

**HARDING TOWNSHIP COMMITTEE
MONDAY, MARCH 18, 2019
EXECUTIVE SESSION at 6:00 PM
REGULAR MEETING AGENDA at 7:30 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey**

CALL MEETING TO ORDER – Mayor Yates

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on March 8, 2019 and published in the Observer Tribune on March 14, 2019;

ROLL CALL – Municipal Clerk

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates

RESOLUTION TC 19-082– Executive Session

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

BE IT RESOLVED, by the Harding Township Committee that it shall adjourn into executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b; and

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Harding provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Township Committee will return to public session after this executive session.

Contracts:

- 1. Appointment of a Redevelopment Attorney – Mayor Yates**
- 2. Property Acquisition Update – Mark Roselli / Tim Jones**

Litigation:

- 1. Affordable Housing Litigation Update – Bob Falzarano**
- 2. Potential Litigation – Bob Falzarano**

Attorney Client Privilege:

- 1. Diversion Status – Mark Roselli / Dev Modi**
-

RECONVENE INTO PUBLIC SESSION – Mayor Yates

PLEDGE OF ALLEGIANCE – Mayor Yates

ADEQUATE NOTICE of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 7 2019, and published in the *OBSERVER TRIBUNE* on January 10, 2019; Notice was posted on the Bulletin Board in the Township

Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2019, and Notice was posted on the website and filed with the Municipal Clerk on January 7, 2019.

ROLL CALL – Municipal Clerk

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates

RESOLUTION TC 19-083 -- RESOLUTION TO ADOPT TOWNSHIP COMMITTEE MEETING MINUTES

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **February 25, 2019**; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **February 25, 2019**.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

DISCUSSION ITEMS

1. **Kemmerer Library – Alison Maxwell**
 2. **HOST Ordinance – Mayor Yates**
 3. **Redevelopment Steering Committee – Mayor Yates**
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RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asks Committee Member Modi to proceed with Resolution TC 19-084 listed on the Non-Consent agenda.

Resolution TC 19-084 -- 2019 Budget to be Read by Title Only at the Public Hearing

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions will be met.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the budget shall be read by title only.

NON-CONSENT AGENDA VOTE:

Mayor Yates asks **Committee Member Modi** to proceed with Resolution TC 19-084 listed on the Non-Consent agenda.

Committee Member Modi: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asks Committee Member Modi to proceed with Resolution TC 19-xxx listed on the Non-Consent agenda.

Resolution TC 19-085 – Introduction of Budget -- Municipal Budget Notice – Fiscal Year 2019

BE IT RESOLVED, that the attached statements of revenues and appropriations shall constitute the Municipal Budget for year 2019; and

BE IT FURTHER RESOLVED, that said Budget be published in the Observer-Tribune in the issue of March 21, 2019; and

BE IT FURTHER RESOLVED, that the Governing Body of the Township of Harding does hereby approve the attached as the Budget for the year 2019; and

		ANTICIPATED	
SUMMARY OF REVENUES - CURRENT FUND		2019	2018
1	SURPLUS	2,100,000.00	2,041,512.00
2	TOTAL MISCELLANEOUS REVENUES	1,272,639.00	1,382,771.00
3	RECEIPT FROM DELINQUENT TAXES	90,000.00	90,000.00
4	LOCAL TAX FOR MUNICIPAL PURPOSE	5,777,133.00	5,675,195.47
	TOTAL GENERAL REVENUES	9,239,772.00	9,189,478.47
SUMMARY OF APPROPRIATIONS - CURRENT FUND		2019	2018
1	OPERATING BUDGET		
	SALARIES & WAGES	3,264,600.00	3,123,100.00
	OTHER EXPENSES	3,777,555.00	3,577,373.00
2	OPERATIONS – EXCLUDED FROM “CAPS”	291,675.00	450,507.47
3	DEFERRED CHARGES & OTHER APPROPRIATIONS	0.00	0.00
4	CAPITAL IMPROVEMENT FUNDS	616,000.00	750,000.00
5	DEBT SERVICE	377,539.00	380,172.00
6	RESERVE FOR UNCOLLECTED TAXES	912,403.00	908,326.00
	TOTAL GENERAL APPROPRIATIONS	9,239,772.00	9,189,478.47
SUMMARY OF REVENUES - SEWER UTILITY FUND		2019	2018
1	SURPLUS	30,000.00	30,000.00
2	TOTAL MISCELLANEOUS REVENUES	200,000.00	200,000.00
	TOTAL GENERAL REVENUES	230,000.00	230,000.00
SUMMARY OF APPROPRIATIONS - SEWER UTILITY FUND		2019	2018
1	OPERATING BUDGET		
	SALARIES & WAGES	25,000.00	25,000.00
	OTHER EXPENSES	188,000.00	188,000.00
2	DEFERRED CHARGES & OTHER APPROPRIATIONS	2,000.00	2,000.00
	CAPITAL IMPROVEMENT FUNDS	15,000.00	15,000.00
	TOTAL GENERAL APPROPRIATIONS	230,000.00	230,000.00
BALANCE OF OUTSTANDING DEBT			
	TOTAL PRINCIPAL TO BE PAID IN 2019		390,000
	TOTAL INTEREST TO BE PAID IN 2019		178,675
	REMAINING PRINCIPAL AND INTEREST TO BE PAID AFTER 2018		4,535,000
		2019	2018
	TOTAL NUMBER OF PERSONS BUDGTD	39	37

BE IT FURTHER RESOLVED, that a Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 15, 2019, at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

NON-CONSENT AGENDA VOTE:

Mayor Yates asks Committee Member Modi to proceed with Resolution TC 19-085 listed on the Non-Consent agenda.

Committee Member Modi: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

NON-CONSENT – (REQUIRING SEPARATE ACTION)

Mayor Yates asks **Committee Member Modi** to proceed with Resolution TC 19-086 listed on the Non-Consent agenda.

Resolution TC 19-086 – Emergency Temporary Appropriations Resolution

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2019 budget and no adequate provision has been made in the 2019 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$2,625,730.00.

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$2,625,730.00 as follows:

Department	Budget Line Item	2019 Emergency Temporary Appropriations (3/18/19)
HUMAN RESOURCES	OTHER EXPENSES	910.00
GENERAL ADMINISTRATION	SALARIES AND WAGES	106,450.00
GENERAL	OTHER EXPENSES	

ADMINISTRATION		40,000.00
MIS	OTHER EXPENSES	25,190.00
MAYOR AND COUNCIL	SALARIES AND WAGES	1,040.00
MAYOR AND COUNCIL	OTHER EXPENSES	2,440.00
MUNICIPAL CLERK	SALARIES AND WAGES	21,090.00
MUNICIPAL CLERK	OTHER EXPENSES	10,880.00
ELECTION	OTHER EXPENSES	1,010.00
FINANCIAL ADMINISTRATION	SALARIES AND WAGES	40,530.00
FINANCIAL ADMINISTRATION	OTHER EXPENSES	4,260.00
AUDIT SERVICES	OTHER EXPENSES	8,960.00
TAX COLLECTION	SALARIES AND WAGES	13,730.00
TAX COLLECTION	OTHER EXPENSES	1,460.00
TAX ASSESSMENT	SALARIES AND WAGES	13,840.00
TAX ASSESSMENT	OTHER EXPENSES	2,420.00
COST OF TAX APPEAL	OTHER EXPENSES	8,670.00
TAX MAP REVISION	OTHER EXPENSES	1,880.00
LEGAL SERVICES	OTHER EXPENSES	60,000.00
ENGINEERING SERVICES	OTHER EXPENSES	15,160.00
PLANNING BOARD	SALARIES AND WAGES	3,120.00
PLANNING BOARD	OTHER EXPENSES	11,630.00
BD OF ADJUSTMENT	SALARIES AND WAGES	12,660.00
BD OF ADJUSTMENT	OTHER EXPENSES	7,740.00
UNIFORM CONST. CODE	SALARIES AND WAGES	75,230.00
UNIFORM CONST. CODE	OTHER EXPENSES	4,790.00
LIABILITY INSURANCE	OTHER EXPENSES	50,540.00
GROUP INSURANCE	OTHER EXPENSES	

		349,590.00
HEALTH BENEFIT WAIVER	OTHER EXPENSES	4,340.00
UNEMPLOYMENT INSURANCE	OTHER EXPENSES	30.00
POLICE DEPARTMENT	SALARIES AND WAGES	522,630.00
POLICE DEPARTMENT	OTHER EXPENSES	24,110.00
EMERGENCY MANAGEMENT	OTHER EXPENSES	2,030.00
FIRE HYDRANT SERVICE	OTHER EXPENSES	1,740.00
STREETS & ROAD MAINT	SALARIES AND WAGES	166,330.00
STREETS & ROAD MAINT	OTHER EXPENSES	23,970.00
SNOW REMOVAL	SALARIES AND WAGES	22,000.00
SNOW REMOVAL	OTHER EXPENSES	66,000.00
SOLID WASTE COLLECTION	SALARIES AND WAGES	580.00
SOLID WASTE COLLECTION	OTHER EXPENSES	26,570.00
RECYCLING	SALARIES AND WAGES	2,310.00
RECYCLING	OTHER EXPENSES	4,910.00
BUILDING & GROUNDS	OTHER EXPENSES	25,410.00
VEHICLE MAINT.	OTHER EXPENSES	24,400.00
CONDOMINIUM REIMB	OTHER EXPENSES	13,000.00
HEALTH SERVICE	SALARIES AND WAGES	26,180.00
HEALTH SERVICE	OTHER EXPENSES	4,010.00
ENVIRONMENTAL COMMISSION	SALARIES AND WAGES	660.00
ENVIRONMENTAL COMMISSION	OTHER EXPENSES	1,040.00
ANIMAL CONTROL COST	OTHER EXPENSES	730.00
WELFARE ADMINISTRATION	OTHER EXPENSES	220.00
OPENSOURCE COMMISSION	SALARIES AND WAGES	660.00
HISTORICAL	OTHER EXPENSES	

PRESERVATION		3,040.00
CONT. TO S/C PROGRAM	OTHER EXPENSES	1,300.00
MAINT. OF PARKS	OTHER EXPENSES	10,110.00
MAINT OF LIBRARY	OTHER EXPENSES	11,550.00
MUNICIPAL ALLIANCE	OTHER EXPENSES	150.00
ACCUMULATED LEAVE COMP	SALARIES AND WAGES	22,000.00
ELECTRICITY	OTHER EXPENSES	11,550.00
STREET LIGHTING	OTHER EXPENSES	1,160.00
TELEPHONE	OTHER EXPENSES	9,390.00
WATER & SEWER	OTHER EXPENSES	290.00
NATURAL GAS/HEATING OIL	OTHER EXPENSES	3,760.00
GASOLINE	OTHER EXPENSES	17,330.00
CONTINGENCY	OTHER EXPENSES	730.00
PERS	OTHER EXPENSES	158,500.00
SOCIAL SECURITY	OTHER EXPENSES	88,000.00
PFRS	OTHER EXPENSES	372,400.00
JUDGEMENTS	OTHER EXPENSES	30.00
MORRIS COUNTY I/L	OTHER EXPENSES	32,260.00
JOINT MUNICIPAL COURT	OTHER EXPENSES	23,100.00
TOTAL CURRENT BUDGET EXCLUDING CAPITAL IMPROVEMENT FUND & DEBT SERVICE		2,625,730.00

2. Said emergency temporary appropriations will be provided for in the 2019 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

NON-CONSENT AGENDA VOTE:

Committee Member Modi: I would like to make a motion to approve Resolution TC-19-086 placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

MEETING OPEN TO THE PUBLIC FOR PUBLIC COMMENT

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

ORDINANCES FOR SECOND READING - NONE

ADD-ON RESOLUTIONS

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

CONSENT AGENDA

The following items are considered to be routine by the Harding Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Township Committee Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

RESOLUTIONS TC 19-087 THROUGH RESOLUTION TC 19-099 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asks Committee Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-087 through TC 19-099.

Committee Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

APPOINTMENTS:

Resolution TC 19-087 – Resolution Appointment Elizabeth Sovolos to the Board of Adjustment

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 appointment as member of the Harding Township Board of Adjustment commencing March 22, 2019, be made:

Elizabeth Sovolos
 Member

4 year unexpired term expiring
 December 31, 2020

CONTRACTS:

Resolution TC 19-088 – A Resolution Authorizing the Purchase of Electricity Supply Services for Public Use on an Online Auction Website

WHEREAS, the Township of Harding in the County of Morris, State of New Jersey has determined to move forward with the EMEX Reverse Auction in order procure electricity for the Township of Harding; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Harding will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.083/kWh or less for a 12 month term, a price of \$0.082/kWh or less for an 18 month term, a price of \$0.084/kWh or less for a 24 month term; Harding Township N.J. may award a contract to the winning supplier for the selected term.

BE IT RESOLVED, that the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey authorizes the Mayor to execute on behalf of the Township of Harding any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.083/kWh or less for a 12 month term, a price of \$0.082/kwh or less for an 18 month term, a price of \$0.084/kwh or less for a 24 month term; Harding Township N.J. may award a contract to the winning supplier for the selected term; and

BE IT FURTHER RESOLVED, that all other Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

Resolution TC 19-089 – Resolution Awarding Professional Services Contract to Appraisal Systems, Inc., for Revaluation Services

WHEREAS, the Township of Harding has a need to acquire professional appraisal services for the Township of Harding in connection with the Township’s requirement to conduct a Township-wide revaluation of all real property in the Township for the 2020 tax year; and

WHEREAS, the Township solicited and received a written proposal for said services from Appraisal Systems, Inc., 264 South Street, Building 2, Suite 1 B, Morristown, New Jersey 07960, dated March 7, 2019, a copy of which is on file with the Township Purchasing Agent; and

WHEREAS, pursuant to said proposal, Appraisal Systems, Inc. can provide said revaluation services to the Township for One Hundred Ninety Nine Thousand Four Hundred Fifty Dollars and no cents (\$199,450.00) based upon the Township having 2069 line items as outlined in the proposal, with an additional cost for any line items exceeding the 2069 line items outlined in the proposal; and

WHEREAS, the Township’s CFO has certified that funds are available for this purpose in Accounts # 04-2016-201602-4022-4-00000 (\$25,000.00); 04-2017-2017602-4022-4-00000 (\$75,000.00); and 04-2017-2017602-4022-4-00000 (\$99,455.00); and

WHEREAS, the anticipated term of the contract shall not exceed 1 year; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township’s Tax Assessor and Purchasing Agent have reviewed the proposal submitted by Appraisal Systems, Inc. and have recommended that the Township Committee award a contract to Appraisal Systems, Inc. for the township wide revaluation; and

WHEREAS, this contract is being awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that it does hereby award a contract to Appraisal Systems, Inc., 264 South Street, Building 2, Suite 1 B, Morristown, New Jersey 07960 for the township revaluation for tax year 2020, in the amount of One Hundred

Ninety Nine Thousand Four Hundred Fifty Dollars and no cents (\$199,450.00) based upon the Township having 2069 line items as outlined in the proposal, with an additional cost for any line items exceeding the 2069 line items outlined in the proposal and in accordance with Appraisal System Inc.' March 7, 2018 proposal, a copy of which is on file with the Township's Purchasing Agent and the Mayor and Township Clerk are hereby authorized to execute the Agreement for Revaluation Services on behalf of the Township of Harding; and

BE IT FURTHER REVOLVED, that the award of this contract is subject to approval by the New Jersey Department of Taxation; 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 the contract shall be made available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract shall be published in a newspaper of general circulation in the municipality in accordance with N.J.S.A. 40A:11-5(1).

Resolution TC 19-090 – Resolution Authorizing the Township of Harding to Participate in the Union County Cooperative Pricing Agreement

WHEREAS, N.J.S.A. 40A:11-1 et. Seq. authorizes contracting unites to enter into Cooperative Pricing Agreements; and

WHEREAS, the County of Union hereinafter referred to as “the Lead Agency” has offered voluntary participation in a renewal participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

WHEREAS, the Township of Harding, in the County of Morris desires to participate in the Union County Cooperative Pricing Agreement.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey that the Township Committee authorizes the Township of Harding to participate in the Union County Cooperative Pricing Agreement and execute a Cooperative Pricing Agreement with the County of Union upon its approval by the Division of Local Government Services; and

BE IT FURTHER RESOLVED, that the County of Union as Lead Agency is expected to comply with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq. and all of the provisions of the revised statutes of the State of New Jersey).

Resolution TC 19-091 – Resolution Authorizing Engineering Services for Construction of Bayne Park/Municipal Campus Trail

WHEREAS, Paul Fox of Apgar Associates serves as the Township Engineer; and

WHEREAS, it is the desire of the Township Committee to construct a Pedestrian Trail through Bayne Park & Kirby Municipal Building; and

WHEREAS, in the course of preparation and construction of the Bayne Park / Kirby Municipal Campus Trail, it is was necessary to increase the authorization for the services of Apgar Associates, under their professional services contract to perform various tasks; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$7,700.00 from account number #05-5000-0000-9403-2-00000, for the following tasks:

TRAIL GRANT	DOLLAR AMOUNT
Revise Plans, Re-Bid, Contract Administration, Closeout Documents	\$3,500.00
Coordination with MC	500.00
Surveying Plan Revisions	1,000.00
Construction Inspection	1,800.00
Added Loop Construction Oversight	900.00
GRAND TOTAL	\$7,700.00

BE IT RESOLVED, the Township Committee of the Township of Harding, does hereby authorize the Harding Township Purchasing Agent to issue a Purchase Order in the amount not to exceed \$7,700.00 for work outlined within this resolution.

Resolution TC 19-092 Resolution to Authorize a Tonnage Grant Applicant

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand the existing program; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS; the recycling regulations impose on the municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2018 recycling grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Harding Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

BE IT RESOLVED, by the Harding Township Committee that:

1. Harding Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Tracy Toribio to ensure that the application is properly filed.
2. The monies received from the recycling tonnage grant will be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
3. This resolution replaces resolution TC 18-086 which was approved on March 12, 2018.

Resolution TC 19-093 – Resolution Authorizing Change Orders #001, 002, 003, 004 for Addition to DPW Administration Building Representing 2.51% Contract Increase with Goksun Construction, LLC

WHEREAS, pursuant to Resolution No. 18-163, the Mayor and Committee of the Township of Harding approved and awarded a Contract to Goksu Construction, LLC for the Addition to Department of Public Works Administration Building in the amount of \$351,000.00 (hereinafter the “Project”); and

WHEREAS, during the performance of the work, David A. Denson, the Township’s Architect Consultant for the Project in conjunction with the Contractor determined that certain items were requested be added by the Township that were not included as part of the Project, thereby necessitating certain change orders; and

WHEREAS, the additional work necessitating the change orders are set forth in Change Orders 001, 002, 003 and 004 (hereinafter jointly referred to as the “Change Orders”), attached hereto and made a part hereof; and

WHEREAS, Change #1, represents the labor, and materials relative to the addition of (3) three electrical outlets and related carpentry to allow for the installations of wall mounted television /monitors at an additional cost of \$979.44; and

WHEREAS, Change #2, represents the labor, materials, fees and charges relating to changing the HVAC system from Heat Pump (electric) to Furnace/Air Conditioner (natural gas with propane conversion) at an additional cost of \$2,877.11; and

WHEREAS, Change #3, represent the labor and materials relating to installation of manual transfer switch, power line, and outdoor receptacle, at an additional cost of \$2,301.68; and

WHEREAS, Change #4, represents a change in the water line size, as required for plumbing code compliance at and additional cost of \$2,668.97; and

WHEREAS, Goksu Construction, LLC was not previously granted any change orders; and

WHEREAS, the Township’s Architect has recommended that the Change Orders be approved by the Township Committee and the costs related to the additional work and furnishing of such services totaling \$8,827.20 will result in a 2.51% increase in the cost of the Contract above the original contract amount of \$351,000.00, for a final contract amount of \$359,827.20; and

WHEREAS, the regulations governing local public contracts, specifically N.J.A.C. 5:30-11.3(a)(1) allows a governing body to authorize change orders that do not increase the original contract amount by more than 20%; and

WHEREAS, the Township Chief Financial Officer has certified funds in the additional amount of \$8,827.20 from Fund # 04-2018-201808-4024-4-04042; and

WHEREAS, based upon the Contractor’s Certification and the recommendation of the Township Architect, David A. Denson, the Township Committee has determined that it is in the best interest of the residents of the Township of Harding to authorize Change Orders 001; 002, 003; and 004, for a total increase in contract awarded to Goksu Construction, LLC in the amount of Eight Thousand, Eight Hundred Twenty Seven and twenty cents (\$8,827.20).

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that Change Order 001, Change Order 002, Change Order 003 and Change Order 004 for the Contract for the DPW Administration Building Addition in the sum of \$8,827.20 representing an increase of 2.51% above the original contract amount of \$351,000.00 with Goksun Construction, LLC be and are hereby authorized and approved as set forth in the attached Change Orders; and

BE IT FURTHER RESOLVED, that the modified cost of services after these Changer Orders is as follows:

Original Contract	\$351,000.00
Changer Orders 001-004 Increase	<u>\$ 8,827.20</u>
TOTAL AMOUNT	\$359,827.20

FINANCE:

Resolution TC 19-094– Bill List

WHEREAS, vouchers for payment have been submitted to the Township Committee by various municipal departments.

BE IT RESOLVED, by the Township Committee of the Township of Harding that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

Resolution TC 19-095 - Self Examination of Budget as Required by DCA

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Harding has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

BE IT RESOLVED, by the governing body of the Township of Harding that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

MISCELLANEOUS:

Resolution TC 19-096 – Resolution to Support the Harding Land Trust Application for Green Acres Stewardship Funding for the Gatehouse Property

WHEREAS, the Harding Land Trust will submit an application for Green Acres Stewardship Funding for the Gatehouse property; and

WHEREAS, the Harding Open Space Trust Committee approves of the Green Acres Stewardship to enhance the streetscape and meadow at the Gatehouse property; and

WHEREAS, the Harding Township Committee concurs with the Harding Open Space Committee that the Green Acres funding for stewardship will enhance the streetscape and meadow at the Gatehouse property; and

WHEREAS, the Green Acres Stewardship application is due April 30, 2019.

BE IT RESOLVED, by the Township Committee of the Township of Harding that we give our support for the Gatehouse project.

Resolution TC 19-097 – Resolution to Accept a Donation for Personal Protective Gear for the Harding Township Police Department

Q 03-18-2019

WHEREAS, Kevin and Kristie Dietsch are residents of the Township of Harding; and

WHEREAS, they have generously offered, by way of a donation, to the Township of Harding in the amount of Three Thousand Four Hundred (\$3,400.00) Dollars for the purchase of personal protective gear for the Harding Township Police, which was accepted on October 12, 2018; and

WHEREAS, the Township Committee desires to accept said donation pursuant to N.J.S.A. 40A:11-13.1 and/or N.J.S.A. 40A:5-29, as applicable.

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 it is in the best interests of the Township and its residents to accept the generous donation from Mr. & Mrs. Dietsch of Three Thousand Four Hundred (\$3,400.00) Dollars for the purchase of personal protective gear for the Harding Township Police; N.J.S.A. 40A:11-13.1 and/or N.J.S.A. 40A:5-29, as applicable.

PERSONNEL:

Resolution TC 19-098 – Resolution to Accept Resignation of M.N.

BE IT RESOLVED, by the Township Committee of the Township of Harding accepts the resignation of M. N. effective March 4, 2019.

PROFESSIONALS:

Resolution TC 19-099 – Resolution to Appoint Redevelopment Attorney for Glen Alpin

WHEREAS, the Township of Harding has a need to award a contract for a redevelopment attorney for redevelopment purposes for the Township; and

WHEREAS, the firm of Greenbaum Rowe Smith & Davis LLP possesses expertise in the field of redevelopment; and

WHEREAS, Greenbaum Rowe Smith & Davis LLP has prepared a proposal dated March 12, 2019, outlining the tasks and costs associated with the steps necessary for redevelopment for the Township; and

WHEREAS, funds are available for this purpose.

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 contract is hereby awarded for a one year period:

Redevelopment Attorney	Greenbaum Rowe Smith & Davis LLP	1/1/2019 to 12/31/2019
	75 Livingston Avenue, Suite 301	Not to Exceed \$5,000.00
	Roseland, NJ 07068	01-2019-1110-0100-2-00105

ORDINANCES FOR FIRST READING

ORDINANCE #07-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING NAMING BARRETT FIELD ACCESS ROAD

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #07-2019.

Township Committee Member Jones introduces Ordinance TC #07-2019 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #07-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING NAMING BARRETT FIELD ACCESS ROAD

Township Committee Member Jones explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Jones reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 18, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 15, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Jones: I offer Ordinance #07-2019 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

ORDINANCES FOR FIRST READING

ORDINANCE #08-2019 – CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$616,000

Mayor Yates asks **Township Committee Member Modi** to introduce Ordinance TC #08-2019.

Township Committee Member Modi introduces Ordinance TC #08-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #08-2019
CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF
MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC
IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND
APPROPRIATING THEREFOR THE SUM OF \$616,000**

Township Committee Member Modi explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Modi reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 18, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 15, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Modi: I offer Ordinance #08-2019 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

ORDINANCES FOR FIRST READING

ORDINANCE #09-2019 –SEWER CAPITAL ORDINANCE -- CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$31,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

Mayor Yates asks Township Committee Member Modi to introduce Ordinance TC #09-2019.

Township Committee Member Modi introduces Ordinance TC #09-2019 by title as follows:

**HARDING TOWNSHIP
 SEWER CAPITAL ORDINANCE #09-2019
 CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$31,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP**

Township Committee Member Modi explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Modi reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 18, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 15, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Modi: I offer Ordinance #09-2019 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

ORDINANCES FOR FIRST READING

ORDINANCE #10-2019 –“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

Mayor Yates asks Township Committee Member Modi to introduce Ordinance TC #10-2019.

Township Committee Member Modi introduces Ordinance TC #10-2019 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #10-2019**

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

Township Committee Member Modi explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Modi reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 18, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 15, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Modi: I offer Ordinance #10-2019 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

ORDINANCES FOR FIRST READING

ORDINANCE #11-2019 – “AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-37.1 ENTITLED “OPEN SPACE TRUST COMMITTEE”

Mayor Yates asks **Township Committee Member Jones** to introduce Ordinance TC #11-2019.

Township Committee Member Jones introduces Ordinance TC #11-2019 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #11-2019**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-37.1 ENTITLED “OPEN SPACE TRUST COMMITTEE”

Township Committee Member Jones explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Jones reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 18, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 15, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Jones: I offer Ordinance #11-2019 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

ADJOURNMENT – Mr. Yates