annexed from one municipality to another. Ms. Nergaard stated that the municipality losing the land must consent to the annexation by super majority of the committee, but there is no further burden by the property owner.

Judie Ward, resident of Tempe Wick Road, indicated that it seems that Morris Township has the power to pressure us, and if the petition is presented to us and the township turns it down, can the petition be resubmitted? Ms. Nergaard stated that it there is nothing in the statute that says it can only be submitted once.

Draft Employee Manual

Ms. McKane stated that the Draft Employee Manual has been distributed to the committee and added that the updates have been handed down by JIFF and the township has little control over the changes. She asked if the committee has any comments to contact her in advance because the draft must be approved at the next committee meeting.

Administrative Updates

Ms. McKane indicated that Affinity Credit Union visited Harding Township and information has been distributed to the committee. She added that this is for municipal employees and unless the committee feels negatively she will move forward with adding Harding Township as a member of Affinity Credit Union.

Ms. McKane pointed out correspondence from Thomas Malman regarding the Frelinghuysen subdivision. She reviewed a letter proposing road names and another letter which asks to include lot 19 in the utilities service area. She asked the committee how they would like to proceed with these items. Mr. Bartlett recommended that Mr. Malman attend a committee meeting to review the issue. Mr. Murray agreed and indicated that the committee should reacquaint itself with the water service policy prepared by the planning board and affirmed by the committee. Ms. McKane added that she will invite Mr. Malman to the next meeting.

CORRESPONDENCE

Ms. McKane briefly reviewed items of correspondence. She pointed out a report from Ten Towns and indicated that they are submitting a grant to do a bio retention rain garden. Mr. Bartlett added that the township received a grant in the amount of \$5,524.00 for a clean communities grant and asked how it was going to be used. Ms. McKane stated that it will be used in a variety of ways; part time summer help, presentation at the school, flyers for recycling and for the Harding Township clean up day. Mr. Lanzerotti indicated that a post card was sent out to Harding Township residents stating that the clean up day is scheduled for April 12th.

HEARING PERSONS PRESENT

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Ms. Shields reported on the campaign to keep Bayne Park Geese Free and confirmed that the committee received the report. She asks that she be contacted with any questions. Mr. Lanzerotti stated that the committee hopes that Ms. Shields will be as successful this year as she was last year.

EXECUTIVE SESSION – Resolution TC ES – 08-92

A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce the executive session resolution. The Resolution TC-ES-08-92 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 2nd day of April, 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 –
 - Personnel Matter – Police
 - Contract Negotiation – Open Space Acquisition, Eggert, Glen Alpin
 - 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. Murray and seconded by Mr. Rybka to reopen the meeting to the public. Vote: All Ayes

Resolution TC 08-93 – Requesting an Extension of Morris County Open Space trust fund Grant for “old Camp Road Trail”

Ms. McKane briefly 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 08-93 was introduced by a roll call vote of all ayes.

WHEREAS, the Morris County Board of Chosen Freeholders approved a grant to the Township of Harding for the purchase of Block 27, Lot 3.01 (Old Camp Road Trail, 7.2 acres); and

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WHEREAS, the referenced grant expired on April 1, 2008; and

WHEREAS, the Open Space Trust Fund’s policy is to require acquisition of projects within fifteen months of Freeholder Board action, allowing for two additional six-month extensions.

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY authorizing Township Administrator Gail McKane to formally request a six-month extension of “Old Camp Road Trail” grant prior to the deadline of April 9, 2008.

ADJOURNMENT:

There being no further business, a motion was made by Mr. Murray and seconded by Mr. Bartlett to adjourn the meeting at 10:15 p.m. Vote: All Ayes

Respectfully Submitted,

Christine Gatti
Harding Township Deputy Clerk