

**HARDING TOWNSHIP COMMITTEE**  
**MONDAY, MAY 13, 2019**  
**EXECUTIVE SESSION at 6:00 PM**  
**REGULAR MEETING at 7:30 PM**  
**KIRBY HALL, BLUE MILL ROAD, NEW VERNON, NEW JERSEY**  
**AGENDA**

---

**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 May 2, 2019 and published in the Observer Tribune on May 9, 2019;

---

**ROLL CALL – Municipal Clerk**

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

---

**RESOLUTION TC 19-115– Executive Session**

**RESOLUTION TO RECESS 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.

**Personnel:**

- 1. Police Promotions / Hiring – Chief Heller**
- 2. Police Officer Probation Status – Chief Heller**

**Attorney Client Privilege:**

- 1. Redevelopment – Robert Goldsmith, Redevelopment Attorney**
- 

**MOTION TO 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 19-116 -- 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: **April 15, 2019.**

---

**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates**

---

**DISCUSSION ITEMS**

- 1. Annual Photo Contest Display – Historical Society/Kemmerer Library/Harding Land Trust – C Allyn**
  - 2. Glen Alpin Diversion Status – Dev Modi**
  - 3. Redevelopment Plan Presentation – Susan Gruel**
- 

**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

---

**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**

**ORDINANCE #12-2019 – “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 #12-2019.

**Township Committee Member Jones** introduces Ordinance TC #12-2019 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #12-2019**

**“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”**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 15, 2019.

**Mayor Yates** asks the Municipal Clerk to give a summary of the legal notice.

**The Municipal Clerk States:** A legal notice was sent for publication on April 16, 2019 to the Observer Tribune indicating that Ordinance #12-2019 was introduced and passed on first reading at the April 15, 2019 meeting and indicated that the second reading and public hearing were to be held on May 13, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member Jones: I offer Ordinance #12-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Adoption:**

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

---

**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 19-117 THROUGH RESOLUTION TC 19-126 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 19-117 through TC 19-126.

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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**APPOINTMENTS:**

---

**CONTRACTS:**

**Resolution TC 19-117– Resolution to Approved an Increase to the Redevelopment Attorney Contract**

**WHEREAS**, at the March 18, 2019 Township Committee meeting, the Township of Harding awarded a contract for a redevelopment attorney from the firm Greenbaum Rowe Smith & Davis LLP for redevelopment purposes for the Township, in the amount not to exceed \$5,000.00; and

**WHEREAS**, it is necessary to increase the authorization for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract to perform redevelopment tasks; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$5,000.00 from account number #01-2019-1110-01100-2-00105.

**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:

L 05-10-2019

Redevelopment Attorney

Greenbaum Rowe Smith & Davis LLP  
75 Livingston Avenue, Suite 301  
Roseland, NJ 07068

1/1/2019 to 12/31/2019  
Not to Exceed \$10,000.00  
01-2019-1110-0100-2-00105

---

**FINANCE:**

**Resolution TC 19-118 – Resolution to Reject the Bid for the DPW Salt Shed Project**

**WHEREAS**, the Township of Harding advertised for and received bids on April 17, 2019 at 11:00 a.m. for the construction project known as Harding Township DPW Salt Shed project; and

**WHEREAS**, one bid was received from Samson Concrete & Masonry, LLC, Phillipsburg, NJ 08865 with a bid amount of \$475,000.00; and

**WHEREAS**, the bid submitted is an amount that substantially exceeded the Township Architect's cost estimate for the project; and

**WHEREAS**, N.J.S.A. 40A:11-13.2 (a) allows a governing body to reject all bids when the lowest bid substantially exceeds the cost estimates for the services; and

**WHEREAS**, based upon the bid received and recommendation of the Qualified Purchasing Agent, the Township Committee has determined to reject the bid pursuant to N.J.S.A 40A:11-13.2 (a) as the lowest responsible bid substantially exceeds the cost estimate for the services; and

**WHEREAS**, it has been determined that the Township Committee of the Township of Harding wishes to advertise for re-bid for this project.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that all bids for the Department of Public Works Salt Shed project be and are hereby rejected pursuant to N.J.S.A. 40A:11-13.2 (a); and

**BE IT FURTHER RESOLVED**, that the Township Purchasing Agent is hereby directed to re-advertise for construction of the Harding Township DPW Salt Shed; and

**BE IT FURTHER RESOLVED**, a copy of this resolution shall be provided to Qualified Purchasing Agent, Township Attorney, and Chief Financial Officer for the Township of Harding.

---

**Resolution TC 19-119 – Resolution to Authorize an Increase in Fees for the Architect for the DPW Salt Storage Shed**

**WHEREAS**, the Township of Harding has a need for the services of a professional architect for the purposes of the design of a Salt Storage Shed at the Department of Public Works located at 8 Millbrook Road, New Vernon; and

**WHEREAS**, the Township Administrator has secured a proposal for services from D.A. Denson Architects dated May 10, 2019; and

**WHEREAS**, it has been determined by the Chief Financial Officer for the Township of Harding that funds can be certified as available in the amount not to exceed \$10,400.00 which includes the original authorization of \$7,500.00 and for the supplemental authorization of \$2,900.00 for this purpose from account numbers #04-2014-201404-9946-4-00000 for the following tasks:

<b>DPW SALT STORAGE BUILDING DESIGN SERVICES</b>	
<b>PHASE 4: Rebid</b>	
Architect Services per Proposal Dated 5-10-2019	Not to exceed \$2,400.00
Miscellaneous – Out of Pocket Expenses plus 15%	Not to exceed \$ 500.00
<b>Supplemental Authorization for Re-Bid</b>	
<b>\$2,900.00</b>	

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of Jersey as follows:

- 1. The Township Committee hereby authorizes the increase in Architects Fee for the DPW Salt Storage Shed -- Design Contract and Bid Specification.**

---

#### **Resolution TC 19-120 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.

---

#### **MISCELLANEOUS:**

**Resolution TC 19-121 – Resolution Recommending the Award for the Millbrook Road Resurfacing (pavement repairs, milling and paving) be Awarded to Tilcon New York, Inc.**

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Millbrook Road Resurfacing (pavement repairs, milling, and paving) be awarded to Tilcon New York, Inc., (MCCPC Contract #6) whose bid amounted to \$154,979.75 subject to the approval of the Department; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

**Resolution TC 19-122 – Resolution Recommending the Award for the Millbrook Road Resurfacing (bicycle-safe drainage inlet grates) be Awarded to General Foundries, Inc.**

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Millbrook Road Resurfacing (bicycle-safe drainage inlet grates) be awarded to General Foundries, Inc., (MCCPC Contract #14) whose bid amounted to \$7,480.00 subject to the approval of the Department; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

---

**Resolution TC 19-123 – Resolution Recommending the Award for the Millbrook Road Resurfacing (drainage basin curb inlet covers) be Awarded to Campbell Foundry Company**

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Millbrook Road Resurfacing (drainage basin curb inlet covers) be awarded to Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$7,480.00 subject to the approval of the Department; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

---

**Resolution TC 19-124 – Resolution Recommending the Award for the Millbrook Road Resurfacing (roadway striping) be Awarded to Denville Line Painting, Inc.**

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Millbrook Road Resurfacing (roadway striping) be awarded to Denville Line Painting, Inc., (MCCPC Contract #36) whose bid amounted to \$2,626.00 subject to the approval of the Department; and

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

---

**Resolution TC 19-125– Resolution to Amend the Personnel Manual of the Township of Harding**

**WHEREAS**, a review of policies to be included in the Harding Township Personnel Policies and Procedures Manual to meet the requirements of the Township’s Joint Insurance Fund and Municipal Excess Liability Insurance was recently conducted; and

**WHEREAS**, this review revealed the need to update language in said manual to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey as follows:

1. That the revisions to the Harding Township Personnel Policies and Procedures Manual are hereby authorized and that the Harding Township Personnel Policies and Procedures Manual in the form attached hereto, is hereby adopted as amended.
2. These personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.
4. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will.”
5. The Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Special Labor Counsel and the Township Attorney shall assist the Township Administrator in the implementation of the policies and procedures in this manual.
6. The Township Administrator is to hereby furnish a copy of the revised and updated Township of Harding Personnel Policies and Procedures Manual to each employee, who shall each acknowledge receipt of same by way of written confirmation.

---

**PERSONNEL:**

**Resolution TC 19-126 - Resolution Authorizing the Reappointment of Special Class II Police Officer**

**WHEREAS**, the Township of Harding appointed Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer for five consecutive one-year terms commencing on August 12, 2013, in accordance with N.J.S.A. 40A:146.14 (a); and

**WHEREAS**, Police Chief Erik Heller has recommended Mr. Atoche be reappointed as a Class II Special Law Enforcement Police Officer for an additional one-year term with the Harding Township Police Department commencing August 12, 2019; and

**WHEREAS**, Fernando Omar Atoche continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and



**WHEREAS**, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Atoche for an additional one-year term.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Police Chief Erik Heller be and hereby is accepted and that it does hereby re-appoint Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on August 12, 2019 at the rate of \$30.60 per hour.

---

## **ORDINANCES FOR FIRST READING**

### **ORDINANCE #13-2019 - ORDINANCE ADOPTING THE REDEVELOPMENT PLAN**

**Mayor Yates** asks Township Committee Member Jones to introduce Ordinance TC #13-2019.

**Township Committee Member Jones** introduces Ordinance TC #13-2019 by title as follows:

### **HARDING TOWNSHIP ORDINANCE #13-2019**

#### **ORDINANCE ADOPTING THE REDEVELOPMENT PLAN**

**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 May 13, 2019.

**BE IT RESOLVED**, that at the Township Committee meeting to be held on June 24, 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 #13-2019 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**RESOLUTION TC 19-127– 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 not return to public session after this executive session.

**Contracts:**

- 1. Property Disposition – Mark Roselli / Chris Yates /Tim Jones / Bob Falzarano**
- 2. Glen Alpin Diversion – Dev Modi**

**Legal:**

- 1. Shalebrook DEP Application – Chris Yates**

---

**ADJOURNMENT – Mr. Yates**

